

# CITY OF SOLANA BEACH

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



## AGENDA

### 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](#).

### 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.

*None at the posting of this agenda*

**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.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.*

**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. 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.*

**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.*

## 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.*

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

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

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.*

**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.*

**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*

**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*

**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 March 27, 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 March 13, 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 March 6, 2019 at 5:00 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., March 13, 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, March 21, 2019, 5:30 p.m. (City Hall)
- **Climate Action Commission**  
Wednesday, March 20, 2019, 5:30 p.m. (City Hall)
- **Parks & Recreation Commission**  
Thursday, March 14, 2019, 4:00 p.m. (Fletcher Cove Community Center)
- **Public Arts Commission**  
Tuesday, March 26, 2019, 5:30 p.m. (City Hall)
- **View Assessment Commission**  
Tuesday, March 19, 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:** March 13, 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- 02/09/19 through 02/22/19

Check Register-Disbursement Fund (Attachment 1)		\$ 2,528,668.56
Council Payroll	February 14, 2019	3,766.74
Federal & State Taxes	February 14, 2019	469.34
PERS Retirement (EFT)	February 14, 2019	487.43
Net Payroll	February 22, 2019	186,952.99
Federal & State Taxes	February 22, 2019	44,951.88
PERS Retirement (EFT)	February 22, 2019	43,950.71
TOTAL		\$ <u>2,809,247.65</u>

## 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 February 9, 2019 through February 22, 2019 reflects total expenditures of \$2,809,247.65 from various City funding sources.

## WORK PLAN:

N/A

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



**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: 02/21/2019  
 TIME: 08:23:23

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 1  
 ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20190209 00:00:00.000' and '20190222 00:00:00.000'  
 ACCOUNTING PERIOD: 8/19

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94272	02/14/19	4706	24 HOUR ELEVATOR, INC	00165006570	ELVTR MAINT-FEB	0.00	163.78
1011	94273	02/14/19	2379	AA FARNSWORTH'S BACKFLOW	00165006560	BACKFLOW ANNUAL TEST	0.00	50.95
1011	94273	02/14/19	2379	AA FARNSWORTH'S BACKFLOW	00165006560	BACKFLOW ANNUAL TEST	0.00	287.70
TOTAL CHECK								338.65
1011	94274	02/14/19	5137	ABLE PATROL & GUARD, INC	00170007110	FCC SECURITY-JAN	0.00	150.00
1011	94275	02/14/19	1135	AFFORDABLE PIPELINE SERV	50900007700	J-SEWER CLEANING	0.00	575.00
1011	94276	02/14/19	1122	APPLE ONE, INC	00150005150	TEMP HELP PE 02/02	0.00	511.32
1011	94277	02/14/19	5320	BAYSHORE CONSULTING GROU	55000007750	CCA PROF SVC-JAN	0.00	2,475.00
1011	94278	02/14/19	2261	BETSYKSCHULZ, LLC	25055005570	FS ART & LAND-PMNT#3	0.00	20,472.50
1011	94279	02/14/19	5051	CINTAS CORPORATION NO. 2	00165006570	FIRST AID SUPPLIES-CH	0.00	170.09
1011	94280	02/14/19	310	CITY OF ENCINITAS	00160006120	RESOURCE POOL ENC-Q1	0.00	2,812.39
1011	94280	02/14/19	310	CITY OF ENCINITAS	00160006120	FIRE MGMT FY19 Q1&Q2	0.00	134,815.00
TOTAL CHECK								137,627.39
1011	94281	02/14/19	2631	CLEAN STREET	00165006550	STREET SWP-JAN	0.00	3,299.92
1011	94282	02/14/19	693	CODE PUBLISHING COMPANY	00150005150	MUNI CODE-02/19-02/20	0.00	625.00
1011	94283	02/14/19	1022	COUNTY REGISTRAR OF VOTE	00150005150	CI-18-003 SIGNTR VRFY	0.00	4,113.00
1011	94284	02/14/19	2098	CULLIGAN OF SAN DIEGO	00160006120	WATER FLTR 02/01-3/31	0.00	85.60
1011	94285	02/14/19	2629	D & D DISPOSAL INC	00160006130	ANIMAL DISPOSAL-JAN	0.00	465.00
1011	94286	02/14/19	134	DIXIELINE LUMBER CO INC	00165006530	BLACK TOP PATCH	0.00	85.01
1011	94286	02/14/19	134	DIXIELINE LUMBER CO INC	00165006570	LIGHT BULBS	0.00	4.05
1011	94286	02/14/19	134	DIXIELINE LUMBER CO INC	00165006570	SHEET FLOOR ADHESIVE	0.00	10.66
1011	94286	02/14/19	134	DIXIELINE LUMBER CO INC	00165006570	MINERAL SPIRIT	0.00	10.66
1011	94286	02/14/19	134	DIXIELINE LUMBER CO INC	00165006570	BATTERIES	0.00	15.07
1011	94286	02/14/19	134	DIXIELINE LUMBER CO INC	00165006530	PAINT ROLLER/PAINT	0.00	33.39
TOTAL CHECK								158.84
1011	94287	02/14/19	4808	DONNOE & ASSOCIATES, INC	00150005400	ASST CIVIL ENGRN-EXAM	0.00	473.00
1011	94288	02/14/19	223	FEDEX	00150005150	SHIPPING-01/17/19	0.00	45.97
1011	94289	02/14/19	2873	GEOPACIFICA, INC	21365006510	0350/517-521 PACIFC	0.00	1,616.64
1011	94290	02/14/19	1792	HARRIS & ASSOC. INC.	21355005550	1715.15 PROF SVC-JAN	0.00	2,307.50
1011	94291	02/14/19	4137	HOLIDAY GOO	25055005570	EGG HUNT-EGGS	0.00	466.00
1011	94292	02/14/19	5399	INBOUND DESIGN INC.	55000007750	SEA WEBSITE MANT-FEB	0.00	49.00

ATTACHMENT 1

PENTAMATION  
 DATE: 02/21/2019  
 TIME: 08:23:23

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 2  
 ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20190209 00:00:00.000' and '20190222 00:00:00.000'  
 ACCOUNTING PERIOD: 8/19

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94293	02/14/19	4187	KRONOS	00160006120	TELESTAFF-APR19-MAR20	0.00	888.79
1011	94294	02/14/19	172	LEE'S LOCK & SAFE INC	00165006570	RPR/HRDWR LOCK-FC	0.00	639.27
1011	94295	02/14/19	1130	MCDOUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 12/31/18	0.00	193.49
1011	94295	02/14/19	1130	MCDOUGAL LOVE ECKIS SMIT	00150005250	REDSTRCT PROF SVC-NOV	0.00	350.00
1011	94295	02/14/19	1130	MCDOUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 12/31/18	0.00	437.50
1011	94295	02/14/19	1130	MCDOUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 12/31/18	0.00	1,058.80
1011	94295	02/14/19	1130	MCDOUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 12/31/18	0.00	2,765.00
1011	94295	02/14/19	1130	MCDOUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 12/31/18	0.00	2,951.71
1011	94295	02/14/19	1130	MCDOUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 12/31/18	0.00	5,500.00
1011	94295	02/14/19	1130	MCDOUGAL LOVE ECKIS SMIT	00150005250	PROF SERV PE 12/31/18	0.00	10,237.50
TOTAL CHECK							0.00	23,494.00
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	2.17
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	2.20
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	8.70
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	8.79
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	9.79
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	9.79
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	9.89
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	9.90
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	17.40
1011	94296	02/14/19	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	17.59
TOTAL CHECK							0.00	96.22
1011	94297	02/14/19	4522	NISSHO OF CALIFORNIA	00165006570	REPAIR M MAIN LINE	0.00	598.43
1011	94297	02/14/19	4522	NISSHO OF CALIFORNIA	00165006530	REPAIR VALVES	0.00	447.48
TOTAL CHECK							0.00	1,045.91
1011	94298	02/14/19	66	NORTH COUNTY DISPATCH (J	00160006120	FY19 DISPATCH SVC Q2	0.00	21,103.50
1011	94299	02/14/19	57	OFFICE TEAM INC.	00150005150	TEMP HELP PE 01/25	0.00	903.34
1011	94299	02/14/19	57	OFFICE TEAM INC.	00150005150	TEMP HELP PE 02/01	0.00	1,165.60
TOTAL CHECK							0.00	2,068.94
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1714.29/SOLANA HGLHND	0.00	500.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1714.29-701 S. NARDO	0.00	-500.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	00155005550	LANDSCAPE ORD REPORT	0.00	250.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.04/208 PACIFIC	0.00	250.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.48/550 VIA DE LA	0.00	250.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1715.03/738 CASTRO	0.00	250.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1716.24/223 OCEAN ST	0.00	250.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.04/208 PACIFIC	0.00	250.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.48/550 VIA DE LA	0.00	250.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.07/231 N GRANADO	0.00	250.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.42/456 S NARDO	0.00	375.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.22/424 PACIFIC	0.00	375.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.23/431 MARVIEW	0.00	375.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.28/325-327 PACIF	0.00	375.00
1011	94300	02/14/19	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1719.01/4250 N LANE	0.00	625.00
TOTAL CHECK							0.00	4,125.00

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94301	02/14/19	4767	PARTNERSHIPS WITH INDUST	00165006550	TRASH ABTMNT PE 01/15	0.00	402.46
1011	94301	02/14/19	4767	PARTNERSHIPS WITH INDUST	00165006570	TRASH ABTMNT PE 01/15	0.00	402.46
1011	94301	02/14/19	4767	PARTNERSHIPS WITH INDUST	00165006550	TRASH ABTMNT PE 01/31	0.00	471.53
1011	94301	02/14/19	4767	PARTNERSHIPS WITH INDUST	00165006570	TRASH ABTMNT PE 01/31	0.00	471.53
TOTAL CHECK								1,747.98
1011	94302	02/14/19	5354	PILLSBURY WINTHROP SHAW	00150005250	PROF SVC-DEC	0.00	416.00
1011	94303	02/14/19	113	PITNEY BOWES GLOBAL FINA	00150005150	CITY WIDE POSTAGE	0.00	2,200.00
1011	94304	02/14/19	1112	RANCHO SANTA FE SECURITY	00165006560	RESTRM LCK/UNLOCK-JAN	0.00	529.42
1011	94304	02/14/19	1112	RANCHO SANTA FE SECURITY	00165006560	ALARM MONITORING-JAN	0.00	205.09
TOTAL CHECK								734.51
1011	94305	02/14/19	416	REGIONAL COMMS SYS, MS 0	00160006120	CAP CODE-JAN	0.00	32.50
1011	94306	02/14/19	704	SAFETY MEETING OUTLINES,	00165006530	SFTYMTGS 04/19-03/20	0.00	87.50
1011	94306	02/14/19	704	SAFETY MEETING OUTLINES,	50900007700	SFTYMTGS 04/19-03/20	0.00	87.50
TOTAL CHECK								175.00
1011	94307	02/14/19	2485	SAN DIEGO CNTY VECTOR CN	00165006570	FY18/19 VECTOR CONTRL	0.00	126.88
1011	94308	02/14/19	5502	SAN DIEGO HUMANE SOCIETY	00160006130	FY19 ANIMAL SVC-DEC	0.00	6,920.58
1011	94308	02/14/19	5502	SAN DIEGO HUMANE SOCIETY	00160006130	FY19 ANIMAL SVC-FEB	0.00	6,920.58
TOTAL CHECK								13,841.16
1011	94309	02/14/19	187	SAN DIEGUITO TROPHY	00150005150	BDGS-BECKR, HARLSS, EDS	0.00	44.44
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	20475007520	GRP 5-25 12/01-02/01	0.00	1,568.65
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	20475007520	GRP 6-01 01/03-02/01	0.00	1,427.02
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	00165006560	005979005 12/01-02/01	0.00	177.48
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	50900007700	005979008 12/01-02/01	0.00	89.70
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	00165006520	005506014 01/03-02/01	0.00	175.79
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	50900007700	005506014 01/03-02/01	0.00	527.37
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	00165006530	011695000 01/03-02/01	0.00	31.88
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	00165006550	011695000 01/03-02/01	0.00	95.63
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	00165006560	005506018 0103-020119	0.00	141.31
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	00165006560	005506019 0103-020119	0.00	427.66
1011	94310	02/14/19	141	SANTA FE IRRIGATION DIST	20875007580	005506020 0103-020119	0.00	313.06
TOTAL CHECK								4,975.55
1011	94311	02/14/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-JAN-MS	0.00	65.00
1011	94311	02/14/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-JAN-FC	0.00	65.00
1011	94311	02/14/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-OCT-FS	0.00	120.00
TOTAL CHECK								250.00
1011	94312	02/14/19	4281	SIEMENS INDUSTRY, INC	20293266510	9326-TRFC SGNL RPR	0.00	4,950.00
1011	94312	02/14/19	4281	SIEMENS INDUSTRY, INC	20293266510	9326-TRFC SGNL RPR	0.00	7,900.00
1011	94312	02/14/19	4281	SIEMENS INDUSTRY, INC	00165006540	TRFC-LO SA FE/SAN HEL	0.00	660.00
1011	94312	02/14/19	4281	SIEMENS INDUSTRY, INC	00165006540	TRAFFIC SGNL MNT-DEC	0.00	993.92
1011	94312	02/14/19	4281	SIEMENS INDUSTRY, INC	00165006540	TRAFFIC CALL OUT-DEC	0.00	595.45

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
TOTAL CHECK							0.00	15,099.37
1011	94313	02/14/19	1231	STAPLES CONTRACT & COMME	00160006120	SCISSORS	0.00	8.50
1011	94313	02/14/19	1231	STAPLES CONTRACT & COMME	00150005300	FILE JACKETS/TABS	0.00	13.77
1011	94313	02/14/19	1231	STAPLES CONTRACT & COMME	00150005350	HIGHLTRS/PENS/PAPER	0.00	166.37
1011	94313	02/14/19	1231	STAPLES CONTRACT & COMME	00150005350	POST ITS/PLSTC KNIVES	0.00	53.10
1011	94313	02/14/19	1231	STAPLES CONTRACT & COMME	00150005300	TONER	0.00	64.23
1011	94313	02/14/19	1231	STAPLES CONTRACT & COMME	00160006120	PENS & PAPER	0.00	94.95
TOTAL CHECK							0.00	400.92
1011	94314	02/14/19	4840	STC TRAFFIC, INC	00165006540	ONCALL TRFFC-DEC	0.00	1,050.00
1011	94315	02/14/19	3066	SUMMIT ENVIRONMENTAL GRO	21355005550	1714.20/959 GENEVIEVE	0.00	266.33
1011	94315	02/14/19	3066	SUMMIT ENVIRONMENTAL GRO	21355005550	1714.20/959 GENEVIEVE	0.00	2,858.67
1011	94315	02/14/19	3066	SUMMIT ENVIRONMENTAL GRO	45999036190	9903 PROF SVC LCP-JAN	0.00	1,210.00
1011	94315	02/14/19	3066	SUMMIT ENVIRONMENTAL GRO	45099266190	9926 PROF SVC SND-JAN	0.00	880.00
TOTAL CHECK							0.00	5,215.00
1011	94316	02/14/19	5551	TRAFFICANDA DESIGN	001	RFND 18-214/659 GRANA	0.00	289.00
1011	94317	02/14/19	40	UNDERGROUND SVC ALERT OF	00165006510	DIG ALERT-JAN	0.00	77.65
1011	94318	02/14/19	2097	UT SAN DIEGO - NRTH COUN	00150005150	ORD 491	0.00	177.22
1011	94318	02/14/19	2097	UT SAN DIEGO - NRTH COUN	00155005550	NTC-OCAN RNCH NEG DEC	0.00	309.43
1011	94318	02/14/19	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRNG 1718.24 DUP	0.00	268.71
TOTAL CHECK							0.00	755.36
1011	94319	02/14/19	5509	VALLEY CONSTRUCTON MANAG	50998336510	9833PMP STN MNGMT-JAN	0.00	11,690.00
1011	94320	02/14/19	30	VERIZON WIRELESS-SD	00150005450	IT CELL 12/24-01/23	0.00	114.03
1011	94320	02/14/19	30	VERIZON WIRELESS-SD	00160006140	CODES CELL12/24-01/23	0.00	107.10
1011	94320	02/14/19	30	VERIZON WIRELESS-SD	27060006120	FIRE IPAD 12/29-01/28	0.00	114.03
1011	94320	02/14/19	30	VERIZON WIRELESS-SD	00160006120	FIRE CELL 12/29-01/28	0.00	201.64
1011	94320	02/14/19	30	VERIZON WIRELESS-SD	00160006120	BC CELL 12/29-01/28	0.00	61.01
TOTAL CHECK							0.00	597.81
1011	94321	02/14/19	4844	WARWICK GROUP CONSULTANT	45099266190	9926.19 PROF SVC-JAN	0.00	5,375.00
1011	94322	02/14/19	4763	WESTERN AUDIO VISUAL	00150005450	CHAMBERS TECH-JAN	0.00	499.00
1011	94323	02/14/19	37	XEROX CORPORATION	00150005350	W7830PT UPSTRS-JAN	0.00	199.60
1011	94323	02/14/19	37	XEROX CORPORATION	00150005350	EXCESS BLK-12/21-1/21	0.00	72.11
1011	94323	02/14/19	37	XEROX CORPORATION	00150005350	EXCESS CLR-12/21-1/21	0.00	190.00
1011	94323	02/14/19	37	XEROX CORPORATION	00150005350	D95CP PLNG LEASE-JAN	0.00	555.19
1011	94323	02/14/19	37	XEROX CORPORATION	00150005350	EXCSS CPYS-12/21-1/21	0.00	77.19
1011	94323	02/14/19	37	XEROX CORPORATION	00150005350	W7830PT CLRKS-JAN	0.00	218.99
1011	94323	02/14/19	37	XEROX CORPORATION	00150005350	EXCESS BLK-12/21-1/21	0.00	40.65
1011	94323	02/14/19	37	XEROX CORPORATION	00150005350	EXCESS CLR-12/21-1/21	0.00	90.69
TOTAL CHECK							0.00	1,444.42
1011	94324	02/21/19	1135	AFFORDABLE PIPELINE SERV	50900007700	I-SEWER CLEANING	0.00	425.00
1011	94324	02/21/19	1135	AFFORDABLE PIPELINE SERV	50900007700	I-SEWER CLEANING	0.00	425.00

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
TOTAL CHECK							0.00	850.00
1011	94325	02/21/19	5566	ANDREW DEALY-BASTON	001	RFND-EP#3970/735 VALL	0.00	611.00
1011	94325	02/21/19	5566	ANDREW DEALY-BASTON	001	RFND-EP#3969/636 VALL	0.00	611.00
1011	94325	02/21/19	5566	ANDREW DEALY-BASTON	001	RFND-EP#4073/636 VALL	0.00	2,000.00
1011	94325	02/21/19	5566	ANDREW DEALY-BASTON	001	RFND-EP#4058/735 VALL	0.00	2,000.00
TOTAL CHECK							0.00	5,222.00
1011	94326	02/21/19	3069	JOSHUA BLEA	00165006530	MILEAGE-02/02/19	0.00	29.00
1011	94327	02/21/19	5569	C.P.U.C.	550	CPUC BOND REPLACEMENT	0.00	100,000.00
1011	94328	02/21/19	5334	CALIFORNIA BUILDING STAN	001	Q1 BLDG STNDRDS SURCH	0.00	-28.00
1011	94328	02/21/19	5334	CALIFORNIA BUILDING STAN	001	Q2 BLDG STNDRDS SURCH	0.00	-14.00
1011	94328	02/21/19	5334	CALIFORNIA BUILDING STAN	001	Q2 BLDG STNDRDS SURCH	0.00	145.00
1011	94328	02/21/19	5334	CALIFORNIA BUILDING STAN	001	Q1 BLDG STNDRDS SURCH	0.00	285.00
TOTAL CHECK							0.00	388.00
1011	94329	02/21/19	5441	CALIFORNIA SKATEPARKS	45994386510	9438.10-SKATE PRK-JAN	0.00	125,243.15
1011	94329	02/21/19	5441	CALIFORNIA SKATEPARKS	45994386510	9438 SKT PRK RTN-JAN	0.00	6,591.74
1011	94329	02/21/19	5441	CALIFORNIA SKATEPARKS	459	9438 SKT PRK RTN-JAN	0.00	-6,591.74
TOTAL CHECK							0.00	125,243.15
1011	94330	02/21/19	310	CITY OF ENCINITAS	00160006120	OPS TRAINING SOFTWARE	0.00	82.44
1011	94330	02/21/19	310	CITY OF ENCINITAS	27060006120	CSA17.19OPS SUPL/BTRY	0.00	472.34
1011	94330	02/21/19	310	CITY OF ENCINITAS	00160006120	FFTR SURVL/BILL TRNG	0.00	1,112.94
1011	94330	02/21/19	310	CITY OF ENCINITAS	13560006120	RESPRTOR FIT TEST SYS	0.00	1,496.25
TOTAL CHECK							0.00	3,163.97
1011	94331	02/21/19	4279	CITY PLACE PLANNING, INC	00155005550	ON-CALL SVC-DEC/JAN	0.00	1,595.00
1011	94332	02/21/19	318	COUNTY OF SAN DIEGO ASSE	00155005550	MAP FEE 01/24 & 02/04	0.00	4.00
1011	94333	02/21/19	38	DEPARTMENT OF CONSERVATI	001	SMIP FEES-OCT DEC 18	0.00	553.43
1011	94333	02/21/19	38	DEPARTMENT OF CONSERVATI	001	SMIP FEES-OCT DEC 18	0.00	-27.67
TOTAL CHECK							0.00	525.76
1011	94334	02/21/19	5210	COUNTY OF SAN DIEGO	00160006140	PRKNG CITE ADMIN-JAN	0.00	4,320.25
1011	94335	02/21/19	4684	DIVISION OF THE STATE AR	001	DEA FEES-OCT-DEC 18	0.00	240.40
1011	94336	02/21/19	134	DIXIELINE LUMBER CO INC	00165006570	FILLER/PUTTY KNIFE	0.00	20.61
1011	94336	02/21/19	134	DIXIELINE LUMBER CO INC	00165006570	CONCRETE MIX	0.00	44.43
1011	94336	02/21/19	134	DIXIELINE LUMBER CO INC	00165006570	FLX COUPLNG/PVC JOINT	0.00	68.89
1011	94336	02/21/19	134	DIXIELINE LUMBER CO INC	00165006530	BLK TOP PTCH/CNCRT MX	0.00	92.10
1011	94336	02/21/19	134	DIXIELINE LUMBER CO INC	00165006570	CORNER BRACE	0.00	3.38
1011	94336	02/21/19	134	DIXIELINE LUMBER CO INC	00165006570	PIPE	0.00	29.73
1011	94336	02/21/19	134	DIXIELINE LUMBER CO INC	00165006570	SOAP DISPENSER	0.00	35.29
TOTAL CHECK							0.00	294.43
1011	94337	02/21/19	1242	DSR - DOOR SERVICE & REP	00165006570	SRV CALL-DOOR RPRS-CH	0.00	177.00

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	94338	02/21/19	94	ESGIL CORPORATION	00155005560	BLDG PRMT 12/24-12/28	0.00	1,822.59
1011	94338	02/21/19	94	ESGIL CORPORATION	00155005560	BLDG PRMT 12/31-01/04	0.00	2,912.63
1011	94338	02/21/19	94	ESGIL CORPORATION	00155005560	BLDG PRMT 01/21-01/25	0.00	2,939.86
1011	94338	02/21/19	94	ESGIL CORPORATION	00155005560	BLDG PRMT 12/17-12/21	0.00	4,651.40
1011	94338	02/21/19	94	ESGIL CORPORATION	00155005560	BLDG PRMT 01/14-01/18	0.00	4,812.80
1011	94338	02/21/19	94	ESGIL CORPORATION	00155005560	BLDG PRMT 12/03-12/07	0.00	8,694.35
1011	94338	02/21/19	94	ESGIL CORPORATION	00155005560	BLDG PRMT 01/07-01/11	0.00	8,756.48
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 11/26-11/30	0.00	218.11
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 12/24-12/28	0.00	551.35
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 01/14-01/18	0.00	567.01
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 12/10-12/14	0.00	676.80
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 01/21-01/25	0.00	772.23
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 12/17-12/21	0.00	1,034.03
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 12/31-01/04	0.00	1,034.86
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 11/26-11/30	0.00	1,201.16
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 12/03-12/07	0.00	1,216.51
1011	94338	02/21/19	94	ESGIL CORPORATION	00160006120	FIRE PRMT 01/07-01/11	0.00	1,280.06
TOTAL CHECK							0.00	43,142.23
1011	94339	02/21/19	223	FEDEX	00150005150	SHIPPING-02/04/19	0.00	36.65
1011	94340	02/21/19	11	ICMA RETIREMENT TRUST-45	001	ICMA PD 02/14/19	0.00	10,460.30
1011	94340	02/21/19	11	ICMA RETIREMENT TRUST-45	001	ICMA PD 02/22/19	0.00	10,406.11
TOTAL CHECK							0.00	20,866.41
1011	94341	02/21/19	3859	ICMA RETIREMENT TRUST-RH	001	ICMA PD 02/22/19	0.00	2,008.81
1011	94342	02/21/19	1679	INTERN'T'L INSTIT. MUNICI	00150005150	ANNUAL MEMBRSHP-BAVIN	0.00	150.00
1011	94343	02/21/19	1075	IRON MOUNTAIN	00150005150	RECORDS STRG-AUG	0.00	730.30
1011	94344	02/21/19	87	ISLA VERDE HOA	20575007530	LANDSCAPE MAINT-JAN	0.00	425.00
1011	94345	02/21/19	5456	LANGUAGE LINK	00150005150	NTC OF ELEC TRANSLTNS	0.00	640.00
1011	94346	02/21/19	111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	2.17
1011	94346	02/21/19	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	8.70
1011	94346	02/21/19	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	9.79
1011	94346	02/21/19	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	9.79
1011	94346	02/21/19	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	17.40
TOTAL CHECK							0.00	47.85
1011	94347	02/21/19	5564	MUFG UNION BANK 2011 SEJ	50900007700	2011 SEJPA INT 3/1	0.00	16,639.95
1011	94347	02/21/19	5564	MUFG UNION BANK 2011 SEJ	509	LESS REV FUND BAL 3/1	0.00	-5.92
1011	94347	02/21/19	5564	MUFG UNION BANK 2011 SEJ	50900007700	2011 SEJPA PRIN 3/1	0.00	751,154.00
TOTAL CHECK							0.00	767,788.03
1011	94348	02/21/19	5565	MUFG UNION BANK 2017 SEJ	50900007700	2017 SEJPA INT 3/1	0.00	225,693.75
1011	94349	02/21/19	5563	MUFG UNION BANK WW REV B	50900007700	SWR REV BND PRIN 3/1	0.00	270,000.00
1011	94349	02/21/19	5563	MUFG UNION BANK WW REV B	50900007700	SWR REV BND INT 3/1	0.00	116,528.13
1011	94349	02/21/19	5563	MUFG UNION BANK WW REV B	509	LESS CASH ON HAND 3/1	0.00	-17.64

PENTAMATION  
 DATE: 02/21/2019  
 TIME: 08:23:23

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 7  
 ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20190209 00:00:00.000' and '20190222 00:00:00.000'  
 ACCOUNTING PERIOD: 8/19

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
TOTAL CHECK							0.00	386,510.49
1011	94350	02/21/19	4522	NISSHO OF CALIFORNIA	00165006530	REPLACE VALVE	0.00	483.06
1011	94351	02/21/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-DEC-PW	0.00	30.00
1011	94351	02/21/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-DEC-MS	0.00	30.00
1011	94351	02/21/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-DEC-FC	0.00	30.00
1011	94351	02/21/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-DEC-LC	0.00	30.00
1011	94351	02/21/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-DEC-FS	0.00	35.00
1011	94351	02/21/19	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-DEC-CH	0.00	45.00
TOTAL CHECK							0.00	200.00
1011	94352	02/21/19	86	SAN ELIJO HILLS II HOA	20775007550	LNDSCAPE MAINT-JAN	0.00	6,550.00
1011	94353	02/21/19	88	SANTA FE HILLS HOA	20475007520	LNDSCAPE MAINT-JAN	0.00	12,250.00
1011	94354	02/21/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-DEC-LC	0.00	172.00
1011	94354	02/21/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-DEC-LC	0.00	38.00
1011	94354	02/21/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-JAN-FC	0.00	210.00
1011	94354	02/21/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-NOV-LC	0.00	315.00
1011	94354	02/21/19	1073	SEASIDE HEATING & AIR CO	00165006570	HVAC MAINT-JAN-CH	0.00	1,810.00
TOTAL CHECK							0.00	2,545.00
1011	94355	02/21/19	3909	SECTRAN SECURITY INC	12050005460	COURIER SVC-FEB	0.00	113.37
1011	94355	02/21/19	3909	SECTRAN SECURITY INC	12050005460	COURIER SVC FUEL-FEB	0.00	13.60
TOTAL CHECK							0.00	126.97
1011	94356	02/21/19	13	SOLANA BEACH FIREFIGHTER	001	FD DUES PD 02/22/19	0.00	863.50
1011	94357	02/21/19	280	SPARKLETTS INC	00165006570	DRINK WATR-FEB PW	0.00	26.93
1011	94358	02/21/19	4899	ZACHARY TOTH	00160006120	CLSS COMPNY OFF 2C/2D	0.00	700.00
1011	94359	02/21/19	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB NTC-1714.08 CSP	0.00	173.74
1011	94359	02/21/19	2097	UT SAN DIEGO - NRTH COUN	00150005150	PUB NTC-SPC MNCPL ELC	0.00	188.50
1011	94359	02/21/19	2097	UT SAN DIEGO - NRTH COUN	00150005150	PUB NTC-SPC MNCPL ELC	0.00	206.48
1011	94359	02/21/19	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRNG-ORD 500-AMND	0.00	220.71
1011	94359	02/21/19	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRNG-1718.01 DRP	0.00	330.71
TOTAL CHECK							0.00	1,120.14
1011	V900015	02/14/19	5504	ALL CITY MANAGEMENT SERV	00165006540	CRSSINGGRD 12/30-1/12	0.00	833.92
1011	V900015	02/14/19	5504	ALL CITY MANAGEMENT SERV	00165006540	CRSSINGGRD 1/13-1/26	0.00	1,540.69
1011	V900015	02/14/19	5504	ALL CITY MANAGEMENT SERV	00165006540	CRSSINGGRD 12/30-1/12	0.00	1,548.70
1011	V900015	02/14/19	5504	ALL CITY MANAGEMENT SERV	00165006540	CRSSINGGRD 1/13-1/26	0.00	2,861.29
1011	V900015	02/14/19	5504	ALL CITY MANAGEMENT SERV	001	CRSSINGGRD 1/13-1/26	0.00	-2,861.29
1011	V900015	02/14/19	5504	ALL CITY MANAGEMENT SERV	001	CRSSINGGRD12/30-1/12	0.00	-1,548.70
1011	V900015	02/14/19	5504	ALL CITY MANAGEMENT SERV	001	CRSSINGGRD12/30-1/12	0.00	1,548.70
1011	V900015	02/14/19	5504	ALL CITY MANAGEMENT SERV	001	CRSSINGGRD 1/13-1/26	0.00	2,861.29
TOTAL CHECK							0.00	6,784.60
1011	V900016	02/14/19	2306	STANFORD SIGN & AWNING,	00170007100	SB ENTRY SIGN MAINT	0.00	1,380.00



PENTAMATION  
 DATE: 02/21/2019  
 TIME: 08:23:23

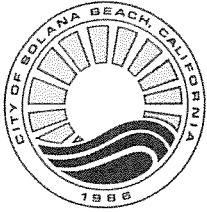
CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 8  
 ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20190209 00:00:00.000' and '20190222 00:00:00.000'  
 ACCOUNTING PERIOD: 8/19

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	V900017	02/14/19	4048	WELLS FARGO CORP TRST SS	67385008530	MARSOLAN BND INT 3/2	0.00	9,825.00
1011	V900017	02/14/19	4048	WELLS FARGO CORP TRST SS	67685008560	SSSWR BOND INT 3/2	0.00	10,732.50
TOTAL CHECK							0.00	20,557.50
1011	V900018	02/21/19	5527	PCL CONSTRUCTION INC.	50998336510	9833 SB PMP STN-JAN	0.00	488,300.00
1011	V900018	02/21/19	5527	PCL CONSTRUCTION INC.	50998336510	9833 PMP STN RTN-JAN	0.00	25,700.00
1011	V900018	02/21/19	5527	PCL CONSTRUCTION INC.	509	9833 PMP STN RTN-JAN	0.00	-25,700.00
TOTAL CHECK							0.00	488,300.00
TOTAL CASH ACCOUNT							0.00	2,528,668.56
TOTAL FUND							0.00	2,528,668.56
TOTAL REPORT							0.00	2,528,668.56



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** March 13, 2019  
**ORIGINATING DEPT:** Finance  
**SUBJECT:** **Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2018-2019**

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**BACKGROUND:**

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

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

**DISCUSSION:**

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

GENERAL FUND - ADOPTED BUDGET PLUS CHANGES As of February 27, 2019					
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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
(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:** March 13, 2019  
**ORIGINATING DEPT:** City Attorney's Office  
**SUBJECT:** **Consideration of Approval of the First Amendment to Legal Services Agreement with Nossaman LLP**

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## **BACKGROUND:**

Since 2013, Steven Kaufmann has served as special counsel and has represented the City of Solana Beach (City) in court actions filed against the City related to the Local Coastal Plan/Land Use Plan (LCP/LUP). In June 2017, the City Council approved the legal services agreement with Mr. Kaufman when he joined Nossaman LLP.

This item is before Council to consider approval of an amendment to the agreement between the City of Solana Beach and Nossaman LLP to reflect the change in the hourly billing rate.

## **DISCUSSION:**

On January 11, 2019, Beach Bluff Conservancy filed a petition for writ of mandate and declaratory relief against the California Coastal Commission and the City of Solana Beach regarding the adoption of the Public Recreation fee. As a result, the City will continue to require the services of Mr. Kaufmann.

The amendment for consideration increases the hourly billing rate from \$425 to \$450. To ensure the continuity of the defense of the petition, Staff recommends that the City Council approve the first amendment the Professional Services Agreement with Nossaman LLP.

## **CEQA COMPLIANCE:**

Not a project as defined by CEQA

CITY COUNCIL ACTION:

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**FISCAL IMPACT:**

At this time, there are sufficient funds allocated for legal services in the City Attorney's budget for special counsel work.

**WORK PLAN:** N/A

**OPTIONS:**

- Approve Staff recommendation.
- Provide alternate direction.

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council 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.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation



Gregory Wade, City Manager

Attachments:

1. Resolution No. 2019-029

**RESOLUTION 2019-029**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO AGREEMENT BETWEEN THE CITY OF SOLANA BEACH AND NOSSAMAN LLP**

**WHEREAS**, the City requires special counsel to represent the City of Solana Beach ("CITY"); and

**WHEREAS**, Steven H. Kauffman has represented the City in all related cases pertaining to the City's Local Coastal Plan Land Use Plan since 2013; and

**WHEREAS**, the City Council has determined that it is necessary and appropriate to continue to retain Steven H. Kaufmann of the law firm of Nossaman LLP to provide as-needed legal services to the City for cases related to the City's Local Coastal Plan/Land Use Plan.

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

1. That the above recitations are true and correct.
2. That the City Council approves and authorizes the City Manager to execute the First Amendment to the Agreement for Legal Services with Nossaman LLP.

**PASSED AND ADOPTED** this 13th day of March 2019, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

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

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

APPROVED AS TO FORM:

ATTEST:

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

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



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** March 13, 2019  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Council Consideration of Resolution No. 2019-028  
Awarding Sewer Pipeline Replacements Contract**

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## **BACKGROUND:**

The Capital Improvement Program (CIP) budget makes annual appropriations to maintain, repair and replace sewer facilities as needed throughout the City. The Engineering and Public Works Staff have been performing regular condition assessments of the sewer system by visual inspection, closed circuit televising (CCTV) and expert evaluation performed by third-party consultants. These assessments are then prioritized for repair or replacement. The City's Fiscal Year (FY) 2018/19 Sewer Repair Project (Project) consists of the replacement of five segments of sewer mains, located in Pacific Avenue, Linda Mar, and South Helix Avenue. City Staff designed the replacements and prepared the construction plans, and the Project was advertised for public bid in January 2019.

The City received twelve bid proposals for the Project, Bid 2019-01. Bids were publicly opened and announced by the City Clerk on February 21, 2019. The bid results are summarized in Table 1 on the next page.

This item is before the City Council to consider adoption of Resolution 2019-028 (Attachment 1) that would award a construction contract to DB Pipeline (DB), the lowest responsive and responsible bidder, to replace public sewer mains in Pacific Avenue, Linda Mar, and South Helix Avenue.

## **DISCUSSION:**

Every year resources are allocated into the CIP for sewer repair and replacement projects. This year's Project would excavate and replace 1,489 linear feet of 6" sewer pipe with 8" sewer pipe in Pacific Avenue, Linda Mar, and South Helix Avenue. The

CITY COUNCIL ACTION:

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existing vitrified clay pipes (VCP) have numerous cracks and root intrusions. Staff estimates the sewer mains to be about 70 years old. Attachment 2 is a map of the project locations.

This Project was advertised for construction bids on January 22, 2019. The City received twelve bid proposals for the Project, Bid 2019-01. On February 21, 2019 at 2:00 p.m., the City Clerk opened the bids and read them publicly. The bids are summarized below in Table 1:

**Table 1: Bid Results**

<b>Contractors</b>	<b>Base Bid</b>
DB Pipeline	\$409,494.00
Burtech Pipeline	\$411,447.00
Charles King Company	\$497,400.00
CCL Contracting	\$499,026.00
Just Construction	\$500,012.20
Capriati Construction	* \$510,455.01
GDM Inc.	\$535,564.00
Piperin Corp	\$551,170.00
Bali Construction	\$580,335.00
GCI Construction	\$662,879.00
California Building Evaluation & Construction	* \$671,988.93
Wier Construction	\$933,667.20

\* Calculated bid amount using bid unit prices shown, which is different from written bid total.

The lowest bid submitted by DB was found to be complete and responsive to the bid specifications. DB is affiliated with and managed in the same office as Burtech Pipeline, which has successfully completed projects for the City, in the past, including the recent Circle Drive sewer replacement. Staff is recommending that DB Pipeline be awarded the construction contract. The contract duration is 66 working days (13 weeks) and it is anticipated that the Project begin near the end of April 2019 and will be completed by July 2019.

Since the existing sewer line in Linda Mar and South Helix is very deep and the pavement is in relatively poor condition, the Project includes full pavement overlay (curb to curb) and new traffic striping of Linda Mar and the South Helix cul-de-sac after replacement of the sewer mains. The pavement on Pacific Avenue is good to very good condition and the sewer line is at much shallower depth so full replacement is not necessary. If it is determined during construction of the Project that pavement condition is less than



acceptable, a determination to replace the full pavement width will be made at that time. Any striping on Pacific Avenue that is damaged or removed as part of the Project would be replaced once the pavement has been restored.

**CEQA COMPLIANCE STATEMENT:**

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

**FISCAL IMPACT:**

The current Fiscal Year (FY) 2018/19 Capital Improvement Program budget includes \$500,000 for Sanitary Sewer Pipeline Replacements (CIP-10). In addition to the \$409,494 construction contract, Staff is recommending a contingency of \$60,000 (which is approximately 15% of the construction contract amount) for unanticipated extra work, for a total construction budget of \$469,494.

**WORK PLAN:**

Although this Project is not mentioned in the FY 2018/19 Work Plan, it is consistent with the Environmental Sustainability section of the Work Plan.

**OPTIONS:**

- Adopt Staff recommendations and award construction contract.
- Postpone contract award and provide direction to Staff.
- Reject construction bids and provide alternative direction to Staff.


**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2019-028:

1. Awarding the construction contract to DB Pipeline, in the amount of \$409,494, for the 2019 Sewer Pipeline Replacements, Bid 2019-01.
2. Approving an amount of \$60,000 for construction contingency.
3. Authorizing the City Manager to execute the construction contract on behalf of the City.
4. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

Attachments:

1. Resolution No. 2019-028
2. Project location map

## RESOLUTION 2019-028

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AWARDING A CONSTRUCTION CONTRACT TO DB PIPELINE FOR THE 2019 SEWER PIPELINE REPLACEMENTS CONTRACT**

**WHEREAS**, the current Fiscal Year (FY) 2018/19 Capital Improvement Program (CIP) budget includes \$500,000 for Sanitary Sewer Pipeline Replacements; and

**WHEREAS**, the City has performed sewer pipeline condition assessments and determined sewer pipelines to be rehabilitated or replaced to improve system reliability; and

**WHEREAS**, on February 21, 2019, twelve bids for the 2019 Sewer Pipeline Replacements, Bid 2019-01, were received and publicly opened by the City Clerk. At that time, it was determined that DB Pipeline was the apparent low bidder with a construction estimate of \$409,494; and

**WHEREAS**, Staff recommends a construction contingency of \$60,000 for unanticipated extra work.

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

1. That the above recitations are true and correct.
2. That the City Council awards the construction contract to DB Pipeline, in the amount of \$409,494, for the 2019 Sewer Pipeline Replacements, Bid 2019-01.
3. That the City Council approves an amount of \$60,000 for construction contingency.

4. That the City Council authorizes the City Manager to execute the construction contract on behalf of the City.
5. That the City Council authorizes the City Manager to approve cumulative change orders up to the construction contingency amount.

**PASSED AND ADOPTED** this 13th day of March, 2019, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

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

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

APPROVED AS TO FORM:

ATTEST:

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

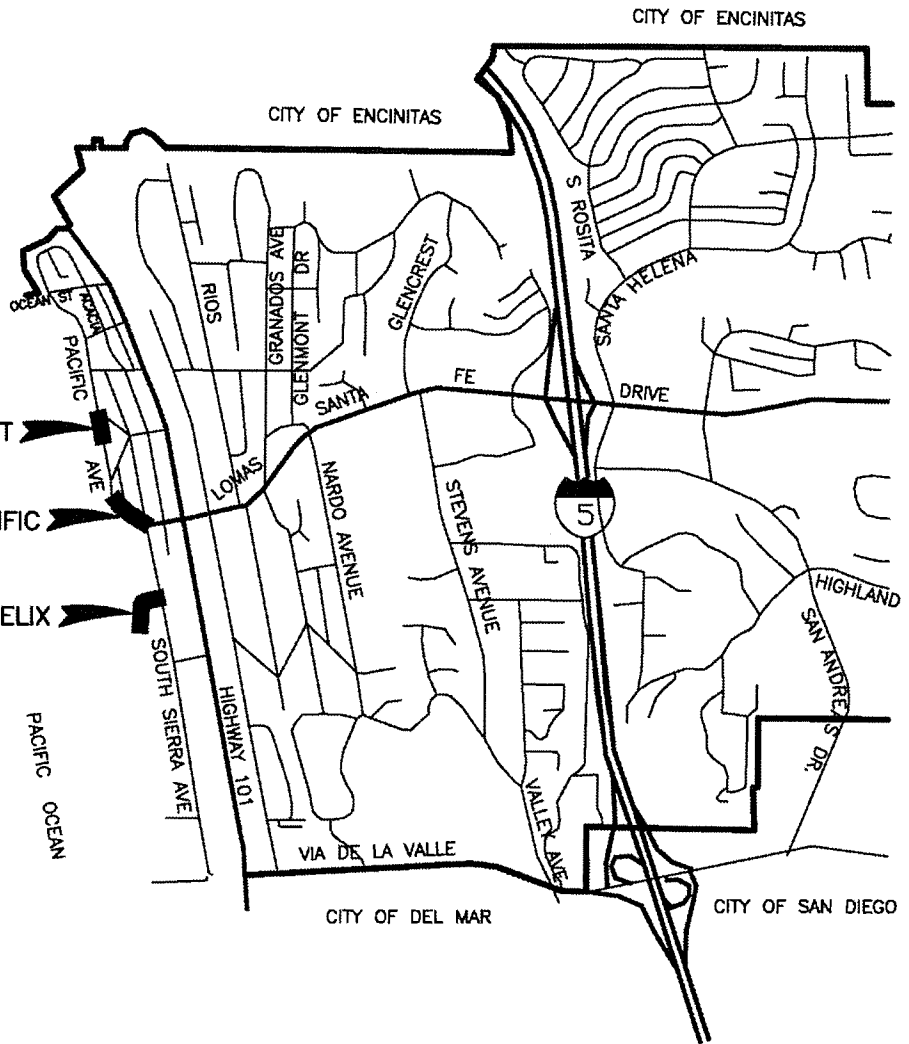
\_\_\_\_\_  
ANGELA IVEY, City Clerk

# PROJECT LOCATIONS

260 PACIFIC TO CLARK ST

PLAZA TO 141 PACIFIC

LINDA MAR—SOUTH HELIX



## 2019 SEWER PIPELINE REPLACEMENTS

### LOCATION MAP

## **ITEM A.5.**

### Minutes of the City Council

December 12, 2018 Closed Session  
Regular Mtg

January 9, 2019 Closed Session  
Regular Mtg

# 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, December 12, 2018 \* 5:00 p.m.

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

### CITY COUNCILMEMBERS

David A. Zito, Mayor

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, 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, Lesa Heebner, Peter Zahn  
Absent: None  
Also Present: Greg Wade, City Manager  
Johanna Canlas, City Attorney

### PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY):

*Report to Council Chambers and submit speaker slips to the City Clerk before the meeting recesses to closed session.*

### CLOSED SESSION:

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

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

Two (2) Potential case(s).

**ACTION: No reportable action.**

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

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

One (1) Potential case(s).

**Adjourned this item to December 17, 2018 Closed Session beginning at 4:40pm.**

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

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

One (1) Potential case(s).

**ACTION: No reportable action.**

### ADJOURN:

Mayor Zito adjourned the meeting at 5:57 p.m.

Angela Ivey, City Clerk

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

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting

Wednesday, December 12, 2018 \* 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

Lesa Heebner, Councilmember

Peter Zahn, 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 6:00 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Lesa Heebner, Peter Zahn  
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: (when applicable)

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

### FLAG SALUTE:

### APPROVAL OF AGENDA:

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

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

SDG&E Annual Update to the City of Solana Beach  
Addie Woodard, SDG&E, presented a PowerPoint (on file).



## **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.

Jon Velkin submitted a document for the City Council, and spoke about his posting on Next Door about properties on Nardo, come postings about corruption, speaking with Council directly about his concerns.

## **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 November 10 - November 23, 2018.

#### **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 Councilmember Zahn and second by Councilmember Hegenauer 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)**

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

#### **A.4. Temporary Staff Funding** (File 0560-40)

Recommendation: That the City Council

1. Adopt **Resolution 2018-156** ratifying total expenditures for temporary staffing coverage in the amount of \$40,000 with Office Team.

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

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**Motion:** Moved by Councilmember Zahn and second by Councilmember Hegenauer 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 September 11, 2018 and November 13, 2018.

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

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

#### **C. STAFF REPORTS: (C.1. - C.6.)**

*Submit speaker slips to the City Clerk.*

#### **C.1. La Colonia Skate Park - Project Update.** (File 0720-30)

Recommendation: That the City Council

1. Receive the update on the La Colonia Skate Park.
2. Provide feedback on the regulatory sign and the possible elimination of the concrete seating area between the Skate Park and basketball court to allow for a walking path to the recently purchased lot on the north end of the existing park.
3. Adopt **Resolution 2018-142:**
  - a. Authorizing the City Manager to execute Amendment No. 2 to the Professional Services Agreement with Van Dyke Landscape Architects in the amount of \$15,000 for design and construction support services associated with the La Colonia Skate Park.
  - b. Authorizing an appropriation of \$15,000 from City CIP fund undesignated reserves into the La Colonia Skate Park project.
  - c. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

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

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Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed current and potential design changes, contract amendment to each the end of the project, water filling station options, spectator seating, walkway landscaping, and the entrance way.

**Motion:** Moved by Councilmember Hegenauer and second by Councilmember Edson to approve the amended contract. **Approved 5/0.** Motion carried unanimously.

**C.2. Adopt (2nd Reading) Ordinance 495 – Shared Mobility Program.** (File 0840-40)

Recommendation: That the City Council

1. Adopt **Ordinance 495** establishing the guidelines for the Shared Mobility Pilot Program.

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

[Item C.2. Updated Report #1 \(Updated 12-12\)](#)

*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 Councilmember Heebner and second by Councilmember Zahn to approve. **Approved 5/0.** Motion carried unanimously.

**C.3. Adopt (2nd Reading) Ordinance 497 – Sidewalk Vending.** (File 0390-45)

Recommendation: That the City Council

1. Find this action is exempt from the CEQA pursuant to Sections 15061(b)(3) and 15378(b)(5) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
2. Adopt **Ordinance 497** adding Chapter 4.52 "Sidewalk Vending" to the Solana Beach Municipal Code.

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

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

**C.4. Adopt (2<sup>nd</sup> Reading) Ordinance 492 Authorizing Fire Mitigation Impact Fee (FMIF) Program, Ordinance 493 Authorizing Park Development Impact Fee (PDIF) Program, Ordinance 496 Authorizing Public Use Facilities Impact Fee (PUFIF) Program.** (File 0390-23)

Recommendation: That the City Council

1. Adopt **Ordinance 492** establishing the Fire Mitigation Impact Fee (FMIF).

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

2. Adopt **Ordinance 493** establishing the Park Development Impact Fee (PDIF).

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

3. Adopt **Ordinance 496** establishing the Public Use Facilities Impact Fee (PUFIF).

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

#### [Item C.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.*

#### **C.5. Adopt (2<sup>nd</sup> Reading) Ordinance 489 Adding Section 2.04.015 to the Solana Beach Municipal Code Regarding Mayoral Duties.** (File 0410-90)

Recommendation: That the City Council

1. Adopt **Ordinance 489** adding Section 2.04.015 to the Solana Beach Municipal Code which would codify Mayoral duties as set out in state law.

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

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

#### **C.6. Certification of November 6, 2018 General Election Results.** (File 0410-70)

Recommendation: That the City Council

1. Adopt **Resolution 2018-155** approving the certification of the results for the November 6, 2018 General Municipal Election.

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

#### [Item C.6. Staff Report Update \(Updated 12-11\)](#)

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Angela Ivey, City Clerk, stated that the item was presented for the official election results of two newly elected Councilmembers.

**Motion:** Moved by Councilmember Heebner and second by Councilmember Hegenauer to send to the next General Election in November 2020. **Approved 5/0.** Motion carried unanimously.

#### **B. PUBLIC HEARINGS:** (B.1. – B.4.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral

testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or 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: Request for DRP and SDP to Construct a New, Single-Family Residence with an Attached Two-Car Garage and Perform Associated Site Improvements at 456 S. Nardo. (Case # 17-17-42 Applicant: 456 S. Nardo, LLC; APN: 298-121-66; Resolution No. 2018-152. (File 0600-40)**

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

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2018-152** conditionally approving a DRP and SDP to construct a new two-story, single-family residence with an attached two-car garage and perform associated site improvements on a vacant lot at 456 South Nardo Avenue, Solana Beach.

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

[Item B.1. Updated Report #1 \(Updated 12-12\)](#)

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

Greg Wade, City Manager, introduced the item.

Katie Benson, Associate Planner, presented a PowerPoint (on file).

Mayor Zito opened the public hearing.

Council disclosures.

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

Council and Staff discussed the busy traffic, lack of sidewalks, the narrowness of the street, whether construction parking could be restricted from using S. Nardo, the challenge of requiring all construction vehicles to park on driveway at certain stages of the project, and that the construction parking condition in the resolution references parking onsite "to the extent feasible."

**Motion:** Moved by Councilmember Heebner and second by Councilmember Edson to approve as presented. **Approved 5/0.** Motion carried unanimously.

**B.2. Public Hearing: Request for a DRP to a Construct a Replacement, Split-Level, Single-Family Residence and Perform Associated Site Improvements at 607 North Cedros Avenue. (Case # 17-17-37 Applicant: Greg Agee; APN: 263-062-20; Resolution No. 2018-153. (File 0600-40)**

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

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2018-153** conditionally approving a DRP to construct a replacement split-level, single-family residence with an attached, partially subterranean two-car garage, and perform associated site improvements 607 North Cedros Avenue, Solana Beach.

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

[Item B.2. Updated Report #1 \(Updated 12-10\)](#)

[Item B.2. Updated Report #2 \(Updated 12-12\)](#)

[Item B.2. Supplemental Docs \(Updated 12-11 at 245pm\)](#)

*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.*

Mayor Zito recused himself from the item due to the proximity of the project property his property.

Deputy Mayor Edson opened the public hearing.

Council disclosures.

Greg Wade, City Manager, introduced the item.

Katie Benson, Associate Planner, presented a PowerPoint (on file).

Council and Staff discussed the three proposed fireplaces, that to reach the trash enclosure, one had to walk down and then back up stairs or go around the entire side of the house, whether the HVAC units were screened facing the the neighbors to the east, that any proposed mechanical equipment be analyzed and to ensure it did not exceed 16 ft., and the orientation of the driveway.

John Jenson, architect, spoke about the proposed HVAC units on the roof which were on a

slopped area and therefore were screened from views on the east side and that the driveway opening location was determined to prevent a counter angel to the cul-de-sac.

Council, Staff, and Applicant discussed smoke from chimneys and fire pits moving across property lines, preference for non-wood vs. wood burning fireplaces, landscaping along the street and parking spaces, and the driveway width.

John Boat spoke about concerns with prevailing winds that moved smoke towards his property, mitigating dust during construction, palm trees reaching an ultimate height of 30 ft. creating canopies blocking views, and considering a different palm with a thinner and smaller canopy.

Greg Agee, Applicant, said it was the third designed for the site, that he attempted to address past view claimant but that the claimant said there was nothing that could be done to satisfy him, he redesigned the project again to meet all of the surrounding interests, had no issue with altering the palm trees, preferred the smell of wood fires, and that his neighbor opposed his wood fire burning even though it was on many other properties.

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

Council and Staff discussed restricting trees and other plantings from obstructing views at a certain height, alternative trees to replace the palm trees, dust mitigation handled through the grading permit process which required Best Management Practices (BMPs) to address dirt being moved in and out of the project and minimizing its reaching the roadway, an on-site inspector would address any issues, notifying the neighbors when the grading permit application was filed, any issues that arose should be directed to the Engineering Department so they could be addressed, and that the landscape plan would be reviewed by the 3<sup>rd</sup> party consultant for finalization to comply with irrigation and plant species.

Council and Staff discussed the ability for a fireplace to be both gas and wood burning if the appropriate conduits were available, the exterior fireplace would make the most difference in affecting surrounding properties, whether the applicant would be open to making the fireplaces both gas and wood-burning, the dust mitigation was the responsibility of the contractor, to consider adding a condition that the applicant be responsible for alerting his neighbors when the grading permit application was filed for discussion or notification of dust mitigation.

**Motion:** Moved by Councilmember Zahn and second by Councilmember Heebner to approve with additional conditions related to the outside fireplace be non-wood burning, an alternative plant be approved by Staff with less canopy than the palm trees to mitigate view obstruction, and the applicant alerting adjoining properties of the grading permit application filing. **Approved 4/0/1 (Recused: Zito).** Motion carried.

Deputy Mayor Edson recessed the meeting at 7:49 p.m. for a break and reconvened at 7:55 p.m.

**B.3. Public Hearing: Request for DRP to Construct a New, Single-Family Residence with an Attached Three-Car Garage and Perform Associated Site Improvements at 986 Avocado Place. (Case # 17-17-14 Applicants: Jonathan and Aviva Mark; APN: 298-381-08; Resolution No. 2018-151. (File 0600-40)**

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

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2018-151** conditionally approving a DRP to construct a new single-level, single-family residence with an attached three-car garage and perform associated site improvements on a vacant lot at 986 Avocado Place, Solana Beach.

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

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

[Item B.3. Supplemental Docs \(Updated 12-12 at 5:30pm\)](#)

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Greg Wade, City Manager, introduced the item.

Katie Benson, Associate Planner, presented a PowerPoint (on file) and stated that updated plans were received today.

Mayor Zito opened the public hearing.

Council disclosures.

Council and Staff discussed that properties facing this street used different setbacks from those across the street because of the DG (decomposed granite) path in the right of way, the house was set back 20 ft. from the edge of pavement and set back 20 ft. from the property line, the rest of the neighborhood had varying setbacks, and that the lot was different than other property due to the relationship of the side, front, and back yards on a corner or curved triangular lot.

Matt Peterson, Applicant representative, presented a PowerPoint (on file).

Mary Odgers spoke about living nearby, the applicants were friends, and her support for the project.

Matt Weaver spoke about support for the project, not knowing the applicants, his support for the prior proposed project as well, appreciated all the outreach efforts, and that



neighbors Levine's and Power's said they could not attend but to communicate that they supported the project.

Suzanne Lurie said she was Johnathon Marks' sister, that the applicants had been visiting San Diego regularly since the 1980's, had been looking for a property and bought four years ago, and watched them go through painstaking efforts to accommodate the neighbors.

Brent Ringoot spoke about selling this property to the Marks, the applicants' extensive amount of community outreach including on-site gatherings to share their plans, and that the prior owner was supportive of the proposed project.

Andrew Carmen (time donated by Pierre Guittard and Diane Goldberger) spoke about living nearby as a neighbor of the property, some neighbors collecting a petition of 62 signatures of which most lived in the immediate area who had concerns about the proposal including the project being out of character with the area, it being larger than other structures in the area, the retaining wall height, the setbacks and requested clarification on where the front of the property was considered to be for the purpose of setbacks, the large amount of fill being used to make it as big a home as possible, all runoff water would come into his yard and that more hardscaping would create more runoff, the applicant's efforts in presenting plans to neighbors at separate meetings, wanting assurance that the water would be retained, the DG walkways were narrow to allow parking and walking, and limiting the driveways to 18 ft. as was done in Feather Acres.

Matt Peterson, Applicant (rebuttal) presented a new PowerPoint (on file) reviewing the varied sizes of homes in the area, and spoke about the eclectic mix of architecture in the area, having addressed the landscaping appropriately, the estate residential zoning, setback requirements being met to keep the project 20 ft. from the roadway, proposed fill was in compliance with regulations, the cut and fill was in compliance and was necessary to make it a usable lot, neighbors requested restoration of grade and the applicant restored it, the retaining walls were permitted and were not excessive and would be screened, the extensive landscaping and screening plan, the City engineer reviewing the plans and driveway widths, and everything being in compliance as a culmination of a three-year process.

Council, Staff, and Applicant representatives discussed that water management that would be improved, the highest retaining wall was 6 ft. exposed with landscaping to screen it, the City's code allowed a retaining wall up to a maximum of 16 ft., the plans presented today showed the retaining wall at 7.1 ft., the covered bar had no walls and was an open area, the grading needed to make the area usable, landscape plans showing vegetation completely surrounding the property, and the intention of vegetation to provide privacy to the property.

Doug Logan, Rancho Coastal Engineering, spoke about the existing pad, the various fills to even out the property, and the maximum fill being 10 ft., and that all drainage would go into a bio filtration basin with underground storage, which would discharge slowly at current or less than current discharge.

Discussion continued regarding the analysis of the DG path in relation to the area's water flow, that a swale would be constructed nearby, and that the applicant was willing to reduce the driveway width to 18 ft.

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

Council discussed that the project was large but the lot was very large as well, the Applicant and Staff had handled drainage, a small portion of the project was at the 10 ft. setback then 10 more ft. totaling 20 ft. between the house and pavement, retaining walls would be screened by vegetation to address the neighbor's concerns, the driveway cut, restrictions of height of vegetation on the side yard southwest of the driveway, that no trees on the site exceed 25 ft. at maturity, all shrubs not exceed fence heights as allowed in Solana Beach Municipal Code, with exception of the front yard abutting Avocado, the code restricted the street side yard fence height at 3 ½ ft. with a an additional 2 ft. open at 80%, the code requirement would limit screening of the retaining walls in the street side yard, the applicant had conducted a good amount of outreach to neighbors, and allowing some heights to keep in line with the topography of the lot.

Councilmember Edson stated that the property comparisons showed that this project would be the 2<sup>nd</sup> largest in the area and she was not comfortable with the size of the structure.

**Motion:** Moved by Councilmember Heebner and second by Councilmember Hegenauer to approve with additional conditions on maintaining construction vehicles on site, the vegetation be at a maximum height of 48" from existing grade on that upper Avocado yard side with exception of two front trees, and 36" plus 2 ft. on lower Avocado from triangular point to the most southwest point of the driveway area, on the other side of driveway further southwest to follow the height of the retaining wall, no tress on site should exceed 25 ft. at maturity. **Approved 4/1 (Noes: Edson)** Motion carried.

**B.4. Public Hearing: Request for a DRP and SDP to a Construct a Replacement, Single-Family Residence and Perform Associated Site Improvements at 362 N. Sierra Avenue. (Case # 17-18-12 Applicant: Michael Drapkin; APN: 263-303-28; Resolution No. 2018-154. (File 0600-40)**

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

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2018-154** conditionally approving a DRP and an SDP to construct a replacement two-story, single-family residence with an attached garage and subterranean basement level, and perform associated site improvements 362 N. Sierra Avenue, Solana Beach.

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

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Councilmember Heebner recused herself from the item due to a conflict of the proximity of her property within the project area.

Greg Wade, City Manager, introduced the item.

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

Michael Drapkin, applicant, spoke about engaging the neighbors and working with Staff.

Christian Rice, project architect, spoke about the garage door being 8 ft. wide by 8 ft. tall, which was a standard width for a single care garage, the tandem garage was a foot wider at 10 ft. than the required zoning ordinance standard of 9 ft., and that their plan was to use the garage.

Council and Applicant discussed that the intention was not to use additional area within the home as a separate accessory dwelling unit, that the City would want to know about it if they did decide to so that it could counted towards the City's required affordable housing units, the layout made sense to use the tandem parking for cars, and that the proposal was a good use of the space.

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

**Motion:** Moved by Councilmember Zahn and second by Councilmember Edson to approve clarifying language that the garage and parking space would be used for parking. **Approved 4/0/1 (Recused: Heebner).** Motion carried.

#### **A.3. Quarterly Investment Report.** (File 0350-44)

Recommendation: That the City Council

1. Accepts and Files the Cash and Investment Report for the quarter ended September 30, 2018.

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

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This item was pulled this item from the Consent Calendar by Councilmember Zahn for discussion.

Greg Wade, City Manager, introduced the item, and stated that as agreed Chandler was presenting twice a year.

Councilmember Zahn presented a few PowerPoint (on file) and spoke about his concern that the investment policy still included fossil fuel investments, the intention was stated but a process was needed to carry out the intention to eliminate them, CalPERS having a straight prohibition on thermal coal companies, a licensing annual report list called the Carbon Underground 200 that listed the top 100 Co2 emitters and 100 oil and gas emitters, and to share this report with the investment consultant.

Mayor Zito recommend a discussion on the issue at the next report presentation with the consultants.

Greg Wade, City Manager, stated that Chandler was working on this and would reach that goal in March with the last maturing fossil fuel related bonds, that the PARS Trust Fund account with Highmark presented a greater challenge due the amount of investments held within mutual funds and ETFs (Exchange Traded Funds) whose internal assets were not actively managed by our consultants.

**Motion:** Moved by Councilmember Heebner and second by Councilmember Edson to accept filing. **Approved 5/0.** Motion carried unanimously.

**WORK PLAN COMMENTS:**

*Adopted June 13, 2018*

Council discussed adding the reduction of the current maximum height of 16 ft. and to complete the VAC (View Assessment Commission) ordinance update.

**COMPENSATION & REIMBURSEMENT DISCLOSURE:** None

**COUNCIL COMMITTEE REPORTS:** Council Committees

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

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

**ADJOURN:**

Mayor Zito adjourned the meeting at 10:02 p.m.

Angela Ivey, City Clerk

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

# 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, January 09, 2019 \* 5:00 p.m.

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

### 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, Krisi Becker, Kelly Harless  
Absent: None  
Also Present: Greg 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)  
One (1) Potential case.

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

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

- Joseph S. Steinberg v. City of Solana Beach (Case No. 37-2013-00044897-CU-WM-NC)
- Beach & Bluff Conservancy v. City of Solana Beach, California Coastal Commission, Surftrider (Case No. 37-2013-00046561-CU-WM-NC)
- San Diego County Office of Education, et al v. The County of San Diego, et al. (Case No. 37-2017-00019775-CU-WM-CTL)

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

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

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

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

- Homeowners Associations: Solana Beach & Tennis Club, Del Mar Beach Club, Surfsong, Seascape Shores, Seascape Chateau, Seascape Surf, Del Mar Shores Terrace v. City of Solana Beach (Case 37-2013-00046245-CU-WM-NC)
- Hamilton v. City of Solana Beach, et al. (Case 37-2014-00034514-CU-WM-NC)

**ACTION: No reportable action.**

### ADJOURN:

Mayor Zito adjourned the meeting at 5:55 p.m.

Angela Ivey, City Clerk

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

# CITY OF SOLANA BEACH

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



## MINUTES

### Joint REGULAR Meeting

Wednesday, January 9, 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 6:02 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: (when applicable)

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

#### FLAG SALUTE:

#### APPROVAL OF AGENDA:

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

Kristine Schindler spoke about safety for children going to school, the City's help with the crossing guard funding, and safety on roadways and sidewalks.

Frank Belock, Trauma Intervention Program (TIP), spoke about their program helping people going through tragedies, how first responders dispatch a TIP for certain incidents when they think that relatives could use assistance with emotional first aid, aiding in making arrangements for the deceased, and related tasks following a tragedy.

Jon Velken spoke about his attending a Council meeting a month ago regarding properties on Nardo, not received a response, handed in a document (on file) from the last meeting, his intention to conduct a silent protest with his time.

Mayor Zito said he sent an email to the speaker and to reconfirm his email address.

Mr. Velken stated his email address.

Mayor Zito said that he did send an email, asked Mr. Velken to check his spam email, that he had not received a response from him, and that he would resend the email.

Mr. Velken said he was upset about his backyard being ruined from an approved project that was considered compatible, that he was miserable living there, that it was a legal issue and corruption, and that the area was messed up for everyone.

### **COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

*An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.*

#### **A. CONSENT CALENDAR:** (Action Items) (A.1. - A.4.)

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

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

Recommendation: That the City Council

1. Ratify the list of demands for November 24 – December 14, 2018.

#### **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 Harless 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 Harless to approve. **Approved 5/0.** Motion carried unanimously.

**A.3. 2019 City Council Meeting Schedule Planning.** (File 0410-05)

Recommendation: That the City Council

1. Review, edit, and/or approve a 2019 interim Council Meeting schedule with proposed cancellations and/or additional meetings.

[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 Harless to approve. **Approved 5/0.** Motion carried unanimously.

**A.4. Successor Agency's (SA) Administrative Budget the Recognized Obligation Payment Schedule (ROPS).** (File 0115-30)

Recommendation: That the Successor Agency:

1. Receive the Successor Agency's enforceable obligations payment information and administrative budget for the period July 1, 2019 to June 30, 2020.
2. Adopt **Resolution SA-022** approving the SA Administrative Budget for July 1, 2019 to June 30, 2020.
3. Adopt **Resolution SA-023** approving the ROPS 19-20 for July 1, 2019 to June 30, 2020.

[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 Harless to approve. **Approved 5/0.** Motion carried unanimously.

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

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



**B.1. Public Hearing: 657 Marsolan Ave., Applicant: Scott Williams, Case 17-18-14, APN 298-321-07.** (File 0600-40)

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

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 the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2019-001** conditionally approving a DRP and an administrative SDP to construct a new second-story accessory dwelling unit (ADU) to an existing single-story, single-family residence with an attached two car garage at 657 Marsolan Avenue.

[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.*

Deputy Mayor Edson recused herself from the item due to the proximity to her property.

Greg Wade, City Manager, introduced the item.

Tiffany Wade, Planner, presented a PowerPoint (on file) and referred to two updated additional conditions submitted in the blue folder.

Mayor Zito opened the public hearing.

Council disclosures.

The Applicant waived his opportunity to make a presentation.

Council, Staff, and Dave Henderson, applicant's designer, discussed working with the View Assessment claimant, reviewed pictures from her property, that the applicant reviewed a few options with the claimant of a 1 1/12 pitch or a flat roof, showed 3 different elevations of the resulting options, that 6 inches was the only difference from the proposed elevation, and that the claimant agreed that the current proposal was the best option.

**Motion:** Moved by Councilmember Kelly Harless and second by Councilmember Becker to approve. **Approved 4/0/1 (Recused: Edson).** Motion carried.

Council and Staff discussed the parking spaces and that the garage space was used for parking and not converted for another purpose since it was currently non-conforming, and that off-street parking requirements were in effect.

**Motion:** Moved by Councilmember Hegenauer and second by Councilmember Becker to approve adding a condition that the outside parking territory was used for parking only. **Approved 4/0/1 (Recused: Edson).** Motion carried.

**C. STAFF REPORTS: (C.1. - C.2.)**

*Submit speaker slips to the City Clerk.*

**C.1. Procurement by the Solana Energy Alliance of Greenhouse Gas (GHG) Free Resources for 2019 – 2021.** (File 1010-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-004** approving the execution of a 3-year (36-month) agreement for GHG-free energy and authorizing the City Manager to execute the appropriate documents.

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

[Item C.1. Supplemental Docs \(updated 1-8-19\)](#)

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

Greg Wade, City Manager, introduced the item.

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

Council and Staff discussed that this would not increase rates for customers, and making it clear that Council was authorizing T.E.A. to enter into the agreement per the City's arrangement with T.E.A. to acquire energy on the City's behalf.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Harless to approve adding clarification that the Council was authorizing T.E.A. to enter into the agreement on the City's behalf to acquire energy, per the City's arrangement with T.E.A. **Approved 5/0.** Motion carried unanimously.

**C.2. Council Boards, Committees, & Commissions Appointments.** (File 0410-05)

Recommendation: That the City Council

1. Review the Regional Boards/Commissions/Committees to:
  - a. Determine the City Selection Committee 2019 annual term appointment.
  - b. Make new or re-appointments to all other agencies for new two-year terms.
2. Review Council Standing Committees and make appointments for a new two-year term.

[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.*

Council discussed current and vacant appointments.

Regional Board/Committee/Commission	Primary Member(s)	Alternate(s)
City Selection Committee	Edson	Zito
CSA 17 - County Service Area	Harless	Edson
Escondido Creek Watershed Alliance (ECWA)	Becker / Staff	no alternate
League Ca. Cities Exec. Committee (SD County division)	Becker	Harless
League Ca. Cities Legislative Subcommittee	Harless	Becker
League of Ca. Cities Coastal Cities Group	Becker	Harless
North County Dispatch JPA	Harless	Becker
North County Transit District	Edson	Becker
Regional Solid Waste Assoc.	Hegenauer	Becker
SANDAG Board of Directors	Zito	Edson (1st alternate) Becker (2nd alternate)
SANDAG - Shoreline Preservation Working Group	Hegenauer	Zito
San Dieguito River Valley JPA	Hegenauer	Zito
San Elijo JPA	Zito / Becker	City Manager
22nd District Agricultural Association Community Relations	Edson / Harless	n/a

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve the above 2-year appointments. **Approved 5/0.** Motion carried unanimously.

Council Standing Committees	Primary Members
Business Liaison	Zito / Edson
Highway 101/Cedros Avenue Development Committee	Edson / Becker
Fire Department Management Governance & Organizational Evaluation	Harless / Hegenauer
Parks and Recreation	Zito / Harless
Public Arts	Edson / Hegenauer
School Relations	Hegenauer / Harless
Solana Beach - Del Mar Relations	Zito / Edson

Council Serving on Citizen Commission	Primary Members
Climate Action Commission	Hegenauer / Becker

**Motion:** Moved by Councilmember Hegenauer and second by Councilmember Harless to approve the above 2-year appointments. **Approved 5/0.** Motion carried unanimously.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve the above 2-year appointments. **Approved 5/0.** Motion carried unanimously.

**Motion:** Moved by Mayor Zito and second by Councilmember Edson to disband the Interstate-5 Construction Council Standing Committee. **Approved 5/0.** Motion carried unanimously.

**COMPENSATION & REIMBURSEMENT DISCLOSURE: None**

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

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

**REGIONAL COMMITTEES: (outside agencies, appointed by this Council)**  
**STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)**

**ADJOURN:**  
Mayor Zito adjourned the meeting at 7:10 p.m.

Angela Ivey, City Clerk

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



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** March 13, 2019  
**ORIGINATING DEPT:** Community Development Department  
**SUBJECT:** **Public Hearing: Request for 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. (Case # 17-18-04 Applicant: Peter and Lauren Adams; APN: 263-322-01; Resolution No. 2019-025)**

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## **BACKGROUND:**

The Applicant, Peter and Lauren Adams, is requesting City Council approval of a Development Review Permit (DRP), Structure Development Permit (SDP) and Variance (VAR) to demolish the existing residence and construct a new 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. The 7,076 square-foot lot is located at 208 Pacific Avenue, within the Medium Residential (MR) Zone and Scaled Residential Overlay Zone (SROZ).

The project proposes grading in the amounts of 1,000 cubic yards of cut and export, 20 cubic yards of excavation for footings, and 150 cubic yards of removal and re-compaction. The maximum building height is proposed at 25 feet above the proposed grade with the highest story pole measured to 100.19 feet above mean sea level (MSL). The project meets three thresholds for the requirement of a DRP, including: 1) an aggregate grading quantity in excess of 100 cubic yards; 2) construction in excess of 60 percent of the maximum allowable floor area; and 3) construction of a second story that exceeds 40% of the floor area of the first floor. The project requires a SDP because the proposed development exceeds 16 feet in height above the existing grade. The project requires a VAR because a pool is proposed within the front yard setback.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicant's request as contained in Resolution 2019-025 (Attachment 1).

CITY COUNCIL ACTION:

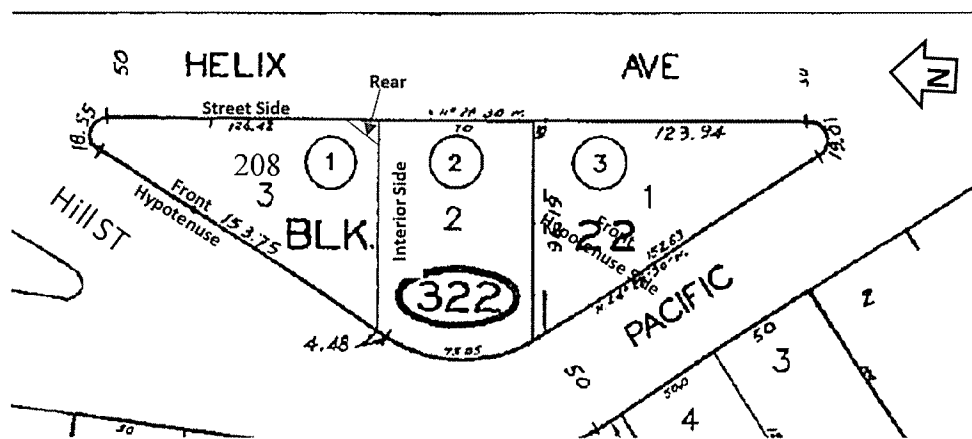
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**DISCUSSION:**

The subject property is located on a three-lot block that is bounded by the intersection of N. Helix Avenue to the east, Hill Street to the northwest, and Pacific Avenue to the west, which curves to intersect with N. Helix Avenue to the south. The project site, located at 208 Pacific Avenue, is situated on the northernmost portion of the three-lot block, which makes an acute angle at the top of the property. The configuration of N. Helix Avenue, Hill Street, and Pacific Avenue at this location creates a lot that is a right triangle, such that the northwest property line (which is the “hypotenuse” of the triangularly shaped site) fronts on Hill Street/Pacific Avenue and the east property line fronts on N. Helix Avenue. The south property line (the east/west running “leg” of the triangle) shares a property line with 200 Pacific Avenue immediately to the south.



The site slopes generally from the west and southwest downward to the northeast, from a maximum elevation of approximately 82 feet MSL to a minimum elevation of approximately 72 feet MSL, with an overall change in elevation of approximately 10 feet.

The subject lot is surrounded by additional residential properties to the north, east, west and south. The lot is currently developed with a two-story, single-family residence, which would be demolished as part of this project. The Applicant proposes to construct a 3,184 square foot, two-story residence with a subterranean basement on a 7,076 square foot lot. The project would also include associated site improvements including grading, fencing, hardscaping, and landscaping. Additionally, a pool is proposed within the front yard setback area. The project plans are provided in Attachment 2. Table 1 (below) provides a comparison of the Solana Beach Municipal Code (SBMC) applicable zoning regulations with the Applicant’s proposed design.

<b>Table 1</b>		
<b>LOT INFORMATION</b>		
<b>Property Address:</b>	208 Pacific Ave	<b>Zoning Designation:</b> MR (5-7 du/ac)
<b>Lot Size (Net):</b>	7,076 ft <sup>2</sup>	<b># of Units Allowed:</b> 1 Dwelling Unit, 1 ADU
<b>Max. Allowable Floor Area:</b>	3,188 ft <sup>2</sup>	<b># of Units Requested:</b> 1 Dwelling Unit
<b>Proposed Floor Area:</b>	3,184 ft <sup>2</sup>	
<b>Below Max. Floor Area by:</b>	4 ft <sup>2</sup>	
<b>Max. Allowable Height:</b>	25 ft.	<b>Setbacks:</b>
<b>Max. Proposed Height:</b>	25 ft.	<b>Required</b>
<b>Highest Point/Ridge:</b>	100.19 MSL	<b>Proposed</b>
<b>Overlay Zone(s):</b>	SROZ	
		* Reduced front and rear yard setbacks (lot depth < 90 ft.)
<b>PROPOSED PROJECT INFORMATION</b>		
<b>Floor Area Breakdown:</b>		<b>Required Permits:</b>
Prop. Basement:	1,323 ft <sup>2</sup>	<b>DRP:</b> A DRP is required for a structure that exceeds 60% of the maximum allowable floor area, a second story that exceeds 40% of the first floor, and for grading in excess of 100 cubic yards (aggregate)
Prop. Garage at Basement:	512 ft <sup>2</sup>	
Prop. 1 <sup>st</sup> Floor:	1,513 ft <sup>2</sup>	
Prop. 2 <sup>nd</sup> Floor:	1,517 ft <sup>2</sup>	
Covered & Enclosed Exterior Area:	110 ft <sup>2</sup>	
Subtotal:	4,975 ft <sup>2</sup>	<b>SDP:</b> A SDP is required for a new structure that exceeds 16 feet in height from the existing grade.
Basement Exemption:	-1,323 ft <sup>2</sup>	
2% Basement Garage Exemption:	- 468 ft <sup>2</sup>	
<b>Total Floor Area:</b>	<b>3,184 ft<sup>2</sup></b>	<b>VAR:</b> A VAR is required to construct a pool within the front yard setback area.
<b>Proposed Grading:</b> 1,000 yd <sup>3</sup> of cut and export, 20 yd <sup>3</sup> of excavation, and 150 yd <sup>3</sup> of removal and re-compaction		
<b>Proposed Parking:</b>	Proposed Attached 2-Car Garage	<b>Existing Development:</b>
<b>Proposed Fences and Walls:</b>	Yes	Two-story, single-family residence with an attached garage
<b>Proposed Accessory Dwelling Unit:</b>	No	
<b>Proposed Accessory Structure:</b>	Yes	

Development Review Permit Compliance (SBMC Section 17.68.40):

The following is a discussion of the findings for a DRP as each applies to the proposed project as well as references to recommended conditions of approval contained in Resolution 2019-025. The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made:

1. The proposed development is consistent with the general plan and all applicable requirements of the zoning ordinance including special regulations, overlay zones, and specific plans.
2. The proposed development complies with the development review criteria.
3. All required permits and approvals issued by the city, including variances, conditional use permits, comprehensive sign plans, and coastal development

permits have been obtained prior to or concurrently with the development review permit.

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

If the above findings cannot be made, the Council shall deny the DRP.

In addition to meeting zoning requirements, the project must also be found in compliance with development review criteria. The following is a discussion of the applicable development review criteria as they relate to the proposed project.

### **Relationship with Adjacent Land Uses:**

The property is located within the MR Zone. The surrounding neighborhood consists of a mix of properties that are one- and two-story, single- and multi-family residences. The project site is currently developed with a two-story, single-family residence.

The project, as designed, is consistent with the permitted uses for the MR Zone as described in SBMC Sections 17.20.010 and 17.12.020, which permits one single-family residence and one ADU per lot. The property is designated Medium Density Residential in the General Plan and intended for single- and multi-family residential development with a maximum density of five to seven dwelling units per acre. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City's Specific Plan areas; however, it is located within the boundaries of the SROZ and within the Coastal Zone. The project has been evaluated, and could be found to be in conformance with, the regulations of the SROZ.

### **Building and Structure Placement:**

The site is currently developed with a two-story, single-family residence with an attached two-car garage. The Applicant proposes to demolish the existing residence and construct a new two-story, single-family residence with an attached two-car garage and subterranean basement level and perform associated site improvements including grading, hardscaping, landscaping, and construction of a spa, pool, fences and walls.

The MR Zone requires 25-foot front and rear yard setbacks, 10-foot street side yard setbacks, and 5-foot interior side yard setbacks. However, when a lot has a depth of less than 90 feet, the minimum required front yard shall be reduced to 20 feet and the minimum required rear yard shall be reduced to 15 feet. The subject property has an average lot depth of less than 90 feet; therefore, the front and rear yard setbacks are reduced to 20



and 15 feet, respectively. The residence would be setback approximately 22 feet from the front (northwest/hypotenuse side) property line abutting Hill Street/Pacific Avenue, approximately 12 feet from the east property line abutting N. Helix Avenue, and 5 feet from the south property line.

Per SBMC 17.08, for lots bounded by only three lot lines, the rear lot line is determined by creating a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line. As mentioned previously, the front lot line is the northwest/hypotenuse side, which is consistent with the orientation of the adjacent property to the south. A 10-foot line was created between the eastern property line and southern property line for the purposes of determining the rear property line and rear yard setback area. The required 15-foot rear yard setback is taken from the rear property line created, which is located in the southeastern corner of the lot. The residence would be setback 15 feet from the rear property line.

Driveway access to the site would be taken from N. Helix Avenue, at the southern portion of the site. The driveway would slope downward in the westerly direction to a partially subterranean basement garage. The proposed two-car garage would be oriented towards the east. Currently, the site takes driveway access along the hypotenuse side of the triangular lot, at the top of the site along Hill Street/Pacific Avenue. The existing driveway would be demolished and replaced with curb and sidewalk. Pedestrian access to the main entrance of the residence would continue to be taken from the hypotenuse side of the triangular lot at Hill Street/Pacific Avenue. Additional pedestrian access would be taken from the eastern side of the lot on N. Helix Avenue by a stairway; the change in elevation from N. Helix Avenue to the proposed building pad is approximately 5 feet.

A completely subterranean living area is located adjacent to the partially subterranean garage. According to SBMC 17.48.040(C), the proposed lower level area is considered "Basement Attached to a Garage" in which the basement living area can be exempt from the calculation of floor area as long as the garage is permanently separated from the residential living floor area, except for a standard size door, and there are no exposed sides of the residential living area. A building side is considered exposed when the finished floor of the living area directly above the basement (at any point) is more than three feet above the adjacent natural or finished grade, whichever is lower. In the proposed design, the only exposure is for the garage door and the garage is completely separated from the basement living area except for a standard door. Therefore, the proposed basement living area of 1,323 square feet would be exempt from the calculation of floor area.

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

the proposed garage to be included in the calculation of floor area. The proposed residence includes a 512 square foot, partially subterranean garage. The two required parking spaces (200 square feet per space) are exempt from the floor area calculations. Therefore, 400 square feet would be subtracted from the proposed partially subterranean garage square footage because it would be required parking. The total linear exposure of the proposed garage is 19.42 feet. The 2 percent calculation for this project would be as follows:

$$\begin{aligned} 512 \text{ ft}^2 \text{ Garage/Storage Area} - 400 \text{ ft}^2 \text{ parking exemption} &= 112 \text{ ft}^2 \\ 112 \text{ ft}^2 \times 19.42 \text{ ft. of linear exposure} \times .02 &= 44 \text{ ft}^2 \end{aligned}$$

Per the 2 percent calculation, 44 square feet of the partially subterranean garage would be included in the calculation of Floor Area. The 512 square foot subterranean garage is eligible for the 468 square foot exemption from floor area for both providing the two required off-street parking spaces in a garage and because it is partially subterranean.

The 1,513 square-foot first floor of the residence would consist of a kitchen, great room, office, bedroom and two bathrooms. The 1,517 square-foot second story would include three bedrooms, two bathrooms, laundry, master suite, and uncovered balcony off the master suite to the east.

The total proposed floor area would be 3,184 square feet, which is 4 square feet below the maximum allowable floor area for the 7,076 square-foot lot. The maximum floor area calculation for this project is as follows:

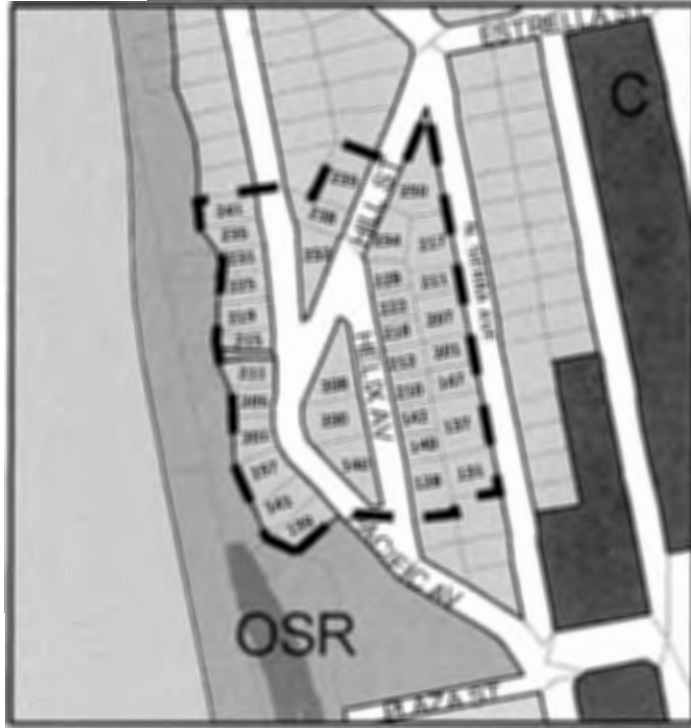
0.500 for first 6,000 ft <sup>2</sup>	3,000 ft <sup>2</sup>
0.175 for 6,001 to 15,000 ft <sup>2</sup>	188 ft <sup>2</sup>
<hr/> Total Allowable Floor Area:	<hr/> 3,188 ft <sup>2</sup>

The Applicant proposes to construct a hardscape, covered patio to the north of the proposed residence. A swimming pool and spa would be located northwest of the residence within the front yard setback area. A VAR is required in order to construct a pool within the front yard setback area, which is described later in this report.

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

### **Neighborhood Comparison:**

Staff compared the proposed project to 34 other properties within the surrounding area. This area includes properties along Pacific Avenue, N. Helix Avenue and Hill Street as shown on the following map:



The properties evaluated in this comparison are located in the MR Zone. The existing homes range in size from 320 square feet to 6,718 square feet, according to the County Assessor records. It should be noted that the County Assessor does not include the garage, covered patio area, or accessory building area in the total square footage. However, the County Assessor does include finished basements, which the City does not. Accordingly, the building area of the proposed project has been calculated for comparison purposes by deleting the area of the existing and proposed garages as follows:

Project Gross Building Area:	4,975 ft <sup>2</sup>
Delete Garage:	- 512 ft <sup>2</sup>
Delete Covered Driveway:	- 110 ft <sup>2</sup>
<hr/> Project Area for Comparison to Assessor's Data:	<hr/> 4,353 ft <sup>2</sup>

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

Table 2						
#	Property Address	Lot Size in ft <sup>2</sup> (GIS)	Existing ft <sup>2</sup> Onsite (Assessor's)	Proposed / Recently Approved ft <sup>2</sup>	Max. Allowable ft <sup>2</sup>	Zone
1	128 N HELIX AVE	6,900	4,665		3,158	MR
2	140 N HELIX AVE	3,400	2,349		1,700	MR
3	142 N HELIX AVE	3,400	2,306		1,700	MR

<b>Table 2</b>						
#	Property Address	Lot Size in ft <sup>2</sup> (GIS)	Existing ft <sup>2</sup> Onsite (Assessor's)	Proposed / Recently Approved ft <sup>2</sup>	Max. Allowable ft <sup>2</sup>	Zone
4	210 N HELIX AVE	3,500	2,306		1,750	MR
5	212 N HELIX AVE	3,600	2,349		1,800	MR
6	218 N HELIX AVE	3,200	2,352		1,600	MR
7	222 N HELIX AVE	3,500	1,049		1,750	MR
8	228 N HELIX AVE	3,900	320		1,950	MR
9	234 HILL ST 38	5,100	Not Available		2,550	MR
10	239 HILL ST	7,700	3,086		3,298	MR
11	250 HILL ST	10,300	6,718		3,753	MR
12	139 PACIFIC AVE	5,100	3,476		2,550	MR
13	140 PACIFIC AVE	7,100	2,570		3,193	MR
14	141 PACIFIC AVE	5,650	1,400		2,825	MR
15	197 PACIFIC AVE	6,600	2,139		3,105	MR
16	200 PACIFIC AVE	6,700	4,646		3,123	MR
17	201 PACIFIC AVE	5,300	3,122		2,650	MR
18	205 PACIFIC AVE	3,800	1,437		1,900	MR
19	<b>208 PACIFIC AVE</b>	<b>7,076</b>	<b>1,806</b>	<b>4,353</b>	<b>3,188</b>	<b>MR</b>
20	211 PACIFIC AVE	3,900	2,763		1,950	MR
21	215 PACIFIC AVE	4,900	2,578		2,450	MR
22	219 PACIFIC AVE	4,200	3,443		2,100	MR
23	225 PACIFIC AVE	4,200	989		2,100	MR
24	231 PACIFIC AVE	3,900	2,751		1,950	MR
25	232 PACIFIC AVE	7,400	2,664		3,245	MR
26	235 PACIFIC AVE	4,300	1,382		2,150	MR
27	238 PACIFIC AVE	5,600	3,046		2,800	MR
28	241 PACIFIC AVE	5,100	3,004		2,550	MR
29	131 N SIERRA AVE	6,200	1,575		3,100	MR
30	137 N SIERRA AVE	8,300	3,482		3,403	MR
31	147 N SIERRA AVE	4,255	3,385		2,128	MR
32	201 N SIERRA AVE	4,400	1,288		2,200	MR
33	207 N SIERRA AVE	6,300	Not Available		3,053	MR
34	211 N SIERRA AVE	3,900	832		1,950	MR
35	217 N SIERRA AVE	6,770	Not Available		3,135	MR

**Fences, Walls and Retaining Walls:**

Within the front yard setback area, SBMC Section 17.20.040(O) allows fences and walls, or any combination thereof, to be no higher than 42 inches in height as measured from pre-existing grade, except for an additional two feet of fence that is at least 80% open to light. Fences, walls and retaining walls located within the rear and interior side yards are

allowed to be up to six feet in height with an additional two feet that is 50% open to light and air.

The Applicant proposes to maintain the existing building pad elevation; however, the proposed structure will have a different footprint from the existing residence. Furthermore, the Applicant is proposing to expand the usable yard area. In order to support the proposed design, the Applicant is proposing tiered retaining walls along the perimeter of the property. The Applicant is proposing to cut into the slope along the southwest corner of the lot, which will result in retaining walls that are approximately 6 inches below pre-existing grade but will have an above ground height ranging from 2 to 7 feet. Retaining walls ranging in height from 3 feet below to 2 feet above pre-existing grade are proposed along the front property line (hypotenuse side) and east property line, with an above ground height ranging from 5 inches to 4.5 feet. In order to support the cut required for the driveway to the proposed basement garage, retaining walls ranging in height from 3 feet below to 1.6 feet above pre-existing grade are proposed along the driveway; however, the walls will have an above ground height ranging from 3 to 10.5 feet. Additionally, a 5.5-foot high foot fence is proposed to surround the property. The fences and walls onsite have been measured from the pre-existing grade to verify height compliance.

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

### **Landscape:**

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

### **Parking:**

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. The Applicant is proposing to construct a partially subterranean two-car garage and storage area accessed by a driveway along the eastern property line off of N. Helix Avenue. SBMC Section 17.08.030

indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the floor area calculation. Two spaces are required, therefore, 400 square feet of garage area is exempt from the project's floor area calculation. Furthermore, since the garage is partially subterranean with one exposed side, the 2 percent formula described previously in the report applies. The 512 square foot subterranean garage is eligible for a 468 square foot exemption from floor area for both providing two required off-street parking spaces in a garage and because the garage is partially subterranean.

### **Grading:**

The project proposes grading in the amounts of 1,000 cubic yards of cut and export, 20 cubic yards of excavation for footings, and 150 cubic yards of removal and compaction. The majority of the excavation is required to support the proposed basement. However, site grading is also proposed, including cutting into the slope along the southwestern corner of the lot and the expansion of the usable yard area in the northern portion of the lot. Retaining walls, as described previously in this report, are proposed around the perimeter of the property adjacent to Hill Street/Pacific Avenue and N. Helix Avenue to support the expansion of the usable yard area.

### **Lighting:**

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

### **Usable Open Space:**

The project consists of the construction of a replacement single-family residence; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040.

### **Structure Development Permit Compliance:**

The proposed structure exceeds 16 feet in height above the existing grade, therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63 and the Applicant was required to complete the SDP process. The Story Pole Height Certification was certified by a licensed land surveyor on December 20, 2018 showing a maximum building height of 25 feet above the proposed grade. Notices were mailed to property owners and occupants within 300 feet of the project site establishing a deadline to file for View Assessment by February 25, 2019. No applications for View Assessment were received. Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively.

As a condition of approval, a height certification prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the

proposed addition will not exceed 25 feet above the existing grade or 100.19 feet above MSL, which is the maximum proposed structure height reflected on the project plans.

Variance:

As previously stated, the Applicant is requesting Council approval of a VAR to construct a 528 square foot pool and spa within the front yard setback. According to SBMC 17.20.040(K), swimming pools are not permitted in the required front yard or street side yard setback area, except upon issuance of a VAR. According to SBMC 17.68.020(B)(3), a VAR may be approved in conjunction with a DRP, provided the required findings can be made.

Before granting a VAR, the City Council shall make all of the following findings:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the general plan and intent of this title.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the same zone.
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
4. That the granting of the variance will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

The triangular lot has street frontage on two of the three sides – the front property line (hypotenuse side) abutting Hill Street/Pacific Avenue and eastern property line abutting N. Helix Avenue. The front yard and street side yard setback area comprise approximately 53.5% of the total property square footage.

As depicted on the site plan, the Applicant proposes to construct a pool within the front yard setback area. The pool would be 4.8 feet from the front property line (hypotenuse side) adjacent to Hill Street/Pacific Avenue.

Options for alternative pool designs are constrained by the triangular shape of the property, large amount of street frontage and disproportionately small rear yard area of the site because of how the SBMC requires the setbacks for properties with three lot lines. The Applicant's justification for the VAR is included in Attachment 3.

If the above findings can be made, Staff shall incorporate the findings into the draft Resolution included in Attachment 2. If the above findings cannot be made, the Council shall deny the VAR.

In conclusion, the proposed project, as conditioned, could be found to be consistent with the Zoning regulations and the General Plan. Staff has prepared draft findings for approval of the project in the attached Resolution 2019-025 for Council's consideration based upon the information in this report. The applicable SBMC sections are provided in italicized text and conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval. Additionally, as a condition of project approval, the Applicant would be required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of a Building Permit. 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.

**PUBLIC HEARING NOTICE:**

Notice of the City Council Public Hearing for the project was published in the Union Tribune more than 10 days prior to the public hearing. The same public notice was mailed to property owners and occupants within 300 feet of the proposed project site on March 1, 2019. As of the date of preparation of this Staff Report, Staff has not received any formal correspondence from neighbors or interested parties in support of, or in opposition to, the proposed project.

**CEQA COMPLIANCE STATEMENT:**

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

**FISCAL IMPACT:** N/A

**WORK PLAN:** N/A

**OPTIONS:**

- Approve Staff recommendation adopting the attached Resolution 2019-025.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a SDP, DRP and VAR.



- Approve the SDP and DRP to construct the proposed residence and deny the request for the VAR.
- Deny the project if all required findings for the DRP and VAR cannot be made.

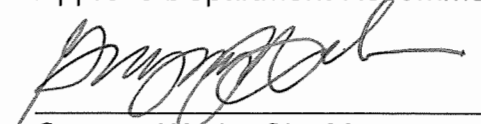
**DEPARTMENT RECOMMENDATION:**

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 DRP, VAR and administratively issue a SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 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.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

Attachments:

1. Resolution 2019-025
2. Project Plans
3. Request for a Variance

**RESOLUTION NO. 2019-025**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT AND AN ADMINISTRATIVE STRUCTURE DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF 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**

**APPLICANT: Peter and Lauren Adams**  
**CASE NO.: 17-18-04 DRP/SDP/VAR**

**WHEREAS**, Peter and Lauren Adams (hereinafter referred to as “Applicant”), have submitted an application for a Development Review Permit (DRP) and Structure Development Permit (SDP) and Variance (VAR) pursuant to Title 17 (Zoning) of the Solana Beach Municipal Code (SBMC); and

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

**WHEREAS**, at the Public Hearing on March 13, 2019, the City Council received and considered evidence concerning the proposed application; and

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

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

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

- I. That the foregoing recitations are true and correct.
- II. That the request for a DRP, SDP, and a 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, is conditionally approved based upon the following Findings and subject to the following Conditions:

**III. FINDINGS**

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

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

General Plan Consistency: The project, as conditioned, is consistent with the City's General Plan designation of Medium Density Residential, which allows for single- and multi-family residential development with a maximum density range of five to seven dwelling units per acre. The development is also consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

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

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

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

- a. *Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and complementary to existing development in the immediate vicinity of the project site and the surrounding neighborhood. The development as proposed shall also be compatible in scale, apparent bulk, and massing with such existing development in the surrounding neighborhood. Site planning on or near the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects.*

The property is located within the MR Zone. The surrounding neighborhood consists of a mix of properties that are one- and two-story, single-family residences. The project site is currently developed with a two-story, single-family residence.

The project, as designed, is consistent with the permitted uses for the MR Zone as described in SBMC Sections 17.20.010 and 17.12.020, which permits one single-family residence and one ADU per lot. The property is designated Medium Density

Residential in the General Plan and intended for single- and multi-family residential development with a maximum density of five to seven dwelling units per acre. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City's Specific Plan areas; however, it is located within the boundaries of the Scaled Residential Overlay Zone (SROZ) and within the Coastal Zone. The project has been evaluated, and could be found to be in conformance with, the regulations of the SROZ.

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

The site is currently developed with a two-story, single-family residence with an attached two-car garage. The Applicant proposes to demolish the existing residence and construct a new two-story, single-family residence with an attached two-car garage and subterranean basement level and perform associated site improvements including grading, hardscaping, landscaping, and construction of a spa, pool, fences and walls.

The MR Zone requires 25-foot front and rear yard setbacks, 10-foot street side yard setbacks, and 5-foot interior side yard setbacks. However, when a lot has a depth of less than 90 feet, the minimum required front yard shall be reduced to 20 feet and the minimum required rear yard shall be reduced to 15 feet. The subject property has an average lot depth of less than 90 feet; therefore, the front and rear yard setbacks are reduced to 20 and 15 feet, respectively. The residence would be setback approximately 22 feet from the front (northwest/hypotenuse side) property line abutting Hill Street/Pacific Avenue, approximately 12 feet from the east property line abutting Helix Avenue, and 5 feet from the south property line.

Per SBMC 17.08, for lots bounded by only three lot lines, the rear lot line is determined by creating a line within the lot having a length of 10 feet, parallel to and most distant from the front lot

line. A 10-foot line was created between the eastern property line and southern property line for the purposes of determining the rear property line and rear yard setback area. The required 15-foot rear yard setback is taken from the rear property line created, which is located in the southeastern corner of the lot. The residence would be setback 15 feet from the rear property line.

Driveway access to the site would be taken from Helix Avenue, at the southern portion of the site. The driveway would slope downward in the westerly direction to a partially subterranean basement garage. The proposed two-car garage would be oriented towards the east. Currently, the site takes driveway access along the hypotenuse side of the triangular lot, at the top of the site along Hill Street/Pacific Avenue. The existing driveway would be demolished and replaced with curb and sidewalk. Pedestrian access to the main entrance of the residence would continue to be taken from the hypotenuse side of the triangular lot at Hill Street/Pacific Avenue. Additional pedestrian access would be taken from the eastern side of the lot on Helix Avenue by a stairway; the change in elevation from Helix Avenue to the proposed building pad is approximately 5 feet.

A completely subterranean living area is located adjacent to the partially subterranean garage. According to SBMC 17.48.040(C), the proposed lower level area is considered "Basement Attached to a Garage" in which the basement living area can be exempt from the calculation of floor area as long as the garage is permanently separated from the residential living floor area, except for a standard size door, and there are no exposed sides of the residential living area. A building side is considered exposed when the finished floor of the living area directly above the basement (at any point) is more than three feet above the adjacent natural or finished grade, whichever is lower. In the proposed design, the only exposure is for the garage door and the garage is completely separated from the basement living area except for a standard door. Therefore, the proposed basement living area of 1,323 square feet is exempt from the calculation of floor area.

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

square footage of the garage, and then the remaining square footage is multiplied by the linear exposure of the garage and then multiplied by 2 percent. The result is the amount of square footage of the proposed garage to be included in the calculation of floor area. The proposed residence includes a 512 square foot, partially subterranean garage. The two required parking spaces (200 square feet per space) are exempt from the floor area calculations. Therefore, 400 square feet is subtracted from the proposed partially subterranean garage square footage because it would be required parking. The total linear exposure of the proposed garage is 19.42 feet. The 2 percent calculation for this project is as follows:

$$512 \text{ ft}^2 \text{ Garage/Storage Area} - 400 \text{ ft}^2 \text{ parking exemption} = 112 \text{ ft}^2$$

$$112 \text{ ft}^2 \times 19.42 \text{ ft. of linear exposure} \times .02 = 44 \text{ ft}^2$$

Per the 2 percent calculation, 44 square feet of the partially subterranean garage would be included in the calculation of Floor Area. The 512 square foot subterranean garage is eligible for the 468 square foot exemption from floor area for both providing the two required off-street parking spaces in a garage and because it is partially subterranean.

The 1,513 square-foot first floor of the residence would consist of a kitchen, great room, office, bedroom and two bathrooms. The 1,517 square-foot second story would include three bedrooms, two bathrooms, laundry, master suite, and uncovered balcony off the master suite to the east.

The total proposed floor area would be 3,184 square feet, which is 4 square feet below the maximum allowable floor area for the 7,076 square-foot lot. The maximum floor area calculation for this project is as follows:

0.500 for first 6,000 ft <sup>2</sup>	3,000 ft <sup>2</sup>
0.175 for 6,001 to 15, 000 ft <sup>2</sup>	188 ft <sup>2</sup>
Total Allowable Floor Area:	3,188 ft <sup>2</sup>

The Applicant proposes to construct a hardscape, covered patio to the north of the proposed residence. A swimming pool and spa would be located northwest of the proposed residence within the front yard setback area. A VAR is required in order to construct a pool within the front yard setback area, which is described later in this report.

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

- c. *Landscaping: The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. To the maximum extent practicable, landscaping and plantings shall be used to screen parking areas, storage areas, access roads, and other service uses of the site. Trees and other large plantings shall not obstruct significant views when installed or at maturity. Drought tolerant plant materials and water conserving irrigation systems shall be incorporated into all landscaping plans.*

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

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

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. The Applicant is proposing to construct a partially subterranean two-car garage and storage area accessed by a driveway along the eastern property line off of Helix Avenue. SBMC Section 17.08.030 indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the floor area calculation. Two spaces are

required, therefore, 400 square feet of garage area is exempt from the project's floor area calculation. Furthermore, since the garage is partially subterranean with one exposed side, the 2 percent formula described previously in the report applies. The 512 square foot subterranean garage is eligible for a 468 square foot exemption from floor area for both providing two required off-street parking spaces in a garage and because the garage is partially subterranean.

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

The project proposes grading in the amounts of 1,000 cubic yards of cut and export, 20 cubic yards of excavation for footings, and 150 cubic yards of removal and compaction. The majority of the excavation is required to support the proposed basement. However, site grading is also proposed, including cutting into the slope along the southwestern corner of the lot and the expansion of the usable yard area in the northern portion of the lot. Retaining walls as described previously in this report are proposed around the perimeter of the property adjacent to Hill Street/Pacific Avenue and Helix Avenue to support the expansion of the usable yard area.

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

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

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



The project consists of the construction of a replacement single-family residence, therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040.

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

All required permits are being processed concurrently with the Development Review Permit.

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

The Applicant shall obtain approval from the California Coastal Commission prior to issuance of Building Permits.

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

The proposed structure exceeds 16 feet in height above the existing grade, therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63 and the Applicant was required to complete the SDP process. The Story Pole Height Certification was certified by a licensed land surveyor on December 20, 2018 showing a maximum building height of 25 feet above the proposed grade. Notices were mailed to property owners and occupants within 300 feet of the project site establishing a deadline to file for View Assessment by February 25, 2019. No applications for View Assessment were received. Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively.

As a condition of approval, a height certification prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the proposed addition will not exceed 25 feet above the existing grade or 100.19 feet above MSL, which is the maximum proposed structure height reflected on the project plans.

- C. In accordance with Section 17.68.020 (Variance) of the Solana Beach Municipal Code, the City Council finds the following:

- I. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical*

*hardship inconsistent with the objectives of the general plan and intent of this title.*

- II. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the same zone.*
- III. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.*
- IV. *That the granting of the variance will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.*

#### IV. 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. The Applicant shall pay required Fire Mitigation, Park Development and Public Facilities Impact Fees.
- II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on March 13, 2019, and located in the project file with a submittal date of February 28, 2019.
- III. Prior to requesting a framing inspection, the Applicant shall be required to submit a height certification, signed by a licensed land surveyor, certifying that the building envelope (which is represented by the story poles) is in conformance with the plans as approved by the City Council on March 13, 2019 and the certified story pole plot plan, and will not exceed 25 feet in height from the proposed grade or 100.19 feet above MSL.
- IV. Any proposed onsite fences, walls and retaining walls and any proposed railing located on top, or any combination thereof, shall comply with applicable regulations of SBMC Section 17.20.040 and 17.60.070 (Fences and Walls).
- V. The 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.

- VI. Native or drought tolerant and non-invasive plant materials and water conserving irrigation systems shall be incorporated into any proposed landscaping and compatible with the surrounding area to the extent feasible.
- VII. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC 17.60.060.
- VIII. 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.
- IX. Construction vehicles shall be parked on the subject property at all times when feasible. If construction activity prohibits parking on the subject property, the Applicant shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on the street and minimize impact to the surrounding neighbors.
- X. The Applicant shall connect to temporary electrical service as soon as feasible to the satisfaction of the City.

B. Fire Department Conditions:

- I. ADDRESS NUMBERS: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background and shall meet the following minimum standards as to size: 4 inches high with a ½ inch stroke width for residential buildings, 8 inches high with a ½ inch stroke for commercial and multi-family residential buildings, and 12 inches high with a 1 inch stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.
- II. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.
- III. SOLAR PHOTOVOLTAIC INSTALLATIONS (Solar Panels): Solar Photovoltaic systems shall be installed per the California Fire Code and Solana Beach Fire Department requirements.
- IV. BASEMENT: All basements shall be designed equipped with emergency exit systems consisting of operable windows, window wells or exit door that's leads directly outside via staircase and exit door or exit door at grade.

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

C. Engineering Department Conditions:

- I. The Applicant shall obtain an Encroachment Permit in accordance with Chapter 11.20 of the Solana Beach Municipal Code prior to the construction of any improvements within the public right-of way including, but not limited to, concrete curb, decomposed granite graded at 2% in the right-of-way, construction of the driveway a portion of which shall also be graded at 2%, any private landscaping, and any other 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. An Encroachment Maintenance Removal Agreement (EMRA) shall be required for all private improvements in the public right-of-way.
- III. All construction demolition materials shall be recycled according to the City's Construction and Demolition recycling program and an approved Waste Management Plan shall be submitted.
- IV. Construction fencing shall be located on the subject property unless the Applicant has obtained an Encroachment Permit in accordance with Chapter 11.20 of the Solana Beach Municipal Code which allows otherwise.

Grading:

- V. The Applicant shall obtain a Grading Permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a grading permit shall include, but not be limited to, the following:
  - a. The Grading Plan shall be prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.
  - b. A Soils Report shall be prepared by a Registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The Grading Plan shall

incorporate all recommendations contained in the soils report.

- c. The Grading Plan shall be prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.
- d. 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.
- e. The Applicant shall provide a Drainage Report prepared by a Registered Civil Engineer. This report shall address the design for the detention basins and corresponding outflow system to ensure the rate of runoff for the proposed development is at or below that of pre-existing condition. Detention basin easement(s) will be required over the proposed basin site. All recommendations of this report shall be incorporated into the Preliminary Grading Plan.
- f. An easement shall be recorded for maintenance of the detention basins by the property owner(s) in perpetuity, prior to the occupancy of this project.
- g. 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.
- h. 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.
- i. The Applicant shall 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.

- j. The Applicant shall obtain and submit grading security in a form prescribed by the City Engineer.
- k. The Applicant shall obtain haul permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.
- l. The Applicant shall 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.
- m. 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.
- n. 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.
- o. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.
- p. No increased cross lot drainage shall be allowed.
- q. The Applicant shall record a document holding the City of Solana Beach harmless in case of a sanitary sewer backup due to a blockage in the public sewer main, A backflow prevention device shall be installed on private property.

## V. ENFORCEMENT

Pursuant to SBMC 17.72.120(B) failure to satisfy any and all of the above-

mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.1.6 and 1.18 in addition to any applicable revocation proceedings.

## VI. EXPIRATION

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

## VII. 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, the 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 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 the Applicant.

**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 13<sup>th</sup> day of March, 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









**STORMWATER POLLUTION CONTROL BMP NOTES RELATIVE TO CONSTRUCTION ACTIVITIES**

**CONCRETE WASHOUT**

- CONTRACTOR SHALL ESTABLISH AND USE AN ADEQUATELY SIZED CONCRETE WASHOUT AREA TO CONTAIN WASHOUT WASTES ON SITE. IT IS ILLEGAL TO WASH CONCRETE, STUCCO, PLASTER, STUCCO, PLASTER AND THE LIKE INTO THE STORMWATER CONVEYANCE SYSTEM OR ANY RECEIVING WATER. CONTRACTOR SHALL POST A SIGN DESIGNATING THE WASHOUT LOCATION.

**CONSTRUCTION SITE ACCESS**

- A STABILIZED CONSTRUCTION SITE ACCESS SHALL BE PROVIDED FOR VEHICLES EGRESS AND INGRESS TO PREVENT TRACKING DIRT OFF SITE. THIS SHALL INCLUDE USING MATERIAL SUCH AS GRAVEL AND/OR CORRUGATED STEEL PANELS/PLATES.

**CONSTRUCTION VEHICLES**

- A SPECIFIC AREA AWAY FROM CUTTERS AND STORMDRAIN SHALL BE DESIGNATED FOR CONSTRUCTION VEHICLES PARKING, VEHICLE REFUELING, AND ROUTINE EQUIPMENT MAINTENANCE. ALL MAJOR REPAIRS SHALL BE MADE OFF-SITE.

**EROSION CONTROL**

- EROSION CONTROL MUST BE PROVIDED FOR ALL ERODIBLE SURFACES. SLOPED SURFACES ESPECIALLY SHALL BE PROTECTED AGAINST EROSION BY INSTALLING EROSION RESISTANT SURFACES SUCH AS EROSION CONTROL MATS, ADEQUATE GROUND COVER VEGETATION, AND BONDED FIBER MATRIX.  
 - NO EXCAVATION AND GRADING ACTIVITIES ARE ALLOWED DURING WET WEATHER.  
 - DIVERSION DICES SHALL BE CONSTRUCTED TO CHANNEL RUNOFF AROUND THE CONSTRUCTION SITE. CONTRACTOR SHALL PROTECT CHANNELS AGAINST EROSION USING PERMANENT AND TEMPORARY EROSION CONTROL MEASURES.  
 - REMOVE EXISTING VEGETATION ONLY WHEN ABSOLUTELY NECESSARY. LARGE AREAS SHALL BE CONDUCTED IN PHASES TO AVOID UNNECESSARY REMOVAL OF THE NATURAL GROUND COVER. DO NOT REMOVE TREES OR SHRUBS UNNECESSARILY. THEY HELP DECREASE EROSION.  
 - TEMPORARY VEGETATION MUST BE PLANTED ON SLOPES OR WHERE CONSTRUCTION IS NOT IMMEDIATELY PLANNED FOR EROSION CONTROL PURPOSES. EROSION SHALL BE PREVENTED BY PLANTING FAST-GROWING ANNUAL AND PERENNIAL GRASSES TO SHIELD AND BIND THE SOIL.  
 - PLANT PERMANENT VEGETATION AS SOON AS POSSIBLE, ONCE EXCAVATION AND GRADING ACTIVITIES ARE COMPLETE.  
 - WATER USAGE FOR DUST CONTROL SHALL BE MINIMIZED.

**ON-SITE CONSTRUCTION MATERIAL STORAGE**

- STORED MATERIALS SHALL BE CONTAINED IN A SECURE PLACE TO PREVENT SEEPAGE AND SPILLAGE. CONTRACTOR SHALL STORE THESE PRODUCTS WHERE THEY WILL STAY DRY OUT OF THE RAIN. CONTRACTOR SHALL PROVIDE SECONDARY CONTAINMENT FOR ALL FUEL STORED ON-SITE.  
 - ELIMINATE OR REDUCE POLLUTION OF STORMWATER FROM STOCKPILES KEPT ON-SITE. STOCKPILES MAY INCLUDE SOIL, PAINTING MATERIALS, ASPHALT CONCRETE, AGGREGATE BASE, ETC. STOCKPILES SHALL BE LOCATED AWAY FROM CONCENTRATED STORMWATER FLOWS AND STORMDRAIN INLETS. STOCKPILES SHALL BE COVERED OR PROTECTED WITH SOIL STABILIZATION MEASURES AND PROVIDED WITH A TEMPORARY SEDIMENT BARRIER AROUND THE PERIMETER AT ALL TIMES.

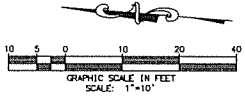
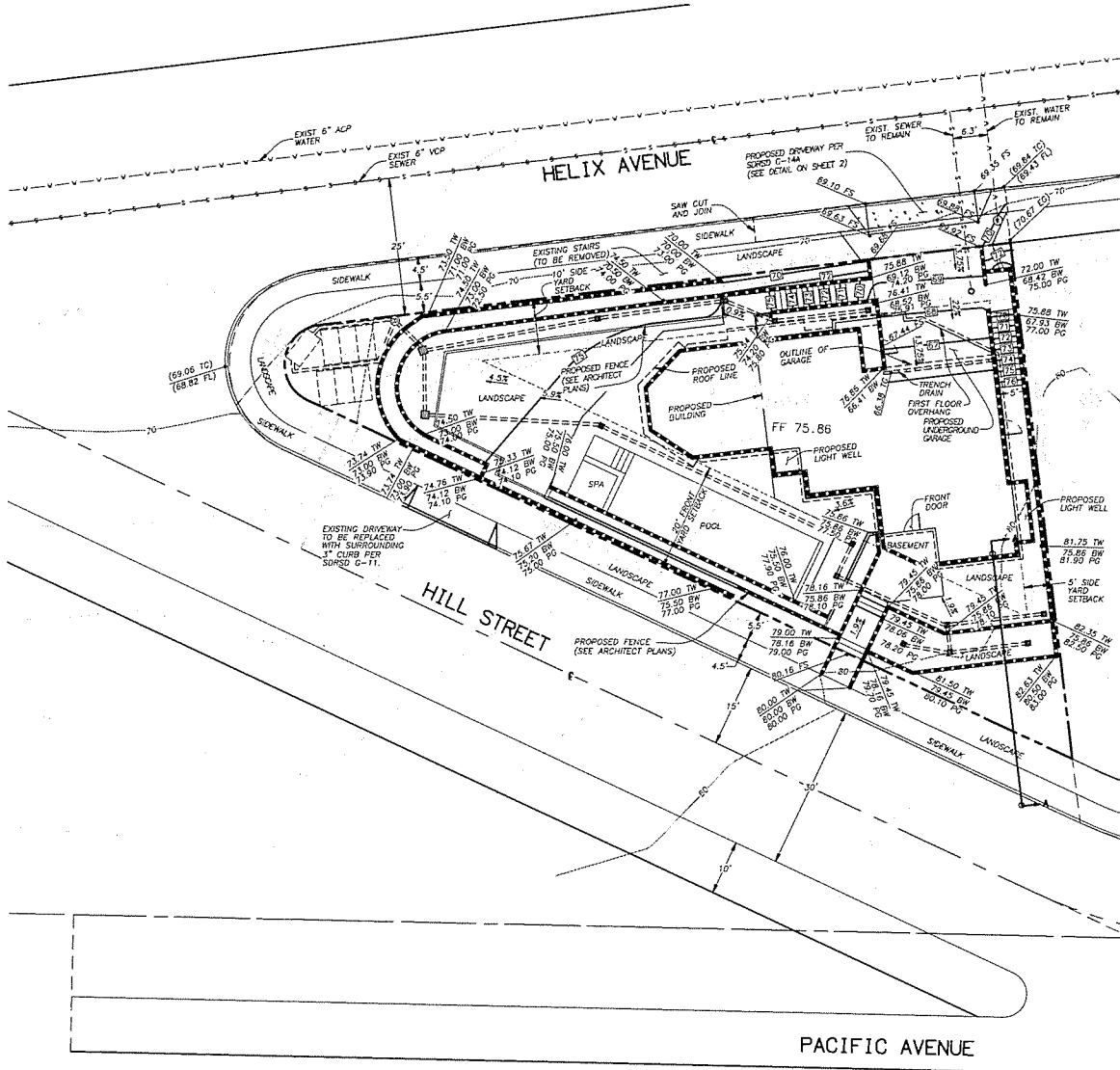
**TRAINING**

- CONTRACTORS' EMPLOYEES WHO PERFORM CONSTRUCTION IN THE CITY OF SOLANA BEACH SHALL BE TRAINED TO BE FAMILIAR WITH THE CITY OF SOLANA BEACH STORMWATER POLLUTION CONTROL REQUIREMENTS. THESE BMP NOTES SHALL BE AVAILABLE TO EVERYONE WORKING ON SITE. THE PROPERTY OWNERS AND THE PRIME CONTRACTOR MUST INFORM SUBCONTRACTORS ABOUT STORMWATER REQUIREMENTS AND THEIR OWN RESPONSIBILITIES.

**WASTE MANAGEMENT**

- CONTRACTOR SHALL BE RESPONSIBLE FOR PROPERLY DISPOSING OF ALL WASTE AND UNUSED CONSTRUCTION MATERIALS. DUMPING OF UNUSED OR WASTE PRODUCTS ON THE GROUND, WHERE WATER CAN CARRY THEM INTO THE CONVEYANCE SYSTEM IS STRICTLY PROHIBITED.  
 - NO SEEPAGE FROM DUMPSTERS SHALL BE DISCHARGED INTO STORMWATER, BERM/DIKES SHALL BE PLACED AROUND DUMPSTERS TO DIVERT THE NATURAL STORM RUNOFF. DUMPSTERS SHALL BE CHECKED FREQUENTLY FOR LEAKS. DUMPSTER LIDS SHALL REMAIN CLOSED AT ALL TIMES. DUMPSTERS WITHOUT LIDS SHALL BE PLACED WITHIN STRUCTURES WITH IMPERVIOUS ROOFING OR COVERED WITH TARPS IN ORDER TO AVOID RAIN CONTACT WITH ANY TRASH MATERIAL.  
 - MANY CONSTRUCTION MATERIALS, INCLUDING SOLVENTS, WATER-BASED PAINTS, VEHICLE FLUIDS, BROWN ASPHALT AND CONCRETE, WOOD, AND CLEARED VEGETATION CAN BE RECYCLED. NON-RECYCLABLE MATERIALS MUST BE TAKEN TO AN APPROPRIATE LANDFILL OR DISPOSED OF AS HAZARDOUS WASTE. FOR INFORMATION ON DISPOSAL OF HAZARDOUS MATERIAL, CALL THE HAZARDOUS WASTE HOTLINE TOLL FREE AT (800) 774-1193. FOR INFORMATION ON LANDFILLS AND TO ORDER DUMPSTERS CALL EDCO AT (760) 436-4151.  
 - POLLUTANTS SHALL BE KEPT OFF EXPOSED SURFACES. PLACE TRASH CANS AND RECYCLING RECEPTACLES AROUND THE SITE.  
 - PORTABLE TOILETS MUST BE IN GOOD WORKING ORDER AND CHECKED FREQUENTLY FOR LEAKS. CONTRACTOR SHALL PROVIDE SECONDARY CONTAINMENT AND LOCATE PORTABLE TOILETS AWAY FROM STORMDRAIN INLETS ON PERVIOUS SURFACES.  
 - ALL CONSTRUCTION DEBRIS SHALL BE KEPT AWAY FROM THE STREET, CUTTER, AND STORMDRAIN. CONTRACTOR MUST ROUTINELY CHECK AND CLEAN UP MATERIAL THAT MAY HAVE TRAVELED AWAY FROM CONSTRUCTION SITE.

Drawn By: William R. Dick R.C.E.: 34563 Exp: 9/30/19	ENGINEER OF WORK	CITY APPROVED CHANGES	APP'D DATE	RECOMMENDED FOR APPROVAL	APPROVED FOR CONSTRUCTION	BENCH MARK DESCRIPTION: BENCH CONTROL POINT # 2001 SOLA-15.4 2.5" BRASS BUMP LOCATION: ON A CONCRETE DRAINAGE INLET ON THE EAST SIDEWALK OF HIGHWAY 101, 0.7 MILE SOUTH OF EDWARDS SANTA FE DRIVE ELEV: 71.450 DATE: 11/01/88	CITY OF SOLANA BEACH GRADING PLANS FOR 208 PACIFIC AVENUE ADAMS RESIDENCE	ENGINEERING DEPARTMENT	DRAWING NO.
	By: _____ Date: _____ By: _____ Date: _____ By: _____ Date: _____			By: _____ Date: _____ By: _____ Date: _____	SBGR-XXX Sheet 2 of 5				

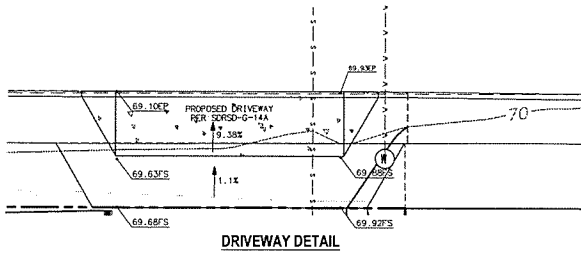


PRELIMINARY

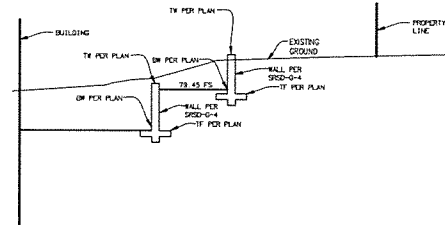
By: \_\_\_\_\_ Date: \_\_\_\_\_  
R.C.E.: \_\_\_\_\_ Exp: \_\_\_\_\_

ENGINEER OF WORK		CITY APPROVED CHANGES		APP'D DATE	RECOMMENDED FOR APPROVAL	APPROVED FOR CONSTRUCTION	BENCH MARK	CITY OF SOLANA BEACH	ENGINEERING DEPARTMENT	DRAWING NO.
Drawn By:	William R. Drex				By: _____ Date: _____	By: Mohammad Sammak, City Engineer	DESCRIPTION: LOCATION: ELEV.: _____ DATUM: M.S.L.	GRADING PLANS FOR:		SBGR-
	R.C.E.: 34583				Exp: 9/30/19	Exp: 6/30/18		208 PACIFIC AVENUE - ADAMS RESIDENCE		Sheet 3 of 5

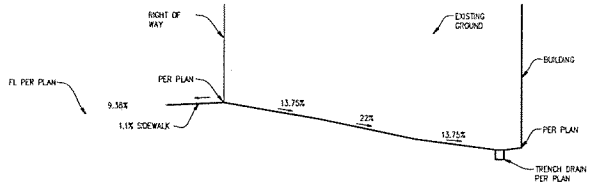
208 PAV. 172017-208 PAVING.MXD



**DRIVEWAY DETAIL**



**SECTION A-A**

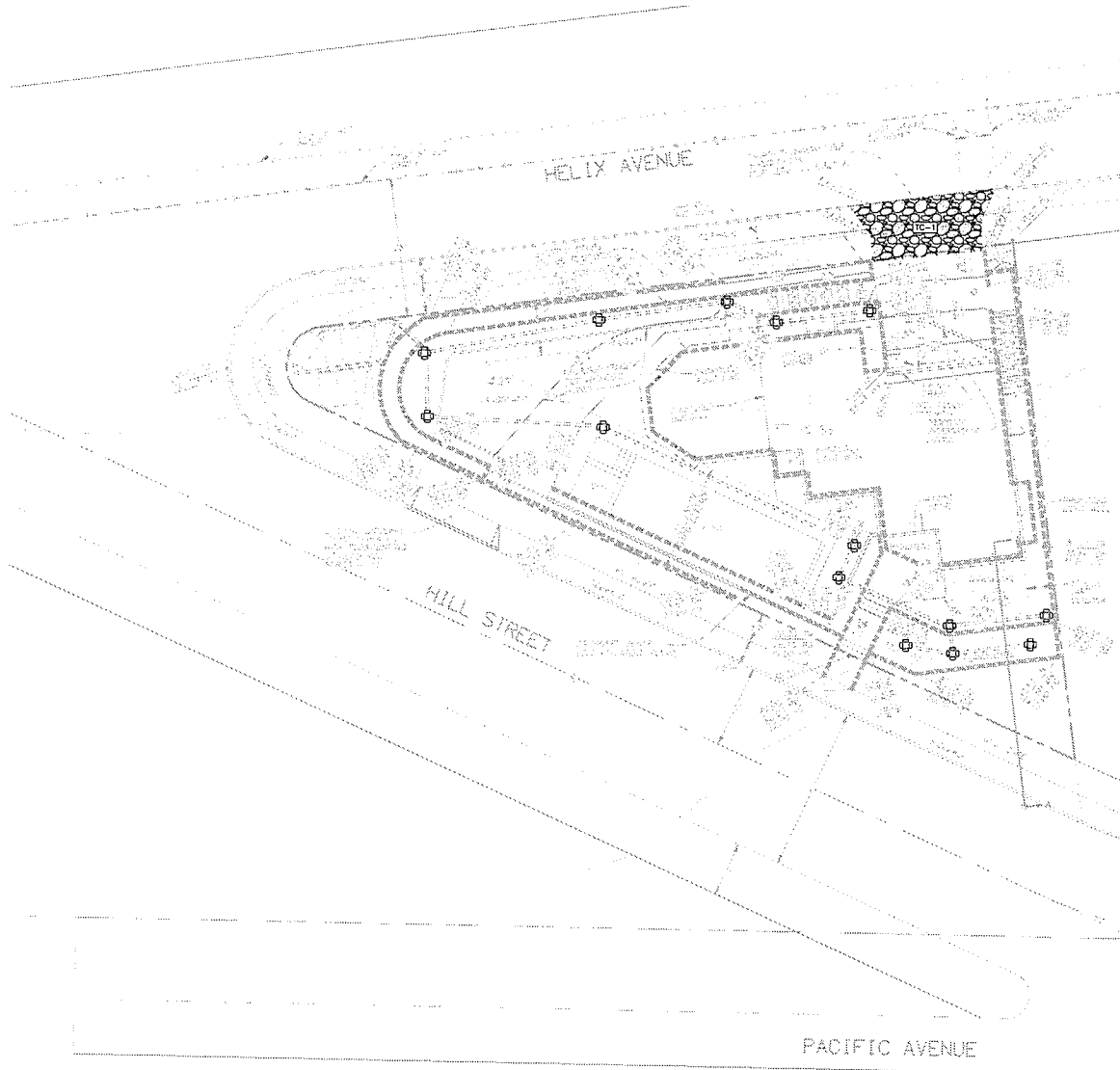


**DRIVEWAY SECTION**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 R.C.E.: \_\_\_\_\_ Exp: \_\_\_\_\_

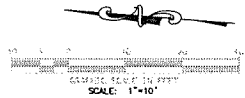
ENGINEER OF WORK		CITY APPROVED CHANGES		APP'D DATE	RECOMMENDED FOR APPROVAL	APPROVED FOR CONSTRUCTION	BENCH MARK	CITY OF SOLANA BEACH	ENGINEERING DEPARTMENT	DRAWING NO.
Drawn By:	William R. Dick				By: _____ Date: _____	By: Mohammad Sammak, City Engineer	DESCRIPTION: LOCATION: ELEV.: _____ DATUM: M.S.L.	GRADING PLANS FOR:		
	Date: _____									Sheet 4 of 5
	R.C.E.: 34563									
	Exp: 9/30/19									

JOB NO. 17517-208 PAVING ASE



**LEGEND**

ITEMS	STD. SINGS.	SYMBOL
SPILL PREVENTION	WM-4	[Symbol]
SOLID WASTE MANAGEMENT	WM-3	[Symbol]
CONCRETE WASTE MANAGEMENT	WM-2	[Symbol]
PAVING, SEALING, SANICUTTING & GRADING OPERATIONS	WS-3	[Symbol]
SOIL ENGINEERS	SS-3	[Symbol]
STRAW MULCH	SS-8	[Symbol]
EARTH GRASS/ GRASSAGE STRIPES & LINED DITCHES	SS-9	[Symbol]
OUTLET PROTECTION/ VELOCITY DISPERSION	SS-10	[Symbol]
SILT FENCE	SC-1	[Symbol]
FIBER ROLLS	SC-3	[Symbol]
GRAND BAGS	SC-4	[Symbol]
OUTLET PROTECTION	SC-10	[Symbol]
STABILIZED CONSTRUCTION ENTRANCE/EXIT	EC-1	[Symbol]



PRELIMINARY

By: \_\_\_\_\_ Date: \_\_\_\_\_  
R.C.E.: \_\_\_\_\_ Exp: \_\_\_\_\_

<b>ENGINEER OF WORK</b> By: <u>Wilson R. Dick</u> Date: <u>9/30/18</u> R.C.E.: 34563 Exp: 9/30/18		<b>CITY APPROVED CHANGES</b> APP'D DATE		<b>RECOMMENDED FOR APPROVAL</b> By: _____ Date: _____		<b>APPROVED FOR CONSTRUCTION</b> By: <u>Mohammed Sommak, City Engineer</u> Date: <u>5/30/18</u> R.C.E.: 37148 Exp: 5/30/18		<b>BENCH MARK</b> DESCRIPTION: _____ LOCATION: _____ ELEV: _____ DATUM: M.S.L.		<b>CITY OF SOLANA BEACH</b> ENGINEERING DEPARTMENT		<b>DRAWING NO.</b> SBGR-	
<b>EROSION CONTROL PLANS FOR:</b> <b>208 PACIFIC AVENUE - ADAMS RESIDENCE</b>										Sheet 5 of 5			

208 PACIFIC AVENUE - ADAMS RESIDENCE

**Finish Schedule**

Name	Floor	Floor Finish	Wall	Wall Finish	Ceiling	Ceiling Finish	Remarks
Bath 1	Tile	---	---	---	---	---	
Hall	Carpet	Carpet	---	---	---	---	
Master	Tile	---	---	---	---	---	
Bedroom 1	Wood	Clear	---	---	---	---	*See Reflected Ceiling Plan
Diaper	Carpet	Carpet	---	---	---	---	
Hall	---	---	---	---	---	---	
Media Room	Wood	Clear	---	---	---	---	*See Reflected Ceiling Plan
Mud Room	Tile	---	---	---	---	---	
Bath 2	Tile	---	---	---	---	---	
Bedroom 2	Wood	Clear	---	---	---	---	*See Reflected Ceiling Plan
Children's Pkts	Tile	---	---	---	---	---	
Front Pkts	Tile	---	---	---	---	---	
Great Room	Wood	Clear	---	---	---	---	*See Reflected Ceiling Plan
Kitchen	Wood	Clear	---	---	---	---	*See Reflected Ceiling Plan
Office	Wood	Clear	---	---	---	---	
Pantry	Wood	Clear	---	---	---	---	
Powder	Tile	---	---	---	---	---	
Bath 3	Tile	---	---	---	---	---	
Bath 4	Tile	---	---	---	---	---	
Bedroom 3	Wood	Clear	---	---	---	---	*See Reflected Ceiling Plan
Bedroom 4	Wood	Clear	---	---	---	---	*See Reflected Ceiling Plan
Bedroom 5	Wood	Clear	---	---	---	---	*See Reflected Ceiling Plan
Master Bedroom	Wood	Clear	---	---	---	---	
Master Bath	Tile	---	---	---	---	---	
Master Closet	Wood	Clear	---	---	---	---	

**Finish Notes**

- All finishes selected by Owner
- Finish items to be installed per manufacturer's approved procedures, methods and applicable industry standards
- See specifications for additional information
- Cytonium board walls and ceilings finish to be lightest hand trowel finish
- Contractor is to install coat shelves and clothing rods as noted in plans or as specified by owner prior to completion of construction
- Countertops in all kitchen, laundry rooms, and bedrooms to be stone or solid surface cultured stone. Specify material TBD
- Wall and ceiling materials shall not exceed the flame spread classifications in IRC Table 602.11.

**Door Schedule**

No.	Size	Type	Open	Class	Remarks
1	18'-0" x 8'-0"	A	ph		
2	2'-0" x 8'-0"	B	sw		
3	2'-0" x 8'-0"	B	sw		
4	2'-0" x 8'-0"	B	sw		
5	2'-0" x 8'-0"	B	sw		
6	2'-0" x 8'-0"	B	sw		
7	2'-0" x 8'-0"	B	sw		
8	2'-0" x 8'-0"	B	sw		
9	2'-0" x 8'-0"	B	sw		
10	2'-0" x 8'-0"	B	sw		
11	2'-0" x 8'-0"	B	sw		
12	2'-0" x 8'-0"	B	sw		
13	2'-0" x 8'-0"	B	sw		
14	2'-0" x 8'-0"	B	sw		
15	2'-0" x 8'-0"	B	sw		
16	2'-0" x 8'-0"	B	sw		
17	2'-0" x 8'-0"	B	sw		
18	2'-0" x 8'-0"	B	sw		
19	2'-0" x 8'-0"	B	sw		
20	2'-0" x 8'-0"	B	sw		
21	18'-0" x 8'-0"	B	sw		Temp
22	2'-0" x 8'-0"	B	sw		
23	2'-0" x 8'-0"	B	sw		
24	2'-0" x 8'-0"	B	sw		
25	2'-0" x 8'-0"	B	sw		
26	2'-0" x 8'-0"	B	sw		Temp. Mats
27	2'-0" x 8'-0"	B	sw		
28	2'-0" x 8'-0"	B	sw		
29	2'-0" x 8'-0"	B	sw		
30	2'-0" x 8'-0"	B	sw		
31	2'-0" x 8'-0"	B	sw		
32	2'-0" x 8'-0"	B	sw		
33	2'-0" x 8'-0"	B	sw		
34	2'-0" x 8'-0"	B	sw		

**Door Types**

- A Change Door: Fluted steel. Provide shop drawings
- B Interior Door: 1 3/4" Thickness
- C Exterior Aluminum-clad Wood Door w/ Temp. Glazing
- D Series 600 Multi-ling door by Western Window Systems. Provide shop drawings
- E Series 600 Double-ling door by Western Window Systems. Provide shop drawings
- F Custom Wood Front Door
- G Interior Pocket Door: 1 3/4" Thickness
- H Interior Door: 1 3/4" Thickness w/ 20 Min. Fire Rating. Self-closing. Self-latching
- I Barn Door: 1 3/4" Thickness
- J Interior Door w/ Temp. Glazing
- K Bypass Closet: 1 3/4" Thickness

**Door Notes**

- Contractor to install one beveled mirror per bedroom behind the door specified by owner

**Abbreviation Legend**

sw	Swing	ph	Pocket
oh	Overhead	sl	Sliding
tp	Types		

**Door Hardware Types**

Note: Door hardware TBD

**Window Schedule**

No.	Size	Type	Class	Remarks
1	2'-0" x 8'-0"	Casement		
2	2'-0" x 8'-0"	Casement		
3	2'-0" x 8'-0"	Casement		
4	2'-0" x 8'-0"	Casement		
5	2'-0" x 8'-0"	Casement		
6	2'-0" x 8'-0"	Fix.	Temp.	
7	2'-0" x 8'-0"	Fix.	Temp.	
8	2'-0" x 8'-0"	Fix.	Temp.	
9	2'-0" x 8'-0"	Fix.	Temp.	
10	2'-0" x 8'-0"	Fix.	Temp.	
11	2'-0" x 8'-0"	Fix.	Temp.	
12	2'-0" x 8'-0"	Fix.	Temp.	
13	2'-0" x 8'-0"	Fix.	Temp.	
14	2'-0" x 8'-0"	Fix.	Temp.	
15	2'-0" x 8'-0"	Fix.	Temp.	
16	2'-0" x 8'-0"	Casement		
17	2'-0" x 8'-0"	Casement		
18	2'-0" x 8'-0"	Casement		
19	2'-0" x 8'-0"	Casement		
20	2'-0" x 8'-0"	Casement		
21	2'-0" x 8'-0"	Casement		*Vinyl window at wet locations
22	2'-0" x 8'-0"	Casement		
23	2'-0" x 8'-0"	Casement		
24	2'-0" x 8'-0"	Casement		
25	2'-0" x 8'-0"	Awning		*Vinyl window at wet locations
26	2'-0" x 8'-0"	Casement		
27	2'-0" x 8'-0"	Casement		
28	2'-0" x 8'-0"	Casement		
29	2'-0" x 8'-0"	Casement		
30	2'-0" x 8'-0"	Awning		*Vinyl window at wet locations
31	2'-0" x 8'-0"	Awning		*Vinyl window at wet locations
32	2'-0" x 8'-0"	Awning		*Vinyl window at wet locations
33	2'-0" x 8'-0"	Casement		
34	2'-0" x 8'-0"	Casement		
35	2'-0" x 8'-0"	Casement		

**Window Notes**

- See Specification DIVISION 9 for additional information pertaining to windows. Provide product submittal
- Provide Min. clear egress opening dimensions at each window marked for egress at room locations
- Windows to be installed per detail: 10A10, Typ.
- See elevations for specific mullion design. Provide product submittal

Adams Residence  
208 Pacific Avenue, Solana Beach

christian rice architects, inc.  
1127 Jona Ave., Coronado, CA 92018 • 619.522.9040



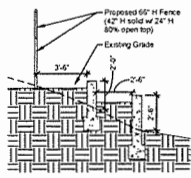
Drawn by NN  
Drawing date: March 15, 2018

revision	date	notes

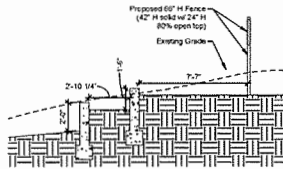
Schedules

SC1

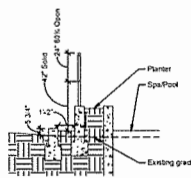




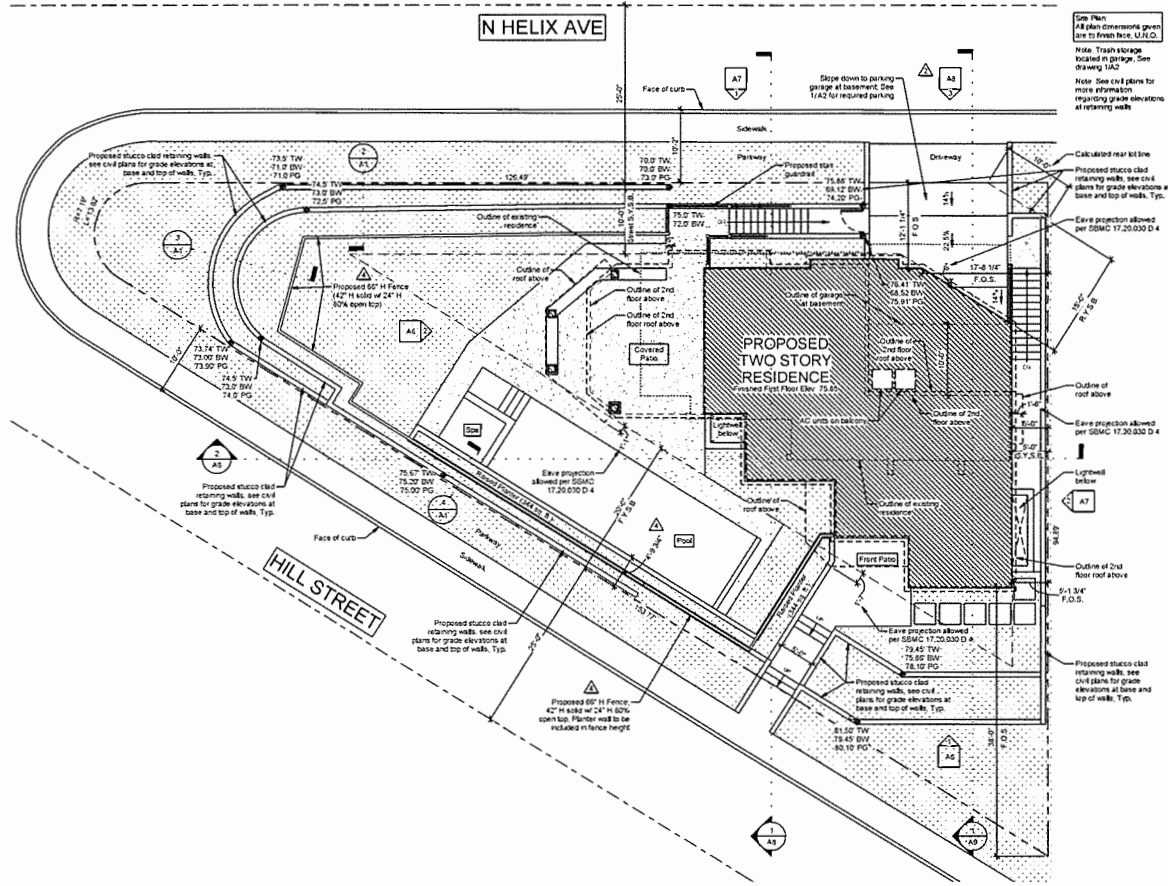
2 Site Section 1  
1/4" = 1'-0"



3 Site Section 2  
1/4" = 1'-0"



4 Site Section 3  
1/4" = 1'-0"

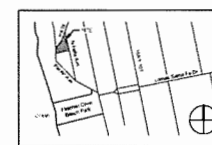


1 Site Plan  
1/8" = 1'-0"

Legend

- Concrete
- Landscaping  
(See 12 for more information)
- Natural Stone Tile

Vicinity Map:



General Site Plan Notes:

- 1) See specifications for general construction requirements.
- 2) Landscape irrigation to be installed in all landscaped areas including adjoining public property. Landscape irrigation will have weather or soil based controllers as required by CGC 4.304.1
- 3) Approved street numbers and/or addresses shall be placed at all new and existing buildings and at appropriate locations as to be clearly visible and legible from the street or roadway fronting the property from either direction of approach. Card numbers shall contrast with their background and shall meet the following minimum standards: as to size, 4" high with 1/2" stroke width for residential buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal.
- 4) Projects which disturb less than one acre of soil shall manage storm water drainage during construction by one of the following: a) Retention Basins, b) When storm water is conveyed to a public drainage system, wetland shall be treated by use of a barrier system, wetland or other approved method, CGC 4.106.2
- 5) Site grading or drainage system will manage all surface water flow to keep water from entering buildings (weath, water collection French drain, etc.). CGC 4.106.3 Exception: Addition not altering the drainage path.
- 6) Automatic irrigation system controllers shall comply with the CGC Section 4.304.2 as follows: A. Controllers shall be weather or soil moisture based that automatically adjust irrigation in response to changes in needs as weather conditions change. B. Weather based controllers shall be weather based or wireless (cell network) which connects or communicates with the controllers. Soil moisture based controllers are not required to have rain sensors.

Site Plan  
All plan dimensions given are to finish line, U.L.O.  
Note: Trash storage located in garage. See drawing 1A2.  
Note: See civil plans for more information regarding grade elevations at retaining walls.

Calculated near lot line  
Proposed stucco clad retaining walls. See civil plans for grade elevations at base and top of walls. Typ.

Eave projection allowed per SSMC 17.20.030 D 4

Eave projection allowed per SSMC 17.20.030 D 4

Eave projection allowed per SSMC 17.20.030 D 4

Eave projection allowed per SSMC 17.20.030 D 4

Eave projection allowed per SSMC 17.20.030 D 4

Eave projection allowed per SSMC 17.20.030 D 4

Eave projection allowed per SSMC 17.20.030 D 4

Eave projection allowed per SSMC 17.20.030 D 4

Adams Residence  
208 Pacific Avenue, Solana Beach

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christian rice architects, inc.  
1127 Venice Ave., Carlsbad, CA 92015 P 919.522.9640

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christian rice architects, inc.  
1127 Venice Ave., Carlsbad, CA 92015 P 919.522.9640

---

ARCHITECT

Drawn by  
NN  
Drawing Date  
March 19, 2016

revision	date	notes
1	4/27/16	DRP/SCP Corrections
2	10/1/16	DRP/SCP Corrections
4	12/20/16	DRP/SCP Corrections

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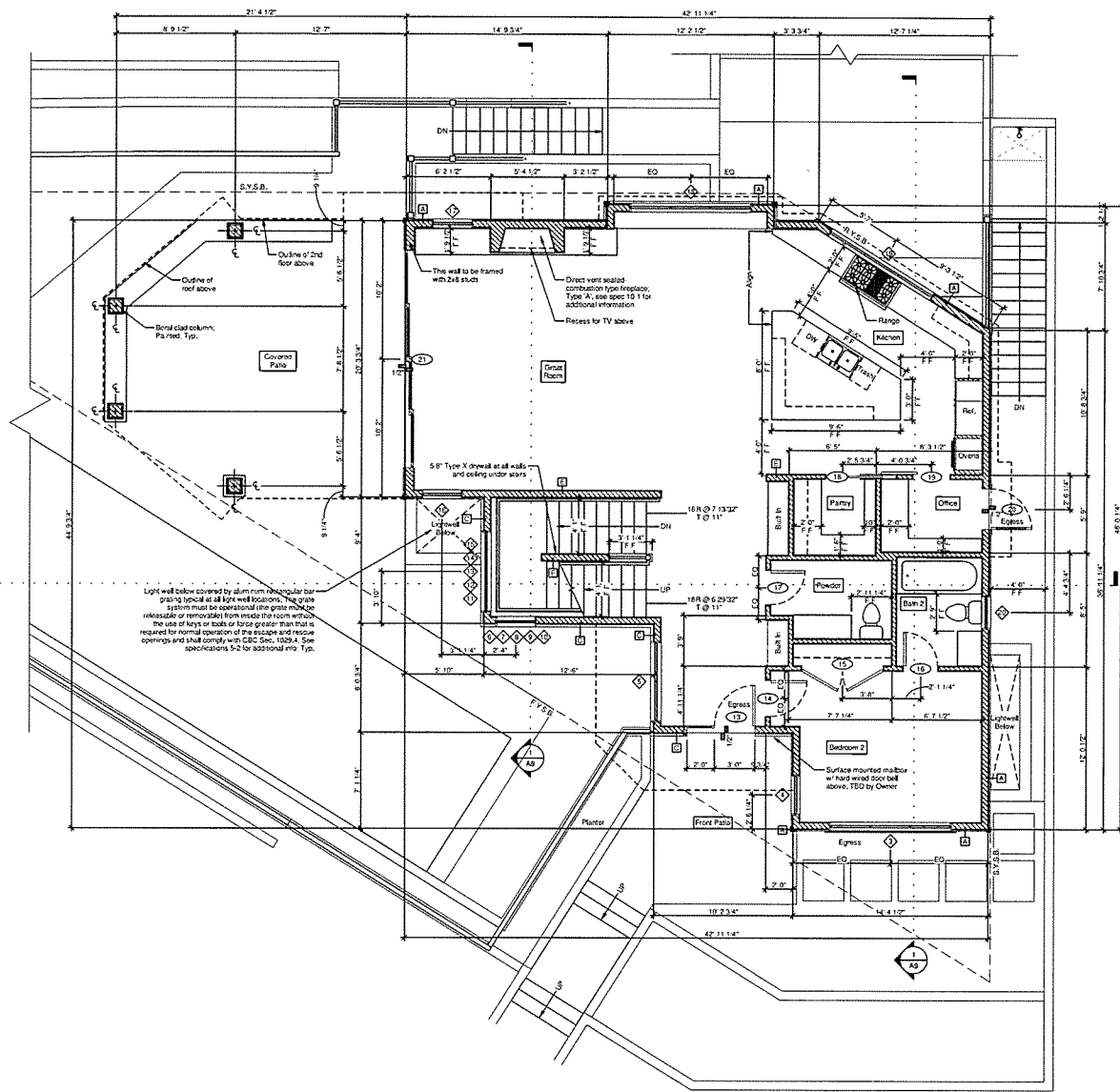
Site Plan

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A1

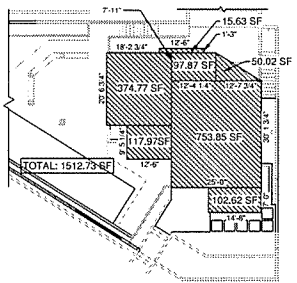
drawing number





Light well below covered by aluminum rectangular grating typical at all fire well locations. The grate system must be operational (the grate must be releasable or removable) from inside the room without the use of keys or tools or force greater than that is required for normal operation of the escape and rescue openings and shall comply with CBC Sec. 1029.4. See specifications 5-2 for additional info. Typ.

NOTE: All dimensions must be measured from the exterior wall surfaces.



2 1st Floor Area Plan  
1/16" = 1'-0"

1 1st Floor FFE  
1/4" = 1'-0"

General Plan Notes

1. All plan dimensions given are to face of slab or masonry, U.N.D.

Adams Residence  
208 Pacific Avenue, Sabana Bough

christian rice architects, inc.  
1127 Roma Ave., Berkeley, CA 94710 P 510.352.3640



Drawn by:  
NN  
Drawing date:  
March 19, 2018

revision	date	notes
1	4/27/18	DRP/SEP Corrected

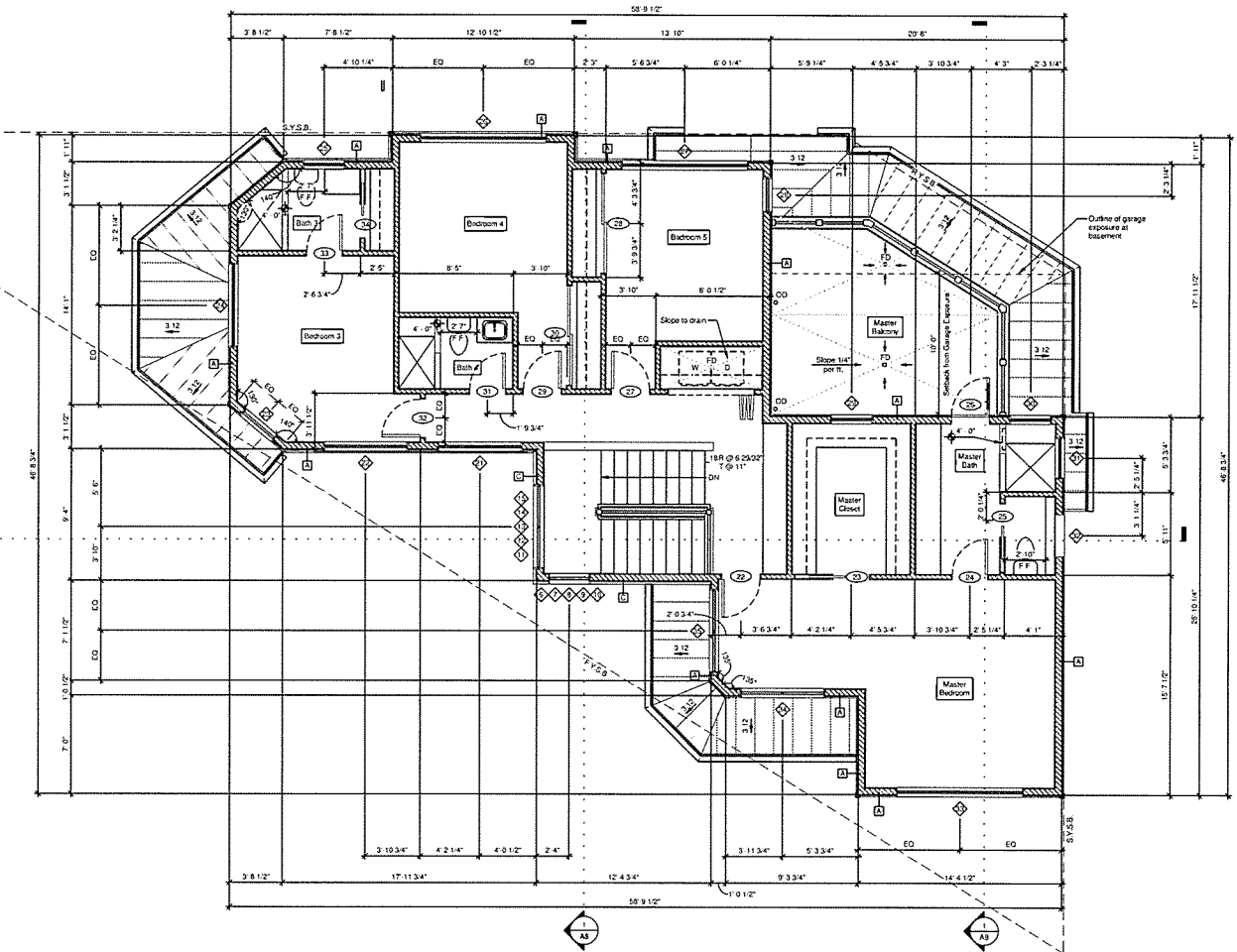
First Floor Plan

A3

NOTE: All dimensions must be measured from the exterior wall surfaces.

1	3.29 SF
2	54.16 SF
3	6.29 SF
4	156.62 SF
5	25.78 SF
6	209.13 SF
7	301.80 SF
8	276.17 SF
9	7.77 SF
10	9.84 SF
11	74.23 SF
12	73.35 SF
TOTAL	1,516.64 SF

2 2nd Floor Area Plan  
1/16" = 1'-0"



1 2nd Floor FFE  
1/4" = 1'-0"

General Plan Notes

1. All plan dimensions given are to face of stud or masonry, U.N.I.D.

Adams Residence  
208 Pacific Avenue, Solana Beach

christian rice architects, inc.  
1127 Santa Ave., Corona, CA 92616 P 919.562.2040



drawn by:  
NN  
drawing date:  
March 13, 2018

revision	date	notes
1	4/27/18	DRP/SDP Corrected

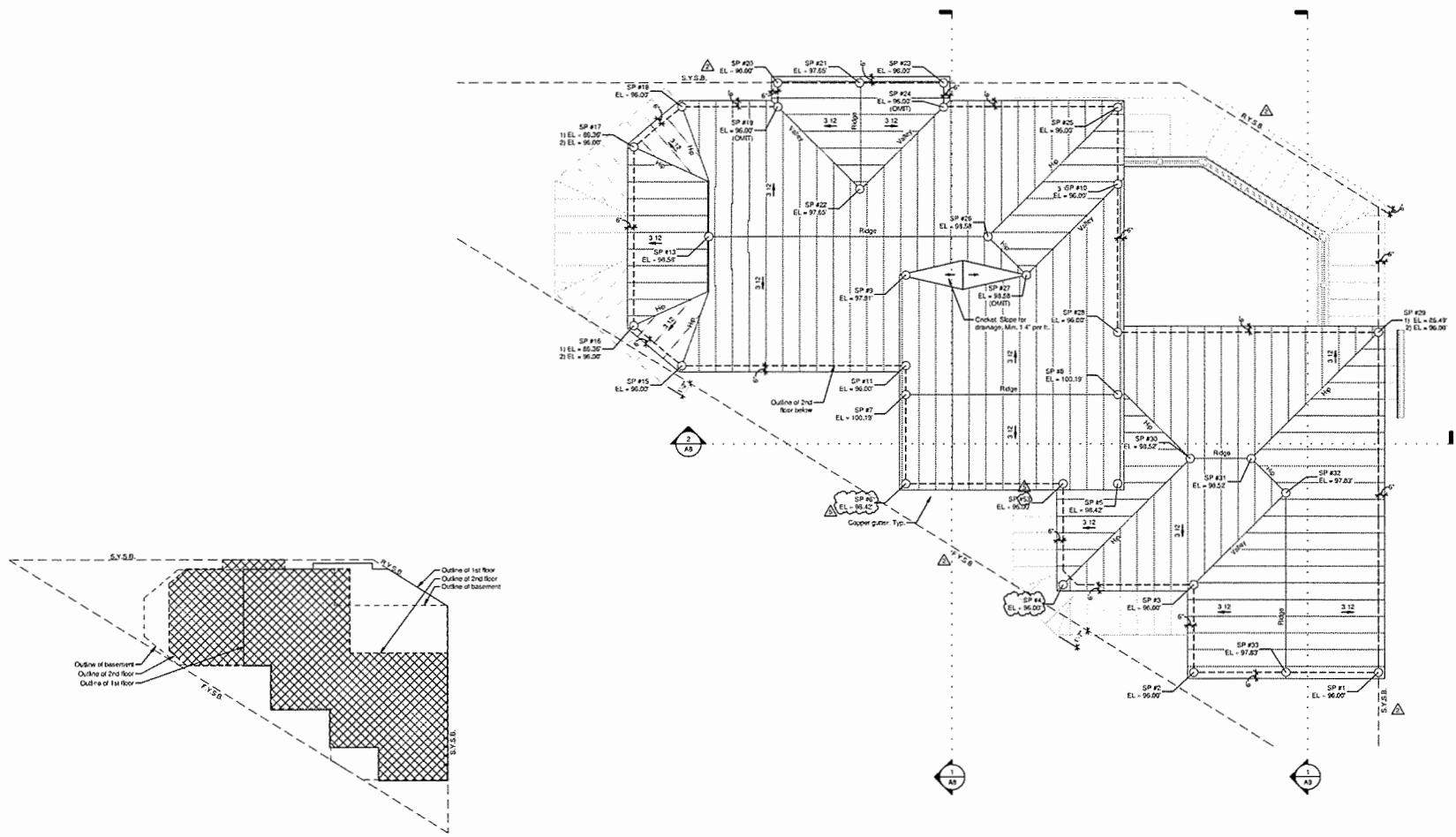
Second Floor Plan

A4



Drawn by:  
NN  
Drawing date:  
March 15, 2016

revision	date	notes
2	10/1/16	DRP/SCP
3	11/8/16	DRP/SCP
4	01/09/18	DRP/SCP
5	01/09/18	DRP/SCP



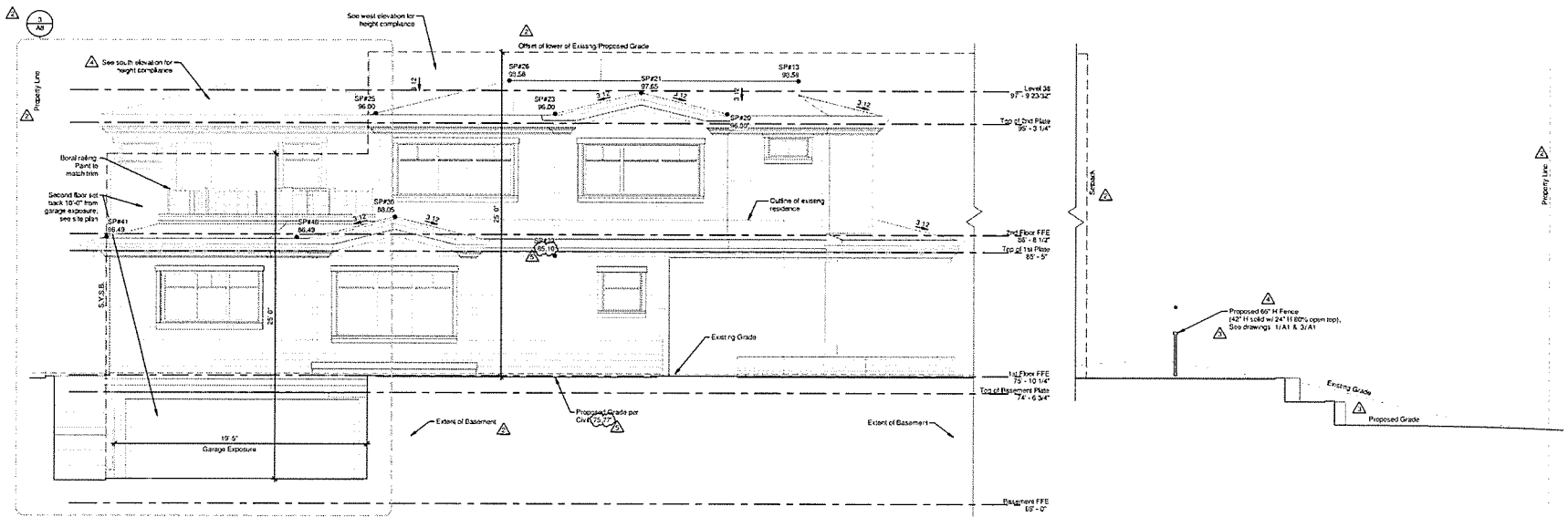
2 Floor Plan Overlay  
3/32" = 1'-0"

1 Roof  
1/4" = 1'-0"

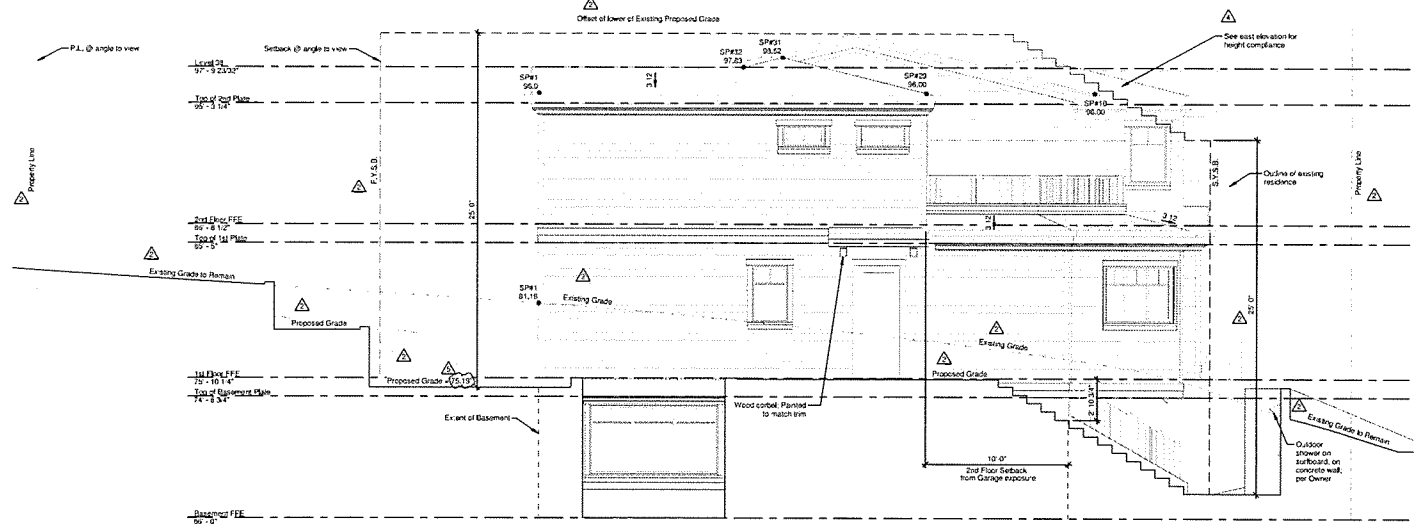
General Roof Plan Notes

- All plan dimensions given are to face of stud or masonry, U.J.J.C.
- Locate all plumbing vents at roof pitches facing rear or side yard so that vents are visible from street.
- All structural shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.





1 Elevation - Rear (East)  
1/4" = 1'-0"



2 Elevation - Side (South)  
1/4" = 1'-0"

General Elevation Notes

1. See sheet SC1 for window and door schedules.
2. See details 15'-0" x 10' for typical exterior window head sill, and jamb details and 16'A10 for typical window installation details.
3. All front covered patios, provide MIN 2" positive drainage away from all portions of the structure.
4. See site plan for information pertaining to wood species and finishes.
5. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is clearly legible and visible from the street or road bordering the property. These numbers shall contrast in color to background. Numbers shall be a min. of 4" high with a min. stroke width of 1/2" per CFC Section 506.1.

Adams Residence  
208 Pacific Avenue, Solana Beach

christian rice architects, inc.  
1127 loma ave. coronado, ca 92016 p. 619.552.9640

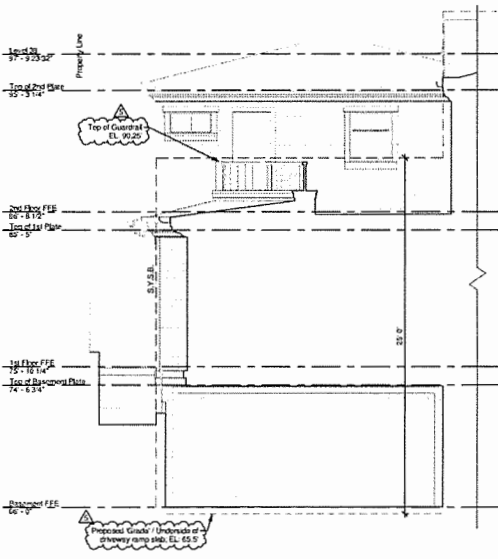


drawn by: NN  
drawing date: March 19, 2016

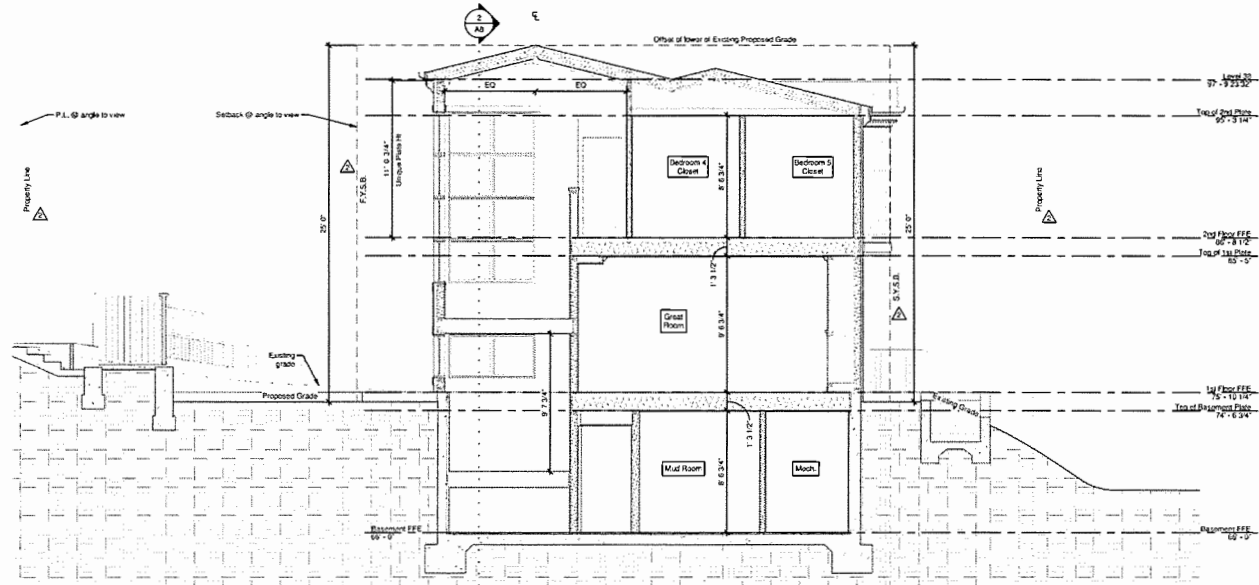
revision	date	notes
3	11/8/18	DRP/SCP Corrections
4	12/20/18	DRP/SCP Corrections
5	01/09/19	Copy Plots

Building Elevations

A7



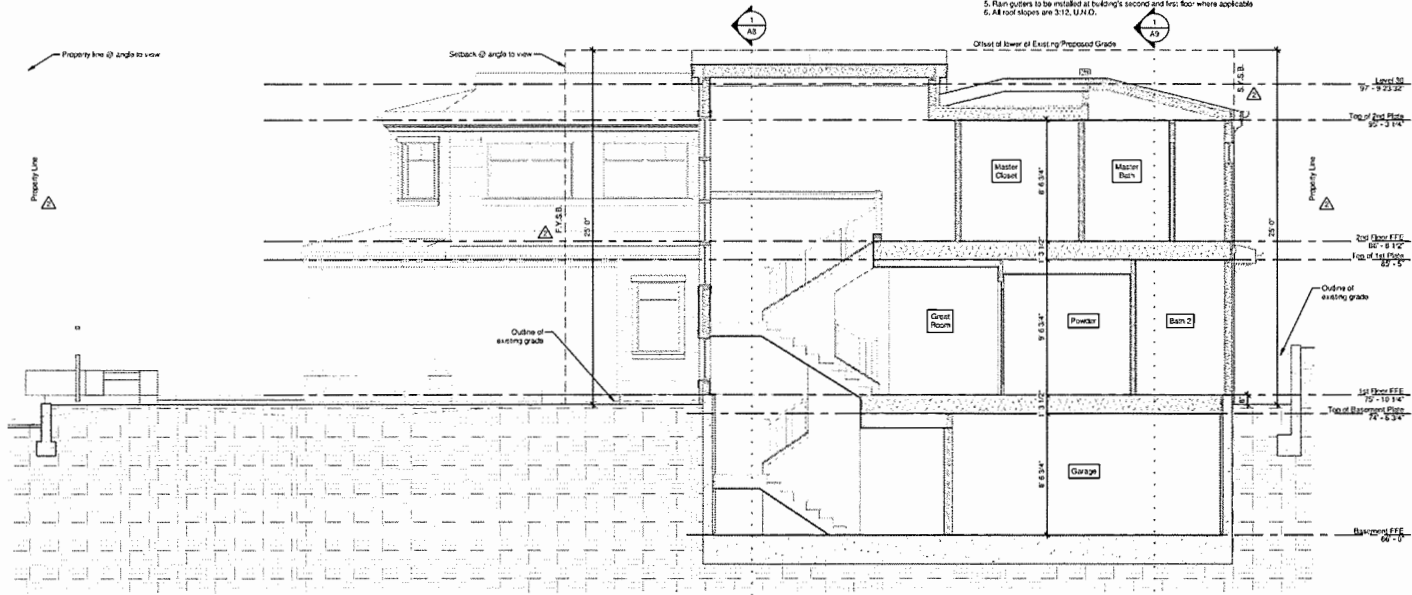
3 Elevation - Rear (Garage)  
1/4" = 1'-0"



1 Building Section  
1/4" = 1'-0"

General Section Notes

1. Roof, balcony, and patio slopes as noted on floor plans. Per structural drawings, slopes to be achieved through either sloping actual framing joists or adding 2x tapered sleepers @ 18" O.C. Sleepers to be glued-in to roofdeck joists as necessary. MIN slope 1:4 per I.C. U.M.D.
2. The walls and soffits of the enclosed usable space under interior stairs shall be protected on the enclosed side as required for one-hour fire-resistive construction. Use Type "X" Gypsum board at these locations.
3. Insulation to be placed in walls, floors, and roofing per specifications and Title 24 requirements.
4. Maintain MIN eave height of 6'-0" above stair nosing at all openings.
5. Rain gutters to be installed at building's second and first floor where applicable.
6. All roof slopes are 3:12 U.M.D.



2 Building Section  
1/4" = 1'-0"

Adams Residence  
208 Pacific Avenue, Solana Beach

christian rice architects, inc.  
1127 Ibis Ave., Coronado, CA 92018 p 619.552.9040



Drawn by:  
NN  
Drawing date:  
March 19, 2016

revision	date	notes
1	4/27/16	RIP/SCP Connections
2	10/1/16	RIP/SCP Connections
3	01/09/18	Story Plates

Building Sections

A8

Drawing Number: A8





**LANDSCAPE LEGEND:**

SYM.	BOTANICAL NAME/COMMON NAME	SIZE	MOZONE	COMMENTS
<b>LAWN TREE</b>				
(T)	Artemisia arbuscula - King Pine (30" x 40" x 18' tall)	36 in	Medium	Clump (3) - 1/4" dia
<b>SCREENING</b>				
(L)	Medusa head - Pink Medusa (20" x 18" dia)	24 in	Low	Full ground
<b>SHRUBS</b>				
(AP)	Artemisia tridentata - Mesquite	1' Galor	Low	
(+)	Chorizanthe heterophylla - Sage Plant (2' x 1.5' dia)	5 Galor	Low	
(S)	Chorizanthe heterophylla - Sage Plant (4' x 3' dia)	5 Galor	Very Low	
(A)	Nerada Lateral Line - Hebeary Sarsaparilla (2' x 1.5' dia)	5 Galor	Low	
(R)	Rosa arvensis - White (per plant)	3 Galor	Medium	
(B)	Rosa arvensis - Blue - Clear Rosemary (2' x 1.5' dia)	3 Galor	Low	
(W)	Wearing of flowers - Clear Rosemary (2' x 1.5' dia)	3 Galor	Low	
<b>GRASSES &amp; SUCCEULENTS</b>				
(A)	Artemisia tridentata - Sage Plant	1' Galor	Low	
(S)	Artemisia tridentata - Sage Plant	5 Galor	Very Low	
(R)	Artemisia tridentata - Sage Plant	1' Galor	Very Low	
(W)	Artemisia tridentata	5 Galor	No Water	

**WATER CONSERVATION STATEMENT:**

In recognition of water as a limited resource in southern California, the following measures will be implemented to reduce the project's demand on the City of Solana Beach's available water supply:

- For efficient use of water, the irrigation system shall meet all requirements listed in the County Landscape Water Conservation regulations (Title 8, Division 6, Chapter 7).
- The irrigation system will be automatic and will incorporate the various water saving devices. Sub-surface irrigation may be employed where feasible. Irrigation valves shall be zoned to allow for response to operation and enclosure.
- All plant species (with the exception of the turf) will be drought tolerant and/or native, and non-invasive. Plant species will be identified as to moisture per the Water Use Classification of Landscape Species (WUCOLS) list.
- Turf will be limited and restricted to recreational areas. No turf will be in the public right-of-way areas.
- Soil will be amended and designed to provide healthy plant growth and coverage and to provide for maximum moisture retention and penetration.
- Planting areas will be mulched to retain soil moisture and reduce evapotranspiration from the root zones.
- In conformity with the requirements for landscape and irrigation plans contained in the City's Water Efficient Landscape Regulations, I have prepared this plan in compliance with those regulations and the Landscape Design Manual. I certify that the plan represents those regulations to provide efficient use of water.

Katherine Stangle  
Landscape Architect #27384

**MAINTENANCE RESPONSIBILITY:**

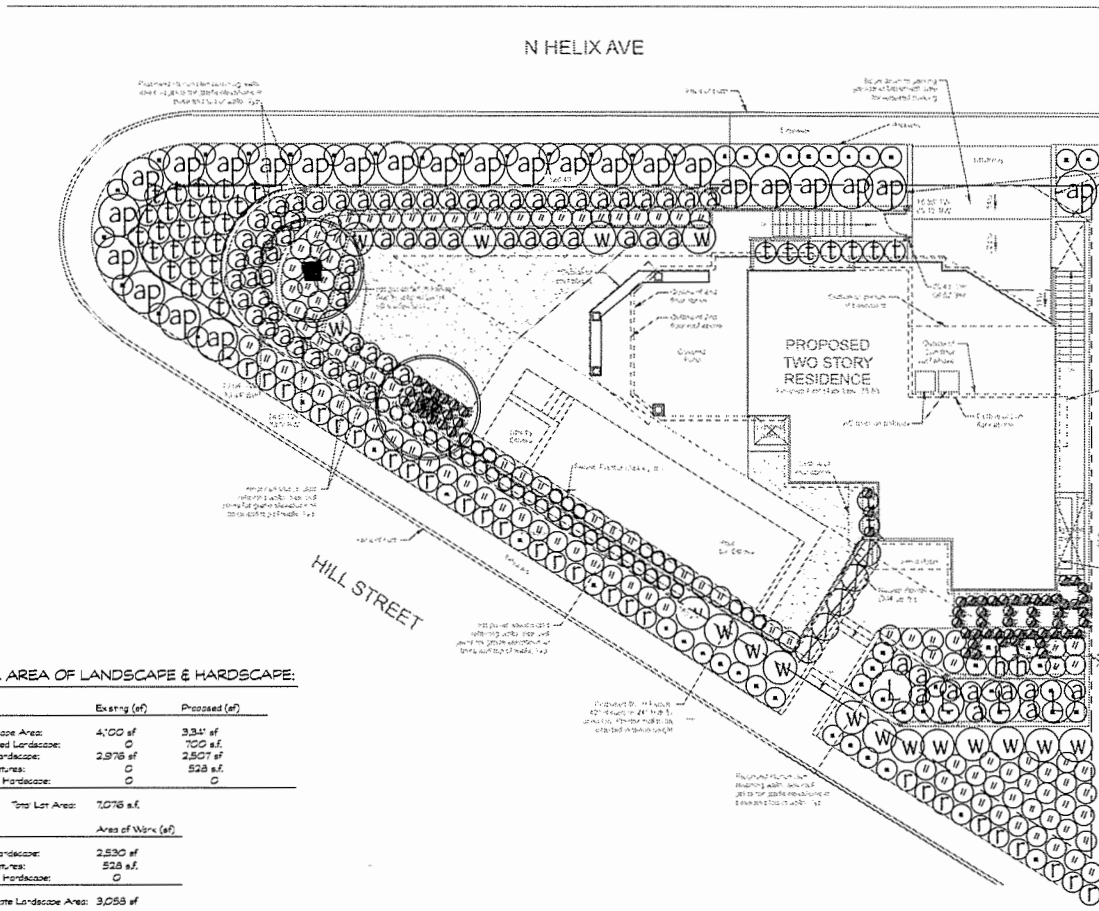
- The owner is responsible for the on-going maintenance in both the private and public right-of-way areas. Maintenance will include but not be limited to: turf and overmature specimens, repair of broken or malfunctioning irrigation equipment, replacement of dead, dying or diseased vegetation and continual control in accordance with the project's approved water calculations.

**GENERAL NOTES:**

- See Architect's Site Plan A1 for all hardscape, walls and fencing.
- See Civil Engineer's plan for grading and drainage.
- Any cut slopes more than five feet in height and any fill slopes more than three feet in height (shown or not shown on these plans) must be stabilized with reinforced straw matting and planted to prevent erosion.
- All existing site plant materials to be removed.

**TOTAL AREA OF LANDSCAPE & HARDSCAPE:**

	Existing (sf)	Proposed (sf)
Non-landscape Area:	4,100 sf	3,331 sf
Non-irrigated Landscape:	0	100 sf
Irrigated Landscape:	2,976 sf	2,507 sf
Water Features:	0	528 sf
Decorative Hardscape:	0	0
<b>Total Lot Area:</b>	<b>7,076 sf.</b>	
	<b>Area of Work (sf)</b>	
Irrigated Landscape:	2,530 sf	
Water Features:	528 sf	
Decorative Hardscape:	0	
<b>Aggregate Landscape Area:</b>	<b>3,058 sf</b>	



**PROPOSED LANDSCAPE DEVELOPMENT PLAN**  
Scale: 1/8" = 1'-0"

REVISED
1. 08/18/10
2. 08/23/10
3.
4.
5.
DATE: 07/18/10
SCALE: 1/8"=1'-0"
DRAWN BY: KLS

**ADAMS RESIDENCE**  
205 PACIFIC AVENUE SOLANA BEACH CA



**KATHERINE STANGLE**  
LANDSCAPE ARCHITECT  
504 MYRTLE AVENUE  
SAN DIEGO CALIFORNIA 92103  
619.592.8873  
KLS, 27384

**L1.0**





**ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET**

The amount of Estimated Total Water Use is calculated using the following formula:

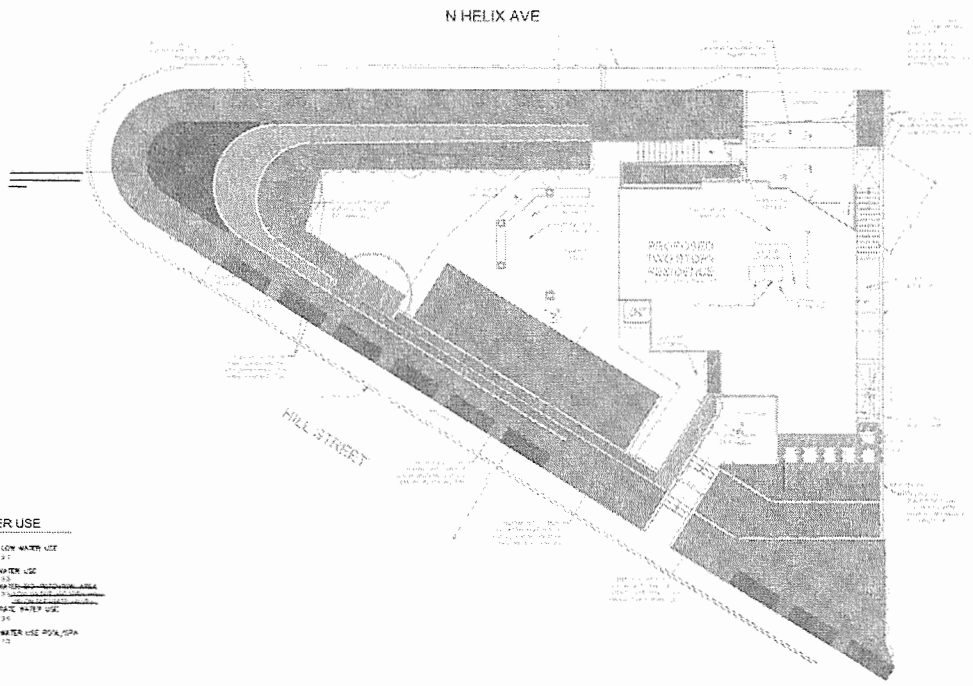
$$ETWU = ETWU_{(M)} \left( \frac{PF \times HA}{E} + SLA \right)$$

- ETWU = Estimated total water use for each application for each
- ET = Evapotranspiration rate (inches per year)
- PF = Plant Factor (from Table 10.1.1 of the California Building Code)
- HA = Hydrozone Area (square feet) (Deductions are made for roofs, lawns, swimming pools and high
- SLA = Special Loads (for 24-hour operations) & other loads, measured with recorded water at each meter for
- area x 1.50
- E = Coefficient Factor (irrigation efficiency) from Table 10.1.1.1 of the California Building Code
- SLA = Special Loads

CITY OF SOLANA BEACH ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET						
Line	Hydrozone Number (1 - 4 below - see the many tables on previous pages for description of hydrozones)	Area (sq. ft.)				SLA
		1	2	3	4	
1	Impervious Pavement Area (IP) (See "A" below)	Used as 100% of 1.0 (47,427 sq. ft.)				
2	Concrete Area (CA)	0.00				
3	Area 1 (x Line 2)	25.88 (area of 1.0) x 25.94 (area of 1.0)				
4	Plant Factor (PF) (See "B" below)	0.1	0.3	0.6	1.0	
5	Production Area (PA) - in square feet (See "A" below)	494	3,617	233	760	0
6	Area 4 (x Line 5)	49.4	1,055.1	139.8	760	
7	Evapotranspiration (ET) (See "C" below)	0.81	0.81	0.81	1.00	
8	Area 6 (x Line 7)	61	1,303	173	760	
9	TOTAL of all Line 8 Results = SLA	2,237				
10	Line 3 & Line 8 Estimated Total Water Use - ETWU (gallons per year)	50,390				

**MAXIMUM APPLIED WATER APPLICATION (MAWA) calculation:**

25.42 (1.0) x 5,004	1.00 x 0	MAWA	69,061
25.42 x 2014	1.00 x 2014	Total SLA	



- IRRIGATION WATER USE**
- 1.0 HYDRO-ZONE - VERY LOW WATER USE PLANT FACTOR (PF) 0.1
  - 1.0.1 HYDRO-ZONE - LOW WATER USE PLANT FACTOR (PF) 0.3
  - 1.0.2 HYDRO-ZONE - LOW WATER USE PLANT FACTOR (PF) 0.6
  - 1.0.3 HYDRO-ZONE - MODERATE WATER USE PLANT FACTOR (PF) 1.0
  - 1.0.4 HYDRO-ZONE - HIGH WATER USE PLANT FACTOR (PF) 1.0

HYDRO-ZONE DIAGRAM PLAN  
N.T.S.

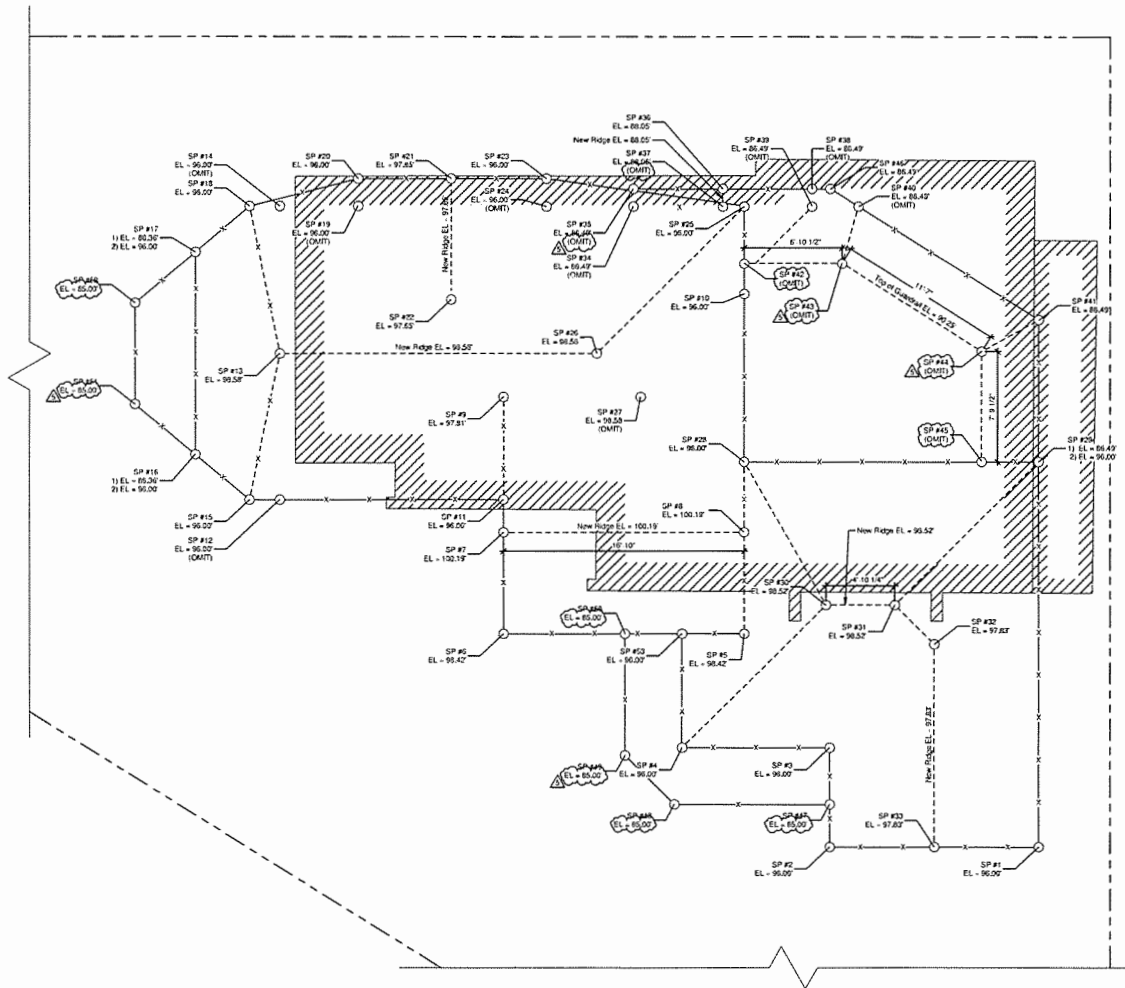
REVISIONS
NO. 1
DATE 05/20/14
SCALE N.T.S.
DRAWN BY J.S.

**ADAMS RESIDENCE**  
208 PACIFIC AVENUE SOLANA BEACH CA



**KATHERINE STANGLE**  
LANDSCAPE ARCHITECT  
1543 MYRTLE AVENUE SAN DIEGO CALIFORNIA 92103  
619.292.0373

**L12**



1 Story Pole Plan  
1/4" = 1'-0"

**Legend:**

- = Story Pole
- SP# = Story Pole #
- X— = Story Poles With Flagging
- = Existing Building Lines

**Project Info:**

Owner: Peter & Lauren Adams  
 Site: 203 Pacific Ave  
 Soana Beach, CA 92075  
 Prepared By: christian rice architects, inc.

Adams Residence  
 203 Pacific Avenue, Soana Beach

christian rice architects, inc.  
 1127 Iona Ave., Coronado, CA 92118 P 619.552.9040



Drawn by: NN  
 Drawing date: March 19, 2018

revision	date	notes
3	11/6/18	DRP/SCP Corrections
5	01/09/18	Story Poles

Story Pole Plan

ST

Project Architect

christian rice architects, inc.  
1127 loma avenue  
coronado, ca 92118  
tel 619.522.9040  
cr@christianrice.com  
www.christianrice.com

## 208 Pacific Avenue – Variance Request – Swimming Pool in Front Yard Setback

Summary: The applicant is requesting the ability to place a swimming pool in the front yard setback.

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the general plan and intent of this title.*

Due to the unusual triangular shape of 208 Pacific Avenue, a strict application of the zoning ordinance results in an unusually large area allocated to the front yard setback along Pacific Avenue, with a disproportionately small rear yard. Per the zoning requirements, a 20' front yard setback is required along Pacific Avenue. Coupled with the 10' street side yard setback area along N Helix Avenue, these two areas total 3,789sf, which equals 53.5% of the total lot area of 7,076sf.

For comparison, for a typical 4,000sf rectangular property in the same MR zone measuring 50' wide x 80' deep, the portion of the lot within the front yard setback is 25% (1,000sf).

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the same zone.*

The shape of the applicant's property at 208 Pacific Avenue makes it physically special in contrast with other lots in the vicinity. The property at 208 Pacific Avenue is a triangular shaped lot formed by the intersection of Pacific Avenue, Hill Street, and N Helix Avenue. Of the 255 properties counted in the MR residential zone west of highway 101, only **seven** have a triangular shape. The majority of lots in the MR zone are rectilinear in shape.

3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.*

The applicant is requesting the ability to place a swimming pool within their front yard setback. Due to the highly unusual triangular lot shape, the resulting setbacks and topography create a rather limiting site, where the only reasonable location for a pool would be in the area created by the front yard setback. For the typical rectangular-shaped properties in the same zone, the required rear yard becomes an ideal location for a pool.

*4. That the granting of the variance will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.*

If granted, the location of the pool within the front yard setback will follow all building codes so that there is no negative impact on public health, safety, welfare, or properties in the vicinity. A fence 5'-6" in height is proposed at the perimeter of the yard space enclosing the pool. Due to the topography of the lot, the pool will be set down lower than Pacific Avenue along the majority of the street frontage so that no portion of the pool will be visible from the public right-of-way.



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** March 13, 2019  
**ORIGINATING DEPT:** Community Development  
**SUBJECT:** **Adopt (2<sup>nd</sup> Reading) Ordinance 500 Amending Chapter 17.70 (Affordable Housing) of the Solana Beach Municipal Code**

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## **BACKGROUND:**

On February 27, 2019, the City Council introduced Ordinance 500 (1<sup>st</sup> Reading) amending Chapter 17.70 (Affordable Housing Ordinance) of the Solana Beach Municipal Code (SBMC) with revisions that are reflected in the attachments. Consideration of these amendments reflects the City's ongoing commitment in promoting affordable housing units within the City, which comply with recent changes in state law.

## **DISCUSSION:**

The changes proposed in Ordinance 500 are consistent with State law. The following is a summary of the proposed changes:

1. The term of affordability for rental and for-sale units shall be for 99 years.
2. The Ordinance clarifies the requirement that both for-sale and for-rent developments of five (5) or more units shall construct and set aside 15 percent of all units to very low- or low-income households.
3. Changes to alternatives for provision of affordable units.
  - a. SBMC section 17.70.030 provides additional alternatives in providing affordable housing units including preservation and conversion of existing units and legalization of existing unpermitted dwelling units provided

COUNCIL ACTION:

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affordability restrictions for very low and low income households are recorded.

- b. Given the additional alternatives identified in SBMC section 17.70.030 and the recent state mandates in ministerial approval of accessory dwelling units (ADUs) in residential zones, removal of accessory living units (ALU) provisions as an alternative means for providing on-site affordable housing.
  - c. Clarification that payment of Affordable Housing Impact Fees is an alternative for both for-sale and for-rent developments subject to City Council making the following findings provided under SBMC section 17.70.030 (E):
    - i. The affordable housing impact fees will be used to provide financial assistance to an identified affordable housing project that: (a) is proposed by an affordable housing developer; (b) has received all discretionary approvals from the City and the Coastal Commission; and (c) requires additional funds to commence construction.
    - ii. Provision of the affordable housing impact fee will create more affordable units than would be created by on-site provision of the affordable units.
4. A 75% reduction of Development Impact Fees (DIF) for deed restricted affordable accessory dwelling units shall be given provided a covenant restricting that the unit is to remain affordable for 99 years.

A redline version with the proposed changes to Chapter 17.70 is included in Attachment 2 of this report.

***Findings under SBMC Section 17.76.070***

SBMC Section 17.76.070 requires that the following findings are made prior to any amendment to Title 17 Zoning of the SBMC:

- A. The proposed amendment is consistent with the general plan.
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Ordinance 500 is consistent with the general plan. The proposed revisions implement the affordable housing goals, objectives, policies, and programs of the City's Housing Element. Additionally, the proposed amendments to SBMC Chapter 17.70 are not detrimental to the public interest, health, safety, convenience or welfare of the City. The

recommended changes are made to be compliant with state laws and in furtherance of the public interest.

**CEQA COMPLIANCE STATEMENT:**

This action is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

**FISCAL IMPACT:**

There is no fiscal impact as a result of this item.

**OPTIONS:**

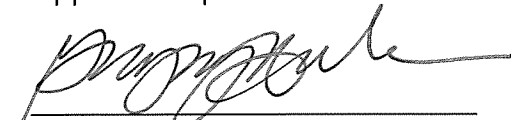
- Approve the proposed amendment and adopt Ordinance No. 500.
- Deny the proposed amendment.
- Provide alternative direction and proposed modifications to Ordinance No. 500.

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council adopt Ordinance 500 (2<sup>nd</sup> Reading) amending the Chapter 17.70 (Affordable Housing) of the SBMC.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

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

Attachments:

1. Ordinance No. 500
2. Ordinance No. 500 (strikeout/underline)

## ORDINANCE 500

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING CHAPTER 17.70 OF THE SOLANA BEACH MUNICIPAL CODE RELATED TO AFFORDABLE HOUSING

**WHEREAS**, in 2010, the City Council determined that establishing regulations and standards regarding the provision of affordable housing units is necessary to implement the City's General Plan relative to the provision of housing units for all economic sectors of its population; and

**WHEREAS**, the City Council determined that providing affordable units or impact fees would ensure that part of the City's remaining developable land is used to provide affordable housing; and

**WHEREAS**, the City continues to be committed to promote affordable housing unit development; and

**WHEREAS**, in 2018 the California Legislature passed a number of Housing and Land Use laws that have a significant impact on public agencies in an effort to address the state's housing shortage; and

**WHEREAS**, the proposed amendment includes development impact fee reductions consistent with City Council direction received on November 28, 2018; and

**WHEREAS**, the proposed amendment to Chapter 17.70 (Affordable Housing) is consistent with recently passed legislation; and

**WHEREAS**, on February 27, 2019, the City Council held a duly advertised public hearing to solicit comments, orally and in writing, from the public in consideration of the proposed changes to the Solana Beach Municipal Code (SBMC) Chapter 17.70 – Affordable Housing.

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

Section 1. All of the above statements are true.

Section 2. The City Council finds that this action is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

Section 3. Solana Beach Municipal Code Section 17.76.070 requires that the following findings are made prior to any amendment to Title 17 Zoning:

- A. The proposed amendment is consistent with the general plan.
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 4. That the City Council hereby finds that the proposed amendment are consistent with the General Plan, in that the proposed revisions implement the affordable housing goals, objectives, policies, and programs of the City's Housing Element. Additionally, the proposed amendments to SBMC Chapter 17.70 are not detrimental to the public interest, health, safety, convenience or welfare of the City. The recommended changes are made to be compliant with the state laws and in furtherance of the public interest.

Section 5. Chapter 17.70 of the SBMC is hereby amended to read as follows:

**Chapter 17.70  
AFFORDABLE HOUSING**

Sections:

- 17.70.010 Purpose.**
- 17.70.015 Definitions.**
- 17.70.020 Affordable housing required – for-sale residential projects.**
- 17.70.025 Affordable housing required – rental residential projects.**
- 17.70.027 Fractional units.**
- 17.70.030 Alternatives for provision of affordable units.**
- 17.70.035 Affordable housing design and standards.**
- 17.70.040 Affordable housing plan and affordable housing agreement.**
- 17.70.045 Incentives.**
- 17.70.050 Affordable housing impact fees.**
- 17.70.055 Waivers of affordable housing requirements.**
- 17.70.060 Development Impact Fee Reductions**
- 17.70.065 Enforcement**

**17.70.010 Purpose.**

A. This chapter is adopted to establish regulations and standards regarding the provision of affordable housing. The council hereby determines that this chapter is necessary to assist in meeting the city's share of the regional housing needs, to implement the city's general plan and housing element relative to the provision of housing units for all economic sectors of its population, including households with very low and low incomes, and to require affordable housing in both rental and for-sale housing, consistent with the provisions of Government Code Sections 65850(q) and 65850.01.

B. New housing contributes to the demand for goods and services in the city, increasing local employment at wage levels which often do not permit employees to afford housing in the city. Further, new housing construction which does not include affordable units aggravates the existing shortage of affordable housing by absorbing the supply of available residential land. Providing affordable units or impact fees as required by this chapter will ensure that part of the city's remaining developable land is used to provide affordable housing.

**17.70.015 Definitions.**

Whenever the following terms are used in this chapter, they shall have the meaning established by this section:

A. "Condominium conversion" means conversion of rental multifamily dwellings or apartments to common-interest subdivisions such as condominiums, community apartments, stock cooperatives or planned developments.

B. "For-sale residential project" means a residential project, or portion thereof, that includes the creation of one or more dwelling units that may be sold individually, including condominiums, community apartments, stock cooperatives, planned developments, and individual lots and dwellings. A for-sale residential project also includes a condominium conversion.

C. "Rental residential project" means a residential project, or portion thereof, that creates dwelling units that cannot be sold individually.

D. "Residential project" means the construction, rehabilitation, remodeling, adaptive reuse, or replacement of structures to create one or more dwelling units. For the purposes of this chapter, a residential project includes a condominium conversion.

**17.70.020 Affordable housing required – for-sale residential projects.**

A. Affordable Units Required. Developers of for-sale residential projects providing five or more dwelling units, or five or more lots for sale for residential purposes, shall construct and set aside 15 percent of all units or lots for sale to very low or low income households (as defined by Health and Safety Code Sections 50105 and 50079.5, respectively) at sales prices affordable to such persons or households. For the purposes of this chapter, a unit is affordable if it meets the requirements for affordable housing costs for very low or low income households established by Health and Safety Code Section 50052.5 and regulations adopted by the California Department of Housing and Community Development (California Code of Regulations Title 25, Sections 6910 through 6924) determining affordability of residential housing units based upon household size and income levels.

B. Term of Affordability. The required affordable units shall remain affordable for 99 years from the date of final inspection, as shown on the inspection record card for the affordable unit.

C. Applicability to Alternatives. If the developer of a residential project proposes to provide for-sale affordable units as part of an alternative permitted by SBMC 17.70.030, the number and affordability of the for-sale affordable units shall be consistent with subsection A of this section, and the term of affordability shall be consistent with subsection B of this section.

D. Relation to Density Bonuses and Other Incentives. If a for-sale residential project receives a density bonus or other incentives pursuant to Section 65915 of the Government Code and the density bonus ordinance (SBMC 17.20.050), then the provisions of this chapter shall not apply to density bonus units as defined in the density bonus ordinance (SBMC 17.20.050), as required by Section 65915 of the Government Code.

**17.70.025 Affordable housing required - rental residential projects.**

A. Affordable Units Required. Developers of rental residential projects providing five or more dwelling units shall construct and set aside 15 percent of all units for rent to very low or low income households (as defined by Health and Safety Code Sections 50105 and 50079.5, respectively) at rents affordable to such persons or households. For the purposes of this chapter, a unit is affordable if it meets the requirements for affordable rent for very low or low income households established by 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) determining affordability of residential housing units based upon household size and income levels.

B. Term of Affordability. The required rental affordable units shall remain affordable for 99 years from the date of final inspection, as shown on the inspection record card for the affordable unit.

C. Applicability to Alternatives. If the developer of a residential project proposes to provide rental affordable units as part of an alternative permitted by SBMC 17.70.030, the number and affordability of the rental affordable units shall be consistent with subsection A of this section, and the term of affordability shall be consistent with subsection B of this section.

D. Relation to Density Bonuses and Other Incentives. If a rental residential project receives a density bonus or other incentives pursuant to Section 65915 of the Government Code and the density bonus ordinance (SBMC 17.20.050), then the provisions of this chapter shall not apply to density bonus units as defined in the density bonus ordinance (SBMC 17.20.050), as required by Section 65915 of the Government Code.

**17.70.027 Fractional units.**

A. Fractional Units. When the calculation of the number of affordable units required for a residential project results in a fraction of one-half or more, one additional affordable unit shall be provided. When the calculation results in a fraction of less than one-half, the developer shall either provide an additional affordable unit or pay an affordable housing impact fee calculated by multiplying the area (in square feet) of the average market-rate unit in the project by the fraction, and multiplying that number by the impact fee per square foot. (Example: if the average market-rate unit has 2,500 square feet, and there is a fraction of 0.2, the impact fee would total 500 multiplied by the impact fee per square foot.)

**17.70.030 Alternatives for provision of affordable units.**

A. Rental Units in a For-Sale Residential Project.

1. As permitted by Government Code Section 65589.8, a developer of a for-sale residential project may propose to provide rental affordable units rather than for-sale affordable units. The term and affordability of the rental affordable units and the affordable housing agreement and rent regulatory agreement shall conform with the provisions of SBMC 17.70.025(B).

2. If the developer elects to provide rental affordable units, at least 15 percent of the units in the residential project shall be rented to very low or low income households at affordable rents.

3. The rent regulatory agreement shall include provisions for sale of the affordable units and relocation benefits for tenants of the rental affordable units if the owner of the residential project later determines to offer any rental affordable units in the residential project for sale. The owner shall provide all notices to prospective tenants of the residential project required by state law and shall additionally, at the time sale of the units is proposed, provide all tenants of the rental affordable units with the same notices, rights, and relocation benefits as provided by state law and the municipal code for tenants in condominium conversions. The owner shall provide written notice to the city at least 90 days before offering any rental affordable unit for sale. The owner shall provide as many for-sale affordable units at affordable housing cost as are required by SBMC 17.70.020(A). At the time of sale, documents acceptable to the community development director, all consistent with the requirements of this chapter, shall be recorded against the for-sale affordable units for a term of 99 years from the date of sale.

B. Construction of Off-Site Affordable Housing.

1. As an alternative to the construction of affordable units on-site, a developer may propose to construct an affordable housing development on other property within the city. If the 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(B). If the units will be rental affordable units, the number, affordability, and term of affordability of the affordable units shall conform with the provisions of SBMC 17.70.025(B).

2. The affordable housing plan required by SBMC 17.70.040(A) shall provide evidence of the following, in addition to the requirements of SBMC 17.70.040(A):

a. Financing or a viable financing plan, which may include public funding, shall be in place for the off-site affordable units.

b. The off-site location must be suitable for the proposed affordable housing, consistent with any adopted affordable housing guidelines and the Housing Element, will not tend to cause residential segregation, and be located within the City of Solana Beach boundaries with appropriate infrastructure and services. Any off-site alternative must comply with the density, intensity and development standards that are permitted under the zone for the site.

3. The affordable housing agreement required by SBMC 17.70.040(B) shall contain the following, in addition to the requirements of SBMC 17.70.040(B):

a. Prior to issuance of a building permit for any unit in the residential development, the off-site development shall have all discretionary permits and approvals necessary for the construction of the affordable housing, and the developer approved by the city shall have purchased the site for the off-site affordable housing.

b. Prior to occupancy of any unit in the residential development, occupancy shall have been authorized for all units in the affordable housing development.

C. Preservation or Conversion of Existing Units. As an alternative to the construction of affordable units on-site, a developer may propose to preserve existing affordable units at risk of loss or convert market-rate units to affordable units, if the preservation or conversion of these units is consistent with Government Code Section 65583.1 and allows the City to substitute the preservation or conversion of these units for the obligation to identify sites.

D. Legalization of Existing Unpermitted Dwelling Units. As an alternative to the construction of affordable units on-site, a developer may acquire and place deed restrictions upon existing housing units within the city constructed without building



permits, for occupancy by very low or low income households at prices or rents affordable to such households subject to the following standards and conditions:

1. The developer must demonstrate ownership of the unpermitted dwelling units or an executed agreement with the owner(s) of the dwelling units agreeing to record an affordable housing agreement against the property and to grant the developer access to perform any required rehabilitation or improvements.
2. The existing unpermitted housing units must not have a separate address that was included in the most recent United States Census.
3. 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 market-rate units in the residential project.
4. A building permit shall be obtained for each unpermitted dwelling unit. Any substandard unit shall be rehabilitated in conformance with applicable local ordinances and state statutes.
5. If the 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(B). If the units will be rental affordable units, the number, affordability, and term of affordability of the affordable units shall conform with the provisions of SBMC 17.70.025(B).

E. Payment of Affordable Housing Impact Fees. As an alternative to the construction of affordable units on-site, a developer may propose to pay affordable housing impact fees adopted by city council resolution to mitigate the residential project's impact on the need for affordable housing in the city, if the City Council makes both of the following findings:

1. The affordable housing impact fees will be used to provide financial assistance to an identified City or City-sponsored affordable housing project that: (a) is proposed by an affordable housing developer; (b) has received all discretionary approvals from the City and the Coastal Commission; and (c) requires additional funds to commence construction.
2. Provision of the affordable housing impact fee will create more affordable units than would be created by on-site provision of the affordable units.

Any approved affordable housing impact fees shall be paid prior to the first issuance of a building permit for the residential development.

**17.70.035 Affordable housing design and standards.**

A. When an affordable unit is required pursuant to this chapter, such unit may be constructed as a separate single-family dwelling unit or may be combined with other dwelling units. Affordable units shall be designed to be integrated into the residential style of the residential project, and shall have the same general bulk, scale, average square footage, same mix, and height as market-rate units in the development. Subject to approval of the community development director or designee, affordable units may have different interior finishes and features than market-rate units in the same residential development project, so long as the finishes and features are durable, of good quality and consistent with contemporary standards for new housing.

B. Affordable units shall be comparable to market-rate units in overall number of bedrooms and the proportion of units in each bedroom category. For multifamily residential projects, the affordable units shall be integrated into the project and located so as not to create a geographic concentration of affordable units within the residential project, unless required to provide housing for senior citizens or to obtain financial assistance from state or federal agencies.

C. All affordable units shall be constructed and occupied concurrently with or prior to the construction and final inspection of market-rate units. In phased residential projects, affordable units shall be constructed and occupied in proportion to the number of units in each phase of the residential project.

**17.70.040 Affordable housing plan and affordable housing agreement.**

A. Affordable Housing Plan. An affordable housing plan shall be submitted as part of the first approval of any residential project subject to this chapter and shall be processed, reviewed, and approved, conditionally approved, or denied concurrently with all other applications required for the residential project. The affordable housing plan may indicate that the developer intends to pay affordable housing impact fees. However, if affordable units are proposed to be provided, the affordable housing plan shall include the following, as applicable:

1. Number, affordability level, unit type, tenure (for-sale or for-rent), number of bedrooms, location, unit size (square feet), and design of all affordable units.
2. Construction schedule and phasing of affordable units in relation to market-rate units.
3. Any requested alternative pursuant to SBMC 17.70.030, including information as required by SBMC 17.70.030 and reasonably required by the community development director to demonstrate compliance with SBMC 17.70.030 regarding the requirements for that alternative.

4. Such additional information as may be required by the community development director to ensure conformance of the project with this chapter or the general plan or any specific plan.

B. Affordable Housing Agreement – Timing.

1. Prior to final or parcel map approval for the residential project, or, if a tentative or parcel map is not requested for the residential development, prior to issuance of any building permit within the residential development, an affordable housing agreement between the developer and the city shall be recorded against the property included in the residential project. The affordable housing agreement shall be binding on all future owners and successors in interest.

2. The affordable housing agreement and other required agreements shall be prepared by the city at the developer's expense. After approval of the affordable housing plan, the city manager is authorized to approve the affordable housing agreement and any additional documents necessary to implement this section.

C. Affordable Housing Agreement – Contents. The affordable housing agreement shall be consistent with the affordable housing plan and shall include, but not be limited to, the following:

1. Number, affordability level, unit type, tenure (for-sale or for-rent), number of bedrooms, location, unit size (square feet), and design of all affordable units.

2. A description of the household income group(s) to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.

3. Description of provisions for income certification and screening of potential purchasers or renters of affordable units, resale control mechanisms (in for-sale units), and ongoing monitoring and administration.

4. Term of affordability.

5. A schedule for completion of affordable units and phasing of development in relation to construction of market-rate units.

6. A description of remedies for breach of the agreement by either party.

7. For for-sale affordable units, conditions governing the initial sale and resale of affordable units to eligible households to ensure continued compliance with the restrictions of this chapter; and a condition requiring disclosure by the developer

to the buyer of affordable units of the existence of the deed restrictions affecting the resale of the property.

8. For rental affordable units, conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, operating and maintaining rental affordable units, and annually monitoring affordable units. A rent regulatory agreement acceptable to the city shall be recorded against the residential project prior to issuance of a building permit for any dwelling unit in the residential project. The rent regulatory agreement shall include the developer's agreement to the limitations on rents required by SBMC 17.70.025(A).

9. If an alternative is approved pursuant to SBMC 17.70.030, provisions to ensure that the affordable housing is provided and that the requirements applied to the alternative have been complied with. Where off-site property is proposed for affordable housing, additional restrictions or agreements may be required to be recorded against the off-site property.

10. Other provisions needed to ensure implementation and compliance with this chapter, to ensure continued affordability of the units, or to comply with state or federal law.

#### **17.70.045 Incentives.**

Certain types of affordable housing are relatively more desirable in satisfying the city's affordable housing goals and housing element goals. Although nothing in this chapter establishes a right to receive any additional incentive from the city or any other party or agency to enable the developer to meet the obligations of this chapter, the city council at its sole discretion may discount city fees, expedite the application process, or provide other assistance when it finds that provision of such assistance is needed to meet housing needs identified in the housing element which otherwise would not be met through the implementation of this chapter.

#### **17.70.050 Affordable housing impact fees.**

A. Any affordable housing impact fees shall be set by city fee resolution or other action of the city council. Fees may be based on a fee per dwelling unit, fee per square foot, or any other reasonable basis. The city council may review the fees from time to time at its sole discretion and may, based on that review, adjust the fee amount. Affordable housing impact fees shall not exceed the cost of mitigating the impact of residential projects on the need for affordable housing in the city.

B. All affordable housing impact fees shall be deposited into a separate account to be designated the City of Solana Beach Housing Fund. The fees collected and all earnings from investment of the fees shall be expended exclusively to provide or assure continued provision of affordable housing in the city through acquisition, construction, development

assistance, rehabilitation, financing, rent or other subsidies, provision of supportive services, or other methods, and for costs of administering programs which serve those ends. The housing assisted shall be of a type, or made affordable at a cost or rent, for which there is a need in the city and which is not adequately supplied in the city by private housing development in the absence of public assistance and to the extent feasible shall be utilized to provide for low and very low income housing.

**17.70.055 Waivers of affordable housing requirements.**

A. As part of an application for the first approval of a residential project, a developer may request that the requirements of this chapter be waived or modified, based upon a showing that applying the requirements of this chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result. Any request for a waiver or modification shall be submitted concurrently with the project application. The developer shall set forth in detail the factual and legal basis for the claim, including all supporting technical documentation, and shall bear the burden of presenting the requisite evidence to demonstrate the alleged unconstitutional result. Any request for a waiver or modification based on this section shall be reviewed and considered at the same time as the project application. In deciding whether to grant the waiver or modification, the city council shall assume each of the following when it is applicable to the project:

1. The developer will provide the most economical inclusionary units feasible in terms of construction, design, location and tenure (for-sale or for-rent).
2. The developer is likely to obtain housing subsidies when such funds are reasonably available.

B. The waiver or modification may be approved only to the extent necessary to avoid an unconstitutional result, based upon legal advice provided by or at the behest of the city attorney, after adoption of written findings, based on legal analysis and the evidence. If a waiver or modification is granted, any change in the project shall invalidate the waiver or modification, and a new application shall be required for a waiver or modification pursuant to this section.

**17.70.060 Development Impact Fee Reductions for Affordable Accessory Dwelling Units.**

A.

The City Manager is authorized to reduce City Development Impact Fees by 75% for Accessory Dwelling Units (ADU) processed consistent with subsection D of 17.20.040 of the SBMC, provided that a deed restriction for State law affordability provisions is recorded for the term of 99 years.

**17.70.065 Enforcement.**

A. The City Attorney shall be authorized to enforce the provisions of this chapter and all affordable housing agreements, regulatory agreements, and all other covenants or restrictions placed on affordable units, by civil action and any other proceeding or method permitted by law.

B. Failure of any official or agency to fulfill the requirements of this chapter shall not excuse any applicant or owner from the requirements of this chapter. No permit, license, map, or other approval or entitlement for a residential development shall be issued, including without limitation a final inspection or certificate of occupancy, until all applicable requirements of this chapter have been satisfied.

C. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

Section 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Solana Beach, California, on the 27th day of February, 2019; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, on the 13th day of March, 2019, by the following vote:

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

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

APPROVED AS TO FORM:

ATTEST:

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

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

## ORDINANCE 500

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING CHAPTER 17.70 OF THE SOLANA BEACH MUNICIPAL CODE RELATED TO AFFORDABLE HOUSING

**WHEREAS**, in 2010, the City Council determined that establishing regulations and standards regarding the provision of affordable housing units is necessary to implement the City's General Plan relative to the provision of housing units for all economic sectors of its population; and

**WHEREAS**, the City Council determined that providing affordable units or impact fees would ensure that part of the City's remaining developable land is used to provide affordable housing; and

**WHEREAS**, the City continues to be committed to promote affordable housing unit development; and

**WHEREAS**, in 2018 the California Legislature passed a number of Housing and Land Use laws that have a significant impact on public agencies in an effort to address the state's housing shortage; and

**WHEREAS**, the proposed amendment includes development impact fee reductions consistent with City Council direction received on November 28, 2018; and

**WHEREAS**, the proposed amendment to Chapter 17.70 (Affordable Housing) is consistent with recently passed legislation; and

**WHEREAS**, on February 27, 2019, the City Council held a duly advertised public hearing to solicit comments, orally and in writing, from the public in consideration of the proposed changes to the Solana Beach Municipal Code (SBMC) Chapter 17.70 – Affordable Housing.

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

Section 1. All of the above statements are true.

Section 2. The City Council finds that this action is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

Section 3. Solana Beach Municipal Code Section 17.76.070 requires that the following findings are made prior to any amendment to Title 17 Zoning:



- A. The proposed amendment is consistent with the general plan.
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 4. That the City Council hereby finds that the proposed amendment are consistent with the General Plan, in that the proposed revisions implement the affordable housing goals, objectives, policies, and programs of the City's Housing Element. Additionally, the proposed amendments to SBMC Chapter 17.70 are not detrimental to the public interest, health, safety, convenience or welfare of the City. The recommended changes are made to be compliant with the state laws and in furtherance of the public interest.

Section 5. Chapter 17.70 of the SBMC is hereby amended to read as follows:

**Chapter 17.70  
AFFORDABLE HOUSING**

Sections:

- 17.70.010 Purpose.**
- 17.70.015 Definitions.**
- 17.70.020 Affordable housing required – for-sale residential projects.**
- 17.70.025 Affordable housing required – rental residential projects.**
- 17.70.027 Fractional units.**
- 17.70.030 Alternatives for provision of affordable units.**
- 17.70.035 Affordable housing design and standards.**
- 17.70.040 Affordable housing plan and affordable housing agreement.**
- 17.70.045 Incentives.**
- 17.70.050 Affordable housing impact fees.**
- 17.70.055 Waivers of affordable housing requirements.**
- 17.70.060 Development Impact Fee Reductions**
- 17.70.065 Enforcement**

**17.70.010 Purpose.**

A. This chapter is adopted to establish regulations and standards regarding the provision of affordable housing. The council hereby determines that this chapter is necessary to assist in meeting the city's share of the regional housing needs, to implement the city's general plan and housing element relative to the provision of housing units for all economic sectors of its population, including households with very low and low incomes, and to require affordable housing in both rental and for-sale housing, consistent with the provisions of Government Code Sections 65850(q) and 65850.01.

B. New housing contributes to the demand for goods and services in the city, increasing local employment at wage levels which often do not permit employees to afford housing in the city. Further, new housing construction which does not include affordable units aggravates the existing shortage of affordable housing by absorbing the supply of available residential land. Providing affordable units or impact fees as required by this chapter will ensure that part of the city's remaining developable land is used to provide affordable housing.

**17.70.015 Definitions.**

Whenever the following terms are used in this chapter, they shall have the meaning established by this section:

A. "Condominium conversion" means conversion of rental multifamily dwellings or apartments to common-interest subdivisions such as condominiums, community apartments, stock cooperatives or planned developments.

B. "For-sale residential project" means a residential project, or portion thereof, that includes the creation of one or more dwelling units that may be sold individually, including condominiums, community apartments, stock cooperatives, planned developments, and individual lots and dwellings. A for-sale residential project also includes a condominium conversion.

C. "Rental residential project" means a residential project, or portion thereof, that creates dwelling units that cannot be sold individually.

D. "Residential project" means the construction, rehabilitation, remodeling, adaptive reuse, or replacement of structures to create one or more dwelling units. For the purposes of this chapter, a residential project includes a condominium conversion.

**17.70.020 Affordable housing required – for-sale residential projects.**

A. Affordable Units Required. Developers of for-sale residential projects providing five or more dwelling units, or five or more lots for sale for residential purposes, shall construct and set aside 15 percent of all units or lots for sale to very low or low income households (as defined by Health and Safety Code Sections 50105 and 50079.5, respectively) at sales prices affordable to such persons or households. For the purposes of this chapter, a unit is affordable if it meets the requirements for affordable housing costs for very low or low income households established by Health and Safety Code Section 50052.5 and regulations adopted by the California Department of Housing and Community Development (California Code of Regulations Title 25, Sections 6910 through 6924) determining affordability of residential housing units based upon household size and income levels.

B. Term of Affordability. The required affordable units shall remain affordable for ~~45-99~~ years from the date of final inspection, as shown on the inspection record card for the affordable unit.

C. Applicability to Alternatives. If the developer of a residential project proposes to provide for-sale affordable units as part of an alternative permitted by SBMC 17.70.030, the number and affordability of the for-sale affordable units shall be consistent with subsection A of this section, and the term of affordability shall be consistent with subsection B of this section.

D. Relation to Density Bonuses and Other Incentives. If a for-sale residential project receives a density bonus or other incentives pursuant to Section 65915 of the Government Code and the density bonus ordinance (SBMC 17.20.050), then the provisions of this chapter shall not apply to density bonus units as defined in the density bonus ordinance (SBMC 17.20.050), as required by Section 65915 of the Government Code.

**17.70.025 Affordable housing required - rental residential projects.**

A. Affordable Units Required. Developers of rental residential projects providing five or more dwelling units shall construct and set aside 15 percent of all units for rent to very low or low income households (as defined by Health and Safety Code Sections 50105 and 50079.5, respectively) at rents affordable to such persons or households. For the purposes of this chapter, a unit is affordable if it meets the requirements for affordable rent for very low or low income households established by 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) determining affordability of residential housing units based upon household size and income levels.

B. Term of Affordability. The required rental affordable units shall remain affordable for ~~55-99~~ years from the date of final inspection, as shown on the inspection record card for the affordable unit.

C. Applicability to Alternatives. If the developer of a residential project proposes to provide rental affordable units as part of an alternative permitted by SBMC 17.70.030, the number and affordability of the rental affordable units shall be consistent with subsection A of this section, and the term of affordability shall be consistent with subsection B of this section.

D. Relation to Density Bonuses and Other Incentives. If a rental residential project receives a density bonus or other incentives pursuant to Section 65915 of the Government Code and the density bonus ordinance (SBMC 17.20.050), then the provisions of this chapter shall not apply to density bonus units as defined in the density bonus ordinance (SBMC 17.20.050), as required by Section 65915 of the Government Code.

**17.70.027 Fractional units.**

A. Fractional Units. When the calculation of the number of affordable units required for a residential project results in a fraction of one-half or more, one additional affordable unit shall be provided. When the calculation results in a fraction of less than one-half, the developer shall either provide an additional affordable unit or pay an affordable housing impact fee calculated by multiplying the area (in square feet) of the average market-rate unit in the project by the fraction, and multiplying that number by the impact fee per square foot. (Example: if the average market-rate unit has 2,500 square feet, and there is a fraction of 0.2, the impact fee would total 500 multiplied by the impact fee per square foot.)

~~B. Fractional Unit Alternative. As an alternative, the developer may increase the number of bedrooms in the affordable unit(s) as follows:~~

- ~~1. One additional bedroom for fractions of greater than zero but not more than 0.3;~~
- ~~2. Two additional bedrooms for fractions greater than 0.3 but not more than 0.5;~~
- ~~3. Three additional bedrooms for fractions greater than 0.5 but not more than 0.7.~~

**17.70.030 Alternatives for provision of affordable units.**

A. Rental Units in a For-Sale Residential Project.

1. As permitted by Government Code Section 65589.8, a developer of a for-sale residential project may propose to provide rental affordable units rather than for-sale affordable units. The term and affordability of the rental affordable units and the affordable housing agreement and rent regulatory agreement shall conform with the provisions of SBMC 17.70.025(~~CB~~).

2. If the developer elects to provide rental affordable units, at least 15 percent of the units in the residential project shall be rented to very low or low income households at affordable rents.

3. The rent regulatory agreement shall include provisions for sale of the affordable units and relocation benefits for tenants of the rental affordable units if the owner of the residential project later determines to offer any rental affordable units in the residential project for sale. The owner shall provide all notices to prospective tenants of the residential project required by state law and shall additionally, at the time sale of the units is proposed, provide all tenants of the rental affordable units with the same notices, rights, and relocation benefits as provided by state law and the municipal code for tenants in condominium conversions. The owner shall provide written notice to the city at least 90 days before offering any rental

affordable unit for sale. The owner shall provide as many for-sale affordable units at affordable housing cost as are required by SBMC 17.70.020(A). At the time of sale, documents acceptable to the community development director, all consistent with the requirements of this chapter, shall be recorded against the for-sale affordable units for a term of ~~45-99~~ years from the date of sale.

#### B. Construction of Off-Site Affordable Housing.

1. As an alternative to the construction of affordable units on-site, a developer may propose to construct an affordable housing development on other property within the city. If the 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(~~CB~~). If the units will be rental affordable units, the number, affordability, and term of affordability of the affordable units shall conform with the provisions of SBMC 17.70.025(~~CB~~).

2. The affordable housing plan required by SBMC 17.70.040(A) shall provide evidence of the following, in addition to the requirements of SBMC 17.70.040(A):

a. Financing or a viable financing plan, which may include public funding, shall be in place for the off-site affordable units.

b. The off-site location must be suitable for the proposed affordable housing, consistent with any adopted affordable housing guidelines and the Housing Element, will not tend to cause residential segregation, and be located within the ~~same planning (community) area~~City of Solana Beach boundaries with appropriate infrastructure and services. Any off-site alternative must comply with the density, intensity and development standards that are permitted under the zone for the site.

3. The affordable housing agreement required by SBMC 17.70.040(B) shall contain the following, in addition to the requirements of SBMC 17.70.040(B):

a. Prior to issuance of a building permit for any unit in the residential development, the off-site development shall have all discretionary permits and approvals necessary for the construction of the affordable housing, and the developer ~~or qualified affordable housing developer~~ approved by the city shall have purchased the site for the off-site affordable housing.

b. Prior to occupancy of any unit in the residential development, a ~~building permit~~occupancy shall have been ~~issued~~authorized for all units in the affordable housing development.

~~c. Alternative phasing may be approved as part of the approval of the affordable housing plan.~~

C. Preservation or Conversion of Existing Units. As an alternative to the construction of affordable units on-site, a developer may propose to preserve existing affordable units at risk of loss or convert market-rate units to affordable units, if the preservation or conversion of these units is consistent with Government Code Section 65583.1 and allows the City to substitute the preservation or conversion of these units for the obligation to identify sites.

D. Legalization of Existing Unpermitted Dwelling Units. As an alternative to the construction of affordable units on-site, a developer may acquire ~~or~~ and place deed restrictions upon existing housing units within the city constructed without building permits, for occupancy by very low or low income households at prices or rents affordable to such households subject to the following standards and conditions:

1. The developer must demonstrate ownership of the unpermitted dwelling units or an executed agreement with the owner(s) of the dwelling units agreeing to record an affordable housing agreement against the property and to grant the developer access to perform any required rehabilitation or improvements.
2. The existing unpermitted housing units must not have a separate address that was included in the most recent United States Census.
3. 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 market-rate units in the residential project.
4. A building permit shall be obtained for each unpermitted dwelling unit. Any substandard unit shall be rehabilitated in conformance with applicable local ordinances and state statutes.
5. If the 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(~~CB~~). If the units will be rental affordable units, the number, affordability, and term of affordability of the affordable units shall conform with the provisions of SBMC 17.70.025(~~CB~~).

E. Payment of Affordable Housing Impact Fees. As an alternative to the construction of affordable units on-site, a developer may propose to pay affordable housing impact fees adopted by city council resolution to mitigate the residential project's impact on the need for affordable housing in the city, if the City Council makes both of the following findings:

1. The affordable housing impact fees will be used to provide financial assistance to an identified City or City-sponsored affordable housing project that: (a) is proposed by an affordable housing developer; (b) has received all discretionary

approvals from the City and the Coastal Commission; and (c) requires additional funds to commence construction.

2. Provision of the affordable housing impact fee will create more affordable units than would be created by on-site provision of the affordable units.

Any approved affordable housing impact fees shall be paid prior to the first issuance of a building permit for the residential development.

#### **17.70.035 Affordable housing design and standards.**

A. When an affordable unit is required pursuant to this chapter, such unit may be constructed as a separate single-family dwelling unit or may be combined with other dwelling units. Affordable units shall be designed to be integrated into the residential style of the residential project, and shall have the same general bulk, scale, average square footage, same mix, and height as market-rate units in the development. Subject to approval of the community development director or designee, affordable units may have different interior finishes and features than market-rate units in the same residential development project, so long as the finishes and features are durable, of good quality and consistent with contemporary standards for new housing.

B. Affordable units shall be comparable to market-rate units in overall number of bedrooms and the proportion of units in each bedroom category. For multifamily residential projects, the affordable units shall be integrated into the project and located so as not to create a geographic concentration of affordable units within the residential project, unless required to provide housing for senior citizens or to obtain financial assistance from state or federal agencies.

C. All affordable units shall be constructed and occupied concurrently with or prior to the construction and final inspection of market-rate units. In phased residential projects, affordable units ~~may shall~~ be constructed and occupied in proportion to the number of units in each phase of the residential project. ~~Alternative phasing may be approved as part of the affordable housing plan.~~

#### **17.70.040 Affordable housing plan and affordable housing agreement.**

A. Affordable Housing Plan. An affordable housing plan shall be submitted as part of the first approval of any residential project subject to this chapter and shall be processed, reviewed, and approved, conditionally approved, or denied concurrently with all other applications required for the residential project. The affordable housing plan may indicate that the developer intends to pay affordable housing impact fees. However, if affordable units are proposed to be provided, the affordable housing plan shall include the following, as applicable:

1. Number, affordability level, unit type, tenure (for-sale or for-rent), number of bedrooms, location, unit size (square feet), and design of all affordable units.
2. Construction schedule and phasing of affordable units in relation to market-rate units.
3. Any requested alternative pursuant to SBMC 17.70.030, including information as required by SBMC 17.70.030 and reasonably required by the community development director to demonstrate compliance with SBMC 17.70.030 regarding the requirements for that alternative.
4. Such additional information as may be required by the community development director to ensure conformance of the project with this chapter or the general plan or any specific plan.

~~The approved affordable housing plan for a residential development may be amended prior to issuance of any building permit for the residential development, if applicable. A request for a minor modification of an approved affordable housing plan may be granted by the city manager if the modification is substantially in compliance with the original affordable housing plan and conditions of approval. Other modifications to the affordable housing plan shall be processed in the same manner as the original plan.~~

#### B. Affordable Housing Agreement – Timing.

1. Prior to final or parcel map approval for the residential project, or, if a tentative or parcel map is not requested for the residential development, prior to issuance of any building permit within the residential development, an affordable housing agreement between the developer and the city shall be recorded against the property included in the residential project. The affordable housing agreement shall be binding on all future owners and successors in interest.
2. The affordable housing agreement and other required agreements shall be prepared by the city at the developer's expense. After approval of the affordable housing plan, the city manager is authorized to approve the affordable housing agreement and any additional documents necessary to implement this section.

C. Affordable Housing Agreement – Contents. The affordable housing agreement shall be consistent with the affordable housing plan and shall include, but not be limited to, the following:

1. Number, affordability level, unit type, tenure (for-sale or for-rent), number of bedrooms, location, unit size (square feet), and design of all affordable units.



2. A description of the household income group(s) to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
3. Description of provisions for income certification and screening of potential purchasers or renters of affordable units, resale control mechanisms (in for-sale units), and ongoing monitoring and administration.
4. Term of affordability.
5. A schedule for completion of affordable units and phasing of development in relation to construction of market-rate units.
6. A description of remedies for breach of the agreement by either party.
7. For for-sale affordable units, conditions governing the initial sale and resale of affordable units to eligible households to ensure continued compliance with the restrictions of this chapter; and a condition requiring disclosure by the developer to the buyer of affordable units of the existence of the deed restrictions affecting the resale of the property.
8. For rental affordable units, conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, operating and maintaining rental affordable units, and annually monitoring affordable units. A rent regulatory agreement acceptable to the city shall be recorded against the residential project prior to issuance of a building permit for any dwelling unit in the residential project. The rent regulatory agreement shall include the developer's agreement to the limitations on rents required by SBMC 17.70.025(A).
9. If an alternative is approved pursuant to SBMC 17.70.030, provisions to ensure that the affordable housing is provided and that the requirements applied to the alternative have been complied with. Where off-site property is proposed for affordable housing, additional restrictions or agreements may be required to be recorded against the off-site property.
10. Other provisions needed to ensure implementation and compliance with this chapter, to ensure continued affordability of the units, or to comply with state or federal law.

#### **17.70.045 Incentives.**

Certain types of affordable housing are relatively more desirable in satisfying the city's affordable housing goals and housing element goals. Although nothing in this chapter establishes a right to receive any additional incentive from the city or any other party or agency to enable the developer to meet the obligations of this chapter, the city council at

its sole discretion may discount city fees, expedite the application process, or provide other assistance when it finds that provision of such assistance is needed to meet housing needs identified in the housing element which otherwise would not be met through the implementation of this chapter.

**17.70.050 Affordable housing impact fees.**

A. Any affordable housing impact fees shall be set by city fee resolution or other action of the city council. Fees may be based on a fee per dwelling unit, fee per square foot, or any other reasonable basis. The city council may review the fees from time to time at its sole discretion and may, based on that review, adjust the fee amount. Affordable housing impact fees shall not exceed the cost of mitigating the impact of residential projects on the need for affordable housing in the city.

B. All affordable housing impact fees shall be deposited into a separate account to be designated the City of Solana Beach Housing Fund. The fees collected and all earnings from investment of the fees shall be expended exclusively to provide or assure continued provision of affordable housing in the city through acquisition, construction, development assistance, rehabilitation, financing, rent or other subsidies, provision of supportive services, or other methods, and for costs of administering programs which serve those ends. The housing assisted shall be of a type, or made affordable at a cost or rent, for which there is a need in the city and which is not adequately supplied in the city by private housing development in the absence of public assistance and to the extent feasible shall be utilized to provide for low and very low income housing.

**17.70.055 Waivers of affordable housing requirements.**

A. As part of an application for the first approval of a residential project, a developer may request that the requirements of this chapter be waived or modified, based upon a showing that applying the requirements of this chapter would result in an unconstitutional taking of property or would result in any other unconstitutional result. Any request for a waiver or modification shall be submitted concurrently with the project application. The developer shall set forth in detail the factual and legal basis for the claim, including all supporting technical documentation, and shall bear the burden of presenting the requisite evidence to demonstrate the alleged unconstitutional result. Any request for a waiver or modification based on this section shall be reviewed and considered at the same time as the project application. In deciding whether to grant the waiver or modification, the city council shall assume each of the following when it is applicable to the project:

1. The developer will provide the most economical inclusionary units feasible in terms of construction, design, location and tenure (for-sale or for-rent).
2. The developer is likely to obtain housing subsidies when such funds are reasonably available.

B. The waiver or modification may be approved only to the extent necessary to avoid an unconstitutional result, based upon legal advice provided by or at the behest of the city attorney, after adoption of written findings, based on legal analysis and the evidence. If a waiver or modification is granted, any change in the project shall invalidate the waiver or modification, and a new application shall be required for a waiver or modification pursuant to this section.

**17.70.060 Development Impact Fee Reductions for Affordable Accessory Dwelling Units.**

~~A. The City Manager is authorized to reduce City Development Impact Fees (DIF) for affordable housing units developed, provided that a deed restriction consistent with State law affordability provisions is recorded for a minimum of 55 years. Reductions shall apply to all City DIF including, but not limited to, park, fire, sewer, and transportation fee. The reduced DIF shall only apply to the fees that would have been collected on the affordable unit. The following reductions shall apply based on the number of affordable units being developed as part of the overall project:~~

~~\_\_\_\_\_ 50% DIF reduction for 1 to 5 affordable units~~

~~\_\_\_\_\_ 75% DIF reduction for 6 to 9 affordable units~~

~~\_\_\_\_\_ 100% DIF reduction for 10 or more affordable units~~

The City Manager is authorized to reduce City Development Impact Fees by 75—% for Accessory Dwelling Units (ADU) processed consistent with subsection D of 17.20.040 of the SBMC, provided that a deed restriction for State law affordability provisions is recorded for the term of 99 years.

**17.70.065 Enforcement.**

A. The City Attorney shall be authorized to enforce the provisions of this chapter and all affordable housing agreements, regulatory agreements, and all other covenants or restrictions placed on affordable units, by civil action and any other proceeding or method permitted by law.

B. Failure of any official or agency to fulfill the requirements of this chapter shall not excuse any applicant or owner from the requirements of this chapter. No permit, license, map, or other approval or entitlement for a residential development shall be issued, including without limitation a final inspection or certificate of occupancy, until all applicable requirements of this chapter have been satisfied.

C. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.





# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** March 13, 2019  
**ORIGINATING DEPT:** City Manager's Department  
**SUBJECT:** **Adopt Ordinance 501 – Amending Section 11.12.020(AA) of the Solana Beach Municipal Code to Allow Skateboarding in the Skate Park at La Colonia Park**

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## **BACKGROUND:**

The City of Solana Beach (City) is in the process of renovating La Colonia Park and the project that is currently under construction includes a skate park.

Section 11.12.020 of the Solana Beach Municipal Code (SBMC) lists acts that are unlawful on public beaches or in public parks. SBMC section 11.12.020(AA) currently prohibits skateboarding in and around La Colonia Park.

At the February 27, 2019 City Council meeting, the City Council introduced Ordinance 501 amending SBMC section 11.12.020(AA) to allow skateboarding in the designated areas of La Colonia Park being constructed as a skate park provided participants wear protective gear.

This item is before the City Council to consider adoption of Ordinance 501.

## **DISCUSSION:**

As introduced, Ordinance 501 amends SBMC section 11.12.020 to read as follows:

It is unlawful for any person to do any of the following acts in or upon any park or beach within the city:

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AA. To ride or propel a skateboard within La Colonia Park or on the sidewalk adjoining La Colonia Park except in the areas designated as authorized

COUNCIL ACTION:

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skateboarding areas and participants shall wear a helmet, elbow pads, and knee pads;

Construction of the Skate Park located in La Colonia Park is underway with the ribbon cutting ceremony scheduled for this spring. While skateboarding in this area is contemplated, there are other areas in La Colonia Park where skateboarding would interfere in the use and enjoyment of other activities. Ordinance 501 would only allow skateboarding in designated areas. Upon completion of the construction, signs will be installed to delineate this area. Additionally, Ordinance 501 would require participants to wear protective gear—helmet, elbow pads, and kneepads.

Staff recommends adoption of Ordinance 501 amending SBMC section 11.12.020(AA) (Attachment 1) to allow skateboarding in the designated area of La Colonia Park being constructed as a skate park, while still prohibiting skateboarding in non-designated areas, including in or around the basketball court and on the adjoining sidewalks.

**CEQA COMPLIANCE STATEMENT:**

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

**FISCAL IMPACT:**

There is no fiscal impact as a result of this item.

**WORK PLAN:**

Building the Skate Park at La Colonia Park is part of the Work Plan and construction has been started.

**OPTIONS:**

- Adopt Ordinance 501 amending SBMC section 11.12.020(AA) to allow skateboarding in the designated area of La Colonia being constructed as a skate park
- Do not adopt Ordinance 501
- Provide direction

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council adopt Ordinance 501 amending 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.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

A handwritten signature in black ink, appearing to read 'Gregory Wade', written over a horizontal line.

Gregory Wade, City Manager

Attachments:

1. Ordinance 501

## ORDINANCE 501

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING SECTION 11.12.020(AA) OF THE SOLANA BEACH MUNICIPAL CODE TO ALLOW SKATEBOARDING IN DESIGNATED AREAS AT LA COLONIA PARK

**WHEREAS**, Section 11.12.020 of the Solana Beach Municipal Code (SBMC) lists unlawful acts on public beaches or parks; and

**WHEREAS**, SBMC section 11.12.020(AA) currently prohibits skateboarding in and around La Colonia Park; and

**WHEREAS**, the City of Solana Beach (City) is constructing a skate park at La Colonia Park.

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

Section 1. All of the above statements are true.

Section 2. The City Council finds that this action is not a project under the California Environmental Quality Act ("CEQA") because there is no development or physical change that would result from the adoption of this ordinance.

Section 3. Section 11.12.020(AA) of the Solana Beach Municipal Code shall be amended to read as follows (with underlined text indicating additions):

AA. To ride or propel a skateboard within La Colonia Park or on the sidewalk adjoining La Colonia Park except in the areas designated as authorized skateboarding areas and participants shall wear a helmet, elbow pads, and knee pads;

Section 4. Severability. In the event that any court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this Ordinance to be unconstitutional, preempted or otherwise invalid, the invalid portion shall be severed from this Ordinance and shall not affect the validity of the remaining portions of this Ordinance. The City hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase in this Ordinance irrespective of whether any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this Ordinance might be declared unconstitutional, preempted or otherwise invalid.

Section 5. Conflicts with Prior Ordinances. In the event that any City ordinance or regulation, in whole or in part, adopted prior to the effective date of this Ordinance, conflicts with any provisions in this Ordinance, the provisions in this Ordinance will control.



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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Solana Beach, California, on the 27th day of February, 2019; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

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

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

APPROVED AS TO FORM:

ATTEST:

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

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



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** March 13, 2019  
**ORIGINATING DEPT:** City Manager's Department  
**SUBJECT:** EDCO Waste and Recycling Presentation on Solid Waste Legislation and Update on Facility Expansion

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## **BACKGROUND:**

The City originally entered into a Franchise Agreement (Agreement) with EDCO Waste and Recycling Services (EDCO) for commercial solid waste and recycling collection services effective August 1, 1993. In June 2018, EDCO became the City's exclusive provider of solid waste and recycling for both commercial and residential services. As part of EDCO's commitment to providing the most effective and efficient services to the City, as well as providing the necessary services to keep the City compliant with all regulatory requirements, EDCO is undertaking a significant expansion at their facility in San Marcos. The City is fortunate, through their exclusive Franchise Agreement with EDCO, to have access to the upgrades at the facility to achieve compliance with all state regulations.

This item is before the City Council to receive a presentation from EDCO on their facility upgrades and to discuss current and upcoming legislation that will have an impact on future rates.

## **DISCUSSION:**

The majority of recent legislation that will have an impact on collection services and corresponding rates revolve around organic waste. Organic (food and green) waste accounts for over 40% of the material in California's waste stream and disposing organic waste in landfills is a significant problem. In trash, organic waste decomposes and releases methane gas into the atmosphere; methane produces roughly 21 times the global warming potential of carbon dioxide.

CITY COUNCIL ACTION:

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Organic waste is prevalent all over Southern California, most of it in the form of green waste from cities and local communities, garden and kitchen waste from homes, and food waste and scraps from industrial and commercial (restaurant) operations. In recent years, organic waste has been the subject of growing interest as a renewable natural resource.

Mandatory recycling of organic waste is the next step to achieving California's Zero Waste goals and EDCO has a sustainable solution to help local jurisdictions like Solana Beach comply. EDCO is investing in a state-of-the-art, advanced technology Anaerobic Digestion (AD) facility capable of powering their fleet of trucks with Renewable Natural Gas (RNG). It will be a commingled AD capable of receiving both food and green waste critical to Solana Beach and the other cities they serve to meet all of the state mandates set forth below. Anticipated completion of the AD is the end of 2020 and is expected to begin receiving organic material the beginning of 2021.

Anaerobic digestion is an efficient and environmentally sustainable technology that can make a significant contribution to the management of organic waste in California. Reducing the amount of methane released into the atmosphere is critical to ensuring a safe and healthy environment for current and future generations, and will assist the City in meeting its Climate Action Plan (CAP) goals.

### California State Mandates

With mandatory recycling deadlines on the horizon, the EDCO Anaerobic Digestion facility will assist all the cities EDCO serves to meet or exceed all state mandates including Assembly Bill (AB) 1826, AB 1594 and Senate Bill (SB) 1383 which are directly related to organic recycling in the state of California. These types of mandates used to lack enforcement penalties as long as the jurisdictions were demonstrating an effort to comply. However, the latest legislation is now including enforcement capabilities to administer severe fines and other actions against jurisdictions that do not comply.

AB 1826 – Requires businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services for that waste, and for jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law. Reporting to CalRecycle on cities progress in implementing an organic waste recycling program is required.

AB 1594 – As of January 1, 2020, the use of green waste as alternative daily cover (ADC) will no longer constitute diversion through recycling and will instead be considered disposal. ADC is green waste that is used to cover landfills daily and is what a large percentage of all green waste today is used for. By no longer allowing it to be considered diversion, it will have to be “recycled” in a different manner or will count as disposal and adversely affect a jurisdictions diversion rate as reported to CalRecycle.

**SB 1383** – Establishes targets to achieve a 50% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20% of currently disposed edible food is recovered for human consumption by 2025 and may impose fines to achieve those goals. All generators (residential, commercial, industrial and agencies) in the State must comply.

This item is before the City Council to receive an update from EDCO on the legislation and to hear how they plan to assist the City with future compliance. This includes a presentation on their plans for significant upgrades and expansion of their current facility.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

There is no fiscal impact as a result of this presentation. However, there will be a discussion on the potential impact to future rates for our community in order to facilitate the required facility expansion.

**WORK PLAN:**

This item is not specified in the Work Plan, however, it is consistent with the Environmental Sustainability and Fiscal Sustainability priorities and goals of the City. In addition, it is specifically addressed in the City's CAP and CAP Implementation Plan.

**OPTIONS:**

- Receive the presentation
- Provide further direction to Staff, if necessary

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council receive a presentation from EDCO on their facility upgrades and to discuss current and upcoming legislation that will have an impact on future rates.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation

  
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Gregory Wade, City Manager