



CITY OF SOLANA BEACH

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

AGENDA

Joint REGULAR Meeting

Wednesday, April 14, 2021 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California
This meeting will be conducted in accordance with Governor Newsom's Executive Order N-29-20 related to the COVID-19 virus.

MEETING LOCATION WILL NOT BE OPEN TO THE PUBLIC

Due to the Executive Order to stay home, in person participation at City Council meetings will not be allowed at this time. In accordance with the Executive Order to stay home, there will be no members of the public in attendance at Council Meetings. Alternatives to in-person attendance for viewing and participating in City Council meetings are being provided under provided below.

AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is posted online www.cityofsolanabeach.org Closed Session Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings.

WATCH THE MEETING

- Live web-streaming: Meetings web-stream live on the City's website on the City's [Public Meetings](#) webpage. Find the large Live Meeting button.
- Live Broadcast on Local Govt. Channel: Meetings are broadcast live on Cox Communications - Channel 19 / Spectrum (Time Warner)-Channel 24 / AT&T U-verse Channel 99.
- Archived videos online: 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.

PUBLIC COMMENTS

- Written correspondence (supplemental items) regarding an agenda item at an open session meeting should be submitted to the City Clerk's Office at clerkoffice@cosb.org with a) Subject line to include the meeting date b) Include the Agenda Item # as listed on the Agenda.
- Correspondence received after the official posting of the agenda, but before 3:00 p.m. (or 3 hrs. prior to the meeting start time) on the meeting day, will be distributed to Council and made available online along with the agenda posting. All submittals received before the start of the meeting will be made part of the record.
- Written submittals will be added to the record and not read out loud.
- The designated location for viewing supplemental documents is on the City's website www.cityofsolanabeach.org on the posted Agenda under the relative Agenda Item.

OR

Verbal comment participation: If you wish to provide a live verbal comment during the meeting, attend the virtual meeting via your computer or call in.

Before Meeting

- Sign up (register) to speak at the virtual meeting for the Zoom webinar as early as possible and at least 3 hours prior to the start of the meeting so that Staff can manage the speaker list.
 - Public Participation Link: https://us02web.zoom.us/webinar/register/WN_06zYwaBNSG2_g_sf0pl6ew
 - Follow the prompts to enter your name and email address and identify the item you are speaking on.
- Join the meeting by locating your confirmation email, that was sent immediately following registration, which will provide your log-in link.
- Join/Log-In to the meeting at least 15 minutes prior to the start time so that the City Clerk can verify you are ready to speak before the meeting begins.
- If your computer does not have a mic to speak or you have sound issues, you can use the call-in audio information (Zoom ID, Participant ID) from a landline or cell phone to join the meeting for the audio accessibility.
- If you call in as well for better audio, mute your computer's speakers to eliminate feedback so that you do not have two audios competing when you are speaking.

During Meeting:

- Choose Gallery View to see the presentations, when applicable.

- o Participants will be called upon from those who have Registered and their name is identified by the City Clerk calling from the registration list. You will be called on by name and unmuted by the meeting organizer and then you may provide comments for the allotted time. Allotted speaker times are listed under each [Agenda](#) section.

SPECIAL ASSISTANCE NEEDED - AMERICAN DISABILITIES ACT TITLE 2

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

CITY COUNCILMEMBERS			
Lesa Heebner, Mayor			
Kristi Becker Deputy Mayor	Kelly Harless Councilmember	David A. Zito Councilmember District 1	Jewel Edson Councilmember District 3

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

See Public Participation on the first page of the Agenda for publication participation options.

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:

FLAG SALUTE:

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.

APPROVAL OF AGENDA:

ORAL COMMUNICATIONS:

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

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 speaker is THREE MINUTES (SBMC 2.04.190).

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

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

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the March 10, 2021 City Council Meetings.

[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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for March 6, 2021 – March 26, 2021.

[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. General Fund Budget Adjustments for Fiscal Year 2020/21. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2020-2021 General Fund Adopted Budget.

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

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

A.4. 2020 Street Maintenance & Repair Project – Notice of Completion.

(File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2021-042**:
 - a. Authorizing the City Council to accept, as complete, the 2020 Street Maintenance & Repair Project, Bid No. 2020-03, performed by TC Construction.
 - b. Authorizing the City Clerk to file a Notice of Completion.

[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. Safe Routes to School Master Plan. (File 0860-35)

Recommendation: That the City Council

1. Adopt **Resolution 2021-037**:
 - a. Authorizing the City Manager to execute a Professional Services Agreement, in an amount not to exceed \$220,000, with Chen Ryan Associates, Inc. for preparation of a Safe Routes to School Master Plan.
 - b. Appropriating \$165,000 to the State Grants revenue account and to the Safe Routes to School Master Plan project account.
 - c. Appropriating \$55,000 in TransNet funds to the Safe Routes to School Master Plan project account.
 - d. Authorizing the City Treasurer to amend the FY 2020/21 Adopted Budget accordingly.

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

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

A.6. Granados Avenue Partners, LLC – Draft Covenants, Conditions and Restrictions (CC&Rs). (File 0600-40)

Recommendation: That the City Council

1. Adopt **Resolution 2021-044** approving the CC&Rs for the development at 127-129 N. Granados Avenue, Solana Beach, CA.

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

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

B. PUBLIC HEARINGS: (B.1. – B.3.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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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.

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.

B.1. 6th Cycle Housing Element Adoption. (File 0610-10)

Recommendation: That the City Council

1. Adopt **Resolution 2021-041** adopting the 6th Cycle Housing Element and submitting the document to the California Department of Housing and Community Development for certification.

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

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

B.2. Public Hearing: 475 Marview Lane, Applicant: Anderson, Case No: 17-18-17. (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, 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 2021-043** conditionally approving a DRP to demolish a single-family residence, construct a replacement, two-story, single-family residence with an attached two-car garage and a partially subterranean lower level, and perform associated site improvements at 475 Marview Lane, Solana Beach.

[Item B.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.

B.3. Public Hearing: 457 Dell Court, Applicant: Ohman and Claxton, Case No.: DRP20-013. (File 0600-40)

The proposed project could be found to be consistent with the General Plan and the underlying SBMC could 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 2021-040** conditionally approving a DRP to allow for the construction of a first-story addition and remodel to an existing two-story, single-family residence with an attached garage at 457 Dell Court.

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

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

C. STAFF REPORTS: (C.1. – C.2.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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C.1. Railroad Pedestrian Undercrossing Agreements. (File 0820-48)

Recommendation: That the City Council

1. Adopt **Resolution 2021-044** authorizing the City Manager to execute a Memorandum of Understanding and License Agreement between NCTD, Nature Collective and the City of Solana Beach for the use of the NCTD right of way and the undercrossing for pedestrian trail purposes.
2. Adopt **Resolution 2021-045** authorizing the City Manager to execute the Harbaugh Trails Maintenance and Indemnity Agreement between Nature Collective and the City of Solana Beach for the operation and maintenance of the pedestrian trail system within NCTD right of way.

[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. Firearm-Related Legislation SB-264 and AB-452. (File 0480-70)

Recommendation: That the City Council

1. Consider adopting **Resolution 2021-046** expressing support of SB 264 and AB 452.

[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.

WORK PLAN COMMENTS:

Adopted June 12, 2019

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 "City" 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-Heebner, Alternate-Edson
- b. Clean Energy Alliance (CEA) JPA: Primary-Becker, Alternate-Zito
- c. County Service Area 17: Primary- Harless, Alternate-Edson
- d. Escondido Creek Watershed Authority: Becker /Staff (no alternate).
- e. League of Ca. Cities' San Diego County Executive Committee: Primary-Becker, Alternate-Harless. Subcommittees determined by its members.
- f. League of Ca. Cities' Local Legislative Committee: Primary-Harless, Alternate-Becker
- g. League of Ca. Cities' Coastal Cities Issues Group (CCIG): Primary-Becker, Alternate-Harless
- h. North County Dispatch JPA: Primary-Harless, Alternate-Becker
- i. North County Transit District: Primary-Edson, Alternate-Harless
- j. Regional Solid Waste Association (RSWA): Primary-Harless, Alternate-Zito
- k. SANDAG: Primary-Heebner, 1st Alternate-Zito, 2nd Alternate-Edson. Subcommittees determined by its members.
- l. SANDAG Shoreline Preservation Committee: Primary-Becker, Alternate-Zito
- m. San Dieguito River Valley JPA: Primary-Harless, Alternate-Becker
- n. San Elijo JPA: Primary-Zito, Primary-Becker, Alternate-City Manager
- o. 22nd Agricultural District Association Community Relations Committee: Primary-Edson, Primary-Heebner

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

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

CITIZEN COMMISSION(S)

- a. Climate Action Commission: Primary-Zito, Alternate-Becker

ADJOURN:

Next Regularly Scheduled Meeting is April 28, 2021

*Always refer the City's website Event Calendar for Special Meetings or an updated schedule.
Or Contact City Hall 858-720-2400
www.cityofsolanabeach.org*

AFFIDAVIT OF POSTING

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

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the April 14, 2021 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on April 7, 2021 at 6:00 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., April 14, 2021, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk * City of Solana Beach, CA

CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, are posted on each Citizen Commission's Agenda webpage. See the [Citizen Commission's Agenda webpages](#) or the City's Events [Calendar](#) for updates.

- **Budget & Finance Commission**
- **Climate Action Commission**
- **Parks & Recreation Commission**
- **Public Arts Commission**
- **View Assessment Commission**



CITY OF SOLANA BEACH

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

AGENDA

Joint – Closed Session

Wednesday, March 10, 2021 ♦ 5:30 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting will be conducted in accordance with Governor Newsom's

Executive Order N-29-20 related to the COVID-19 virus.

CITY COUNCILMEMBERS

Lesa Heebner, Mayor

Kristi Becker
Deputy Mayor

Kelly Harless
Councilmember

David A. Zito
Councilmember
District 1

Jewel Edson
Councilmember
District 3

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 5:30 p.m.

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

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

Report to Council Chambers and submit speaker slips to the City Clerk, via public participation link on the front of the posted agenda, before the meeting, to be called on for public comment prior to Council recessing to closed session.

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

Two (2) Potential cases.

No reportable action.

ADJOURN:

Mayor Heebner adjourned the meeting at 6:20 p.m.

Angela Ivey, City Clerk

Council Approved: _____



CITY OF SOLANA BEACH

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

MINUTES

Joint REGULAR Meeting

Wednesday, March 10, 2021 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting will be conducted in accordance with Governor Newsom's Executive Order N-29-20 related to the COVID-19 virus.

CITY COUNCILMEMBERS

Les a Heebner, Mayor

Kristi Becker
Deputy Mayor

Kelly Harless
Councilmember

David A. Zito
Councilmember
District 1

Jewel Edson
Councilmember
District 3

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:26 p.m.

Present: Les a Heebner, Kristi Becker, Kelly Harless, David A. Zito, Jewel Edson

Absent: None

Also: Greg Wade, City Manager

Present: Johanna Canlas, City Attorney

Angela Ivey, City Clerk

Dan King, Assistant City Manager

Mo Sammak, City Engineer/Public Works Dir.

Ryan Smith, Finance Dir.

Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zito and second by Deputy Mayor Becker to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS:

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

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 speaker is THREE MINUTES (SBMC 2.04.190).

Kristine Schindler presented a PowerPoint (on file) and spoke about e-bike safety educational events sponsored by the San Diego County Bike Coalition and other supporters, walk audits for the Lomas Santa Fe Corridor improvement project, and the need for housing equity in the form of medium affordable density housing.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

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

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion.

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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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the February 10, 2021 City Council meetings.

Approved Minutes

http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.2. Register of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for February 6, 2021 – February 19, 2021.

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

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.3. General Fund Budget Adjustments for Fiscal Year 2020/21. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2020-2021 General Fund Adopted Budget.

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

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.4. City Hall and Fire Station Repair Project. (File 0700-25)

Recommendation: That the City Council

1. Adopt **Resolution 2021-027**:
 - a. Authorizing the City Manager to execute Change Order No. 5 to the construction contract with War Rhino, Inc., in the amount of \$40,000, for the Solana Beach City Hall and Fire Station Water Damage Remediation and Restoration Project, Bid No. 2020-02.
 - b. Authorizing the City Manager to execute change orders up to the amount of the revised contingency of \$135,000.
 - c. Authorizing the transfer of \$40,000 from CIP-23 (City Hall Elevator) to the City Hall and Fire Station Repair Project.
 - d. Authorizing the City Treasurer to amend the FY 2020/21 Adopted Budget accordingly.

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

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Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.5. Deputy Fire Chief Mutual Aid Deployment Reimbursement. (File 0200-00)

Recommendation: That the City Council

1. Adopt **Resolution 2021-029** authorizing the position of Deputy Fire Chief, when deployed as mutual aid, to be reimbursed portal-to-portal via the California Fire Assistance Agreement.

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

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Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.6. Destruction of Obsolete Records. (File 0170-50)

Recommendation: That the City Council

1. Adopt **Resolution 2021-013** authorizing the destruction of officially obsolete records.

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

[Item A.6. Updated Report #1 \(updated 3-4-21 at 4:30pm\)](#)

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Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1. – B.3.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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.

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.

B.1. Public Hearing: Santa Fe Christian Schools, Temporary Use Permit (TUP) for Temporary Modular Buildings. (File 0600-40)

Recommendation: That the City Council

1. Conditionally approve the Santa Fe Christian Schools Temporary Use Permit application for temporary modular classroom buildings.

[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.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed the permit timeline request for the entire school year in light of the public health order and not revoking the permit earlier than the end of the school year even if the emergency is withdrawn, since it would be difficult reorganizing students during the school year.

Rod Gilbert, Applicant, spoke about working with Staff and their excitement about getting this plan ironed out to meet the COVID restrictions for the new school year.

Keith Francis, Applicant, spoke about the City's assistance, the plan to start construction in May so it would be ready in August for the start of school, the quad

building construction beginning in June and continuing until July 2022, that the modular buildings would be disassembled by July so that the softball field could be ready in time for the start of the season.

Council and Applicant discussed the order of the construction of the carpool lane and the quad building, once they are completed then the trailers in the back of the property would be removed in order to build that area last.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to close the public hearing. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

Motion: Moved by Councilmember Zito and second by Councilmember Edson approve Staff recommendation. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

B.2. Public Hearing: 425 S. Granados Avenue, Applicant: Shannon, Case DRP 20-010. (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, 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 2021-025** conditionally approving a DRP to demolish an existing single-family residence, construct a replacement multi-level, single-family residence with an attached two-car garage and perform associated site improvements at 425 S. Granados Avenue, Solana Beach.
4. Adopt **Resolution 2021-026** ordering the vacation of excess public street right-of-way at 425 S. Granados Avenue.

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

[Item B.2. Updated Report #1 \(added 3-9 at 6:10pm\)](#)

[Item B.2. Supplemental Docs \(updated 3-9 at 6:10pm\)](#)

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 Becker recused herself due to a conflict of a property within the project area.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed that deep retention devices could be a trap for critters that could not escape if it was too deep and there was no way out, whether the construction for the basin is a gradual grade, and that the pavers would be set so that they did not encroach in the right-of-way.

Shawn Shannon and Norma, Applicant, spoke about his history in Solana Beach.

Tyler Van Stright, Applicant Architect, JLC Architecture, and Council discussed adding steps to the retention basin and maintaining vegetation options at restricted heights.

Motion: Moved by Councilmember Edson and second by Councilmember Zito to close the public hearing. **Approved 4/0/1** (Recused: Becker). Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried.

Motion: Moved by Councilmember Edson and second by Councilmember Zito approve Staff recommendation. **Approved 4/0/1** (Recused: Becker). Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried.

**B.3. Public Hearing: 514 Canyon Drive, Applicant: Ewing, Case 17-19-13
DRP/SDP.** (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: 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 to waive the requirement of the Structure Development Permit process for the revised project design and approve a modified staircase design, adopt **Resolution 2021-028** approving a Development Review Permit (DRP) and Structure Development Permit (SDP) for the revised design of a replacement two-story, single-family residence with an attached garage, and associated site improvements at 514 Canyon Drive, Solana Beach.

[Item B.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.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Taal Safdie, Applicant representative, spoke about revisions to meet what the Council intended and removing the height towards the west and making the entrance lower.

Van Tune, Applicant, said that they did their best to fit the parameters requested by Council and the difficulty of meeting the ceiling height over the stairs.

Motion: Moved by Deputy Mayor Becker and second by Councilmember Edson to close the public hearing. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

Motion: Moved by Mayor Heebner and second by Deputy Mayor Becker to approve Staff recommendation. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

C. STAFF REPORTS: (C.1.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

C.1. SEA Rate Discussion / CEA Default Power Supply Discussion

(File 1010-45, 46)

Recommendation: That the City Council

1. Receive the report on SEA wind-down activities, operations and financial forecast through January 2023 and provide any direction, as necessary.
2. Provide direction related to SEA rates.
3. Approve **Resolution 2021-031** selecting Clean Energy Alliance preferred default energy product for Solana Beach customers.

[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.

Greg Wade, City Manager, introduced the item and reviewed the Solana Energy Alliance (Solana Energy Alliance) transition to the CEA (Clean Energy Alliance).

Jeff Fuller, TEA, reviewed the financial outlook through the SEA wind-down.

Council and Consultants discussed that SDG&E had raised their rates which would result in an increase of SEA rates, but that SDG&E customers will still have a higher generation rate than SEA customers.

Barb Boswell, Bayshore, reviewed CEA rates and power supply options.

Council discussed that the reason the rates were being raised was due to the SDG&E rate increase, the significant greenhouse gas reduction benefit attained with the SEA, the rate increase options, the exit fee being charged by SDG&E and not by SEA, that SEA and other CCAs were contesting the exit fee structure with SDG&E, and the client's ability to opt up or down for their own renewable energy selection.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Becker to approve opting for Scenario 5 for SEA rates, and chose the Clean 75% as a preferred default energy product for Solana Beach customers in the Clean Energy Alliance. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. 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 "City" 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)

CITIZEN COMMISSION(S)

ADJOURN:

Mayor Heebner adjourned the meeting at 8:53 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: April 14, 2021
ORIGINATING DEPT: Finance
SUBJECT: Register of Demands

BACKGROUND:

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

Register of Demands- 03/06/21 through 03/26/21

Check Register-Disbursement Fund (Attachment 1)		\$	411,070.02
Retirement Payroll	March 10, 2021		4,648.00
Council Payroll	March 11, 2021		4,806.70
Federal & State Taxes	March 11, 2021		399.60
PERS Retirement (EFT)	March 11, 2021		519.45
Net Payroll	March 19, 2021		164,558.05
Federal & State Taxes	March 19, 2021		42,927.65
PERS Retirement (EFT)	March 19, 2021		46,851.62

TOTAL		\$	<u>675,781.09</u>
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DISCUSSION:

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

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The register of demands for March 6, 2021 through March 26, 2021 reflects total expenditures of \$675,781.09 from various City funding sources.

CITY COUNCIL ACTION: _____ _____

WORK PLAN:

N/A

OPTIONS:

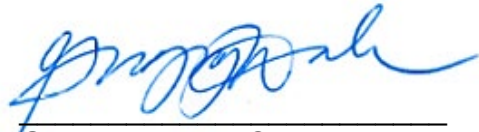
- Ratify the register of demands.
- Do not ratify and provide direction.

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: 03/29/2021
 TIME: 10:00:05

CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 1
 ACCTPA21

SELECTION CRITERIA: transact.ck_date between '20210306 00:00:00.000' and '20210326 00:00:00.000'
 ACCOUNTING PERIOD: 9/21

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	98702	03/11/21	5995	BOMBARDIER MASS TRANSIT	001	NCTD RWP TRNG-SAMMAK	0.00	165.87
1011	98703	03/11/21	5995	BOMBARDIER MASS TRANSIT	001	NCTD RWP TRNG-BLEA	0.00	165.87
1011	98704	03/11/21	5995	BOMBARDIER MASS TRANSIT	001	NCTD RWP TRNG-HERNAND	0.00	165.87
1011	98705	03/11/21	5995	BOMBARDIER MASS TRANSIT	001	NCTD RWP TRNG-GARCIA	0.00	165.87
1011	98706	03/11/21	5995	BOMBARDIER MASS TRANSIT	001	NCTD RWP TRNG-PEREZ	0.00	165.87
1011	98707	03/11/21	5822	CALIFORNIA OFFICE CLEANI	00165006570	CLEANING SUPPLIES	0.00	150.00
1011	98707	03/11/21	5822	CALIFORNIA OFFICE CLEANI	00165006570	JANITORIAL SVC-JAN	0.00	7,150.00
1011	98707	03/11/21	5822	CALIFORNIA OFFICE CLEANI	00165006570	COVID-19 CLN-JAN	0.00	3,399.00
TOTAL CHECK							0.00	10,699.00
1011	98708	03/11/21	5906	COLLEEN JANTZ	001	REISSUE CK#97473	0.00	600.00
1011	98709	03/11/21	5960	COMMUNITY RESOURCE CENTE	00150005200	COVID-19 RNTL ASST PRO	0.00	19,055.17
1011	98709	03/11/21	5960	COMMUNITY RESOURCE CENTE	00150005200	COVID-19 RNTL ASST PRO	0.00	24,341.08
TOTAL CHECK							0.00	43,396.25
1011	98710	03/11/21	5992	ELIZABETH MARUCHEAN	00150005400	E. MARUCHEAN-LIVESCAN	0.00	20.00
1011	98711	03/11/21	94	ESGIL CORPORATION	00155005560	BLDG PRMT-JAN	0.00	26,700.71
1011	98712	03/11/21	506	GOLD COAST SURVEYING, IN	00165006510	PROF SVC - JAN	0.00	199.00
1011	98712	03/11/21	506	GOLD COAST SURVEYING, IN	00165006510	PROF SVC -JAN	0.00	801.00
TOTAL CHECK							0.00	1,000.00
1011	98713	03/11/21	2949	INTERNAL REVENUE SERVICE	00150005300	CY QTR 2 941 PENALTY	0.00	2,516.28
1011	98714	03/11/21	172	LEE'S LOCK & SAFE INC	00165006570	LOCK-FC	0.00	16.16
1011	98715	03/11/21	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	9.54
1011	98715	03/11/21	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	13.35
1011	98715	03/11/21	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	13.35
1011	98715	03/11/21	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	20.98
TOTAL CHECK							0.00	57.22
1011	98716	03/11/21	50	OFFICE DEPOT INC	00150005350	PAPER	0.00	247.91
1011	98716	03/11/21	50	OFFICE DEPOT INC	00150005350	POST ITS	0.00	4.14
1011	98716	03/11/21	50	OFFICE DEPOT INC	00150005300	SIGNATURE STAMP	0.00	28.00
1011	98716	03/11/21	50	OFFICE DEPOT INC	00150005350	POST IT/PENS/FOLDERS	0.00	54.84
TOTAL CHECK							0.00	334.89
1011	98717	03/11/21	113	PITNEY BOWES GLOBAL FINA	00150005150	POSTG MTR-10/30-01/29	0.00	704.94
1011	98718	03/11/21	5998	READY REFRESH BY NESTLE	00165006570	DRINKING WATER-CH-MAR	0.00	132.56
1011	98718	03/11/21	5998	READY REFRESH BY NESTLE	00165006570	DRINKING WATER-CH-FEB	0.00	229.53
1011	98718	03/11/21	5998	READY REFRESH BY NESTLE	00165006570	DRINKING WATER-PW-MAR	0.00	35.69
1011	98718	03/11/21	5998	READY REFRESH BY NESTLE	00165006570	DRINKING WATER-PW-FEB	0.00	38.50
1011	98718	03/11/21	5998	READY REFRESH BY NESTLE	00165006570	DRINKING WATER-LC-MAR	0.00	15.15

PENTAMATION
 DATE: 03/29/2021
 TIME: 10:00:05

CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 2
 ACCTPA21

SELECTION CRITERIA: transact.ck_date between '20210306 00:00:00.000' and '20210326 00:00:00.000'
 ACCOUNTING PERIOD: 9/21

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
TOTAL CHECK							0.00	451.43
1011	98719	03/11/21	1073	SEASIDE HEATING & AIR CO	00165006570	COVID-19 RELATED SERVI	0.00	2,032.00
1011	98720	03/11/21	5994	SHARON PERKOWSKI	00150005400	S. PERKOWSKI-LIVESCAN	0.00	25.00
1011	98721	03/11/21	1231	STAPLES CONTRACT & COMME	00150005350	STICKY NOTES	0.00	26.91
1011	98721	03/11/21	1231	STAPLES CONTRACT & COMME	00150005300	DESK ORGNZR/WRST GRD	0.00	49.09
1011	98721	03/11/21	1231	STAPLES CONTRACT & COMME	00150005300	CORK BOARD	0.00	23.69
1011	98721	03/11/21	1231	STAPLES CONTRACT & COMME	00150005300	CALCULATOR/CALENDAR	0.00	81.87
1011	98721	03/11/21	1231	STAPLES CONTRACT & COMME	00150005350	PAPER	0.00	195.82
TOTAL CHECK							0.00	377.38
1011	98722	03/11/21	3810	SUPERIOR PRESS	00150005300	AP CHECKS/PR VOUCHERS	0.00	427.74
1011	98723	03/11/21	4959	TELECOM LAW FIRM	21355005550	DUP21001/105 S CEDROS	0.00	2,350.00
1011	98724	03/11/21	4534	TRAFFIC SUPPLY, INC	00165006540	SIGNS	0.00	1,871.78
1011	98725	03/11/21	5890	TYLER TECHNOLOGIES, INC.	13550005300	IMPLMNTN-NON-HR-FEB	0.00	5,120.00
1011	98725	03/11/21	5890	TYLER TECHNOLOGIES, INC.	13550005200	IMPLMNTN-HR-FEB	0.00	2,560.00
1011	98725	03/11/21	5890	TYLER TECHNOLOGIES, INC.	13550005300	IMPLMNTN-NON-HR-JAN	0.00	8,320.00
TOTAL CHECK							0.00	16,000.00
1011	98726	03/11/21	40	UNDERGROUND SVC ALERT OF	00165006510	CA ST REGLTRY-FEB	0.00	54.29
1011	98726	03/11/21	40	UNDERGROUND SVC ALERT OF	00165006510	DIG ALERT-FEB	0.00	76.00
TOTAL CHECK							0.00	130.29
1011	98727	03/11/21	5952	WAR RHINO INC.	45994076510	9407.21 CH DFRD MNT	0.00	14,662.56
1011	98727	03/11/21	5952	WAR RHINO INC.	45993956510	9395.21 FS DFRD MNT	0.00	696.17
1011	98727	03/11/21	5952	WAR RHINO INC.	45994076510	9407.21 CH DFRD MNT RT	0.00	771.70
1011	98727	03/11/21	5952	WAR RHINO INC.	45993956510	9395.21 FS DFRD MNT RT	0.00	36.64
1011	98727	03/11/21	5952	WAR RHINO INC.	45993956510	9395.21 FS MNT CNTG	0.00	4,750.00
1011	98727	03/11/21	5952	WAR RHINO INC.	45993956510	9395.21 FS CTN RTN	0.00	250.00
1011	98727	03/11/21	5952	WAR RHINO INC.	45994076510	9407.21 CH MNT CNTG	0.00	16,541.49
1011	98727	03/11/21	5952	WAR RHINO INC.	45993956510	9395.21 FS MNT CNTG	0.00	8,499.78
1011	98727	03/11/21	5952	WAR RHINO INC.	45994076510	9407.21 CH MNT CTN RTN	0.00	870.62
1011	98727	03/11/21	5952	WAR RHINO INC.	45993956510	9395.21 FS CTN RTN	0.00	447.31
1011	98727	03/11/21	5952	WAR RHINO INC.	459	9407.21 CH MNT CTN RT	0.00	-870.62
1011	98727	03/11/21	5952	WAR RHINO INC.	459	9407.21 CH DFRD MNT R	0.00	-771.70
1011	98727	03/11/21	5952	WAR RHINO INC.	459	9395.21 FS CTN RTN	0.00	-447.31
1011	98727	03/11/21	5952	WAR RHINO INC.	459	9395.21 FS CTN RTN	0.00	-250.00
1011	98727	03/11/21	5952	WAR RHINO INC.	459	9395.21 FS DFRD MNT R	0.00	-36.61
TOTAL CHECK							0.00	45,150.03
1011	98728	03/11/21	4844	WARWICK GROUP CONSULTANT	45099266190	9926.21 PROF SVC-FEB	0.00	4,945.00
1011	98729	03/11/21	2137	AFLAC	001	FEBRUARY 21	0.00	803.86
1011	98730	03/18/21	4706	24 HOUR ELEVATOR, INC	00165006570	ELVTR MAINT-MAR	0.00	168.00
1011	98731	03/18/21	1135	AFFORDABLE PIPELINE SERV	50900007700	I-SEWER CLEANING	0.00	425.00

PENTAMATION
 DATE: 03/29/2021
 TIME: 10:00:05

CITY OF SOLANA BEACH, CA
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 3
 ACCTPA21

SELECTION CRITERIA: transact.ck_date between '20210306 00:00:00.000' and '20210326 00:00:00.000'
 ACCOUNTING PERIOD: 9/21

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	98731	03/18/21	1135	AFFORDABLE PIPELINE SERV	50900007700	C-SEWER CLEAN-26,762	0.00	13,381.00
1011	98731	03/18/21	1135	AFFORDABLE PIPELINE SERV	00165006520	H-STORM DRAIN MAINT	0.00	1,140.00
TOTAL CHECK							0.00	14,946.00
1011	98732	03/18/21	3069	JOSHUA BLEA	00165006530	MILEAGE-03/02/21	0.00	28.00
1011	98733	03/18/21	5822	CALIFORNIA OFFICE CLEANI	00165006570	JANITORIAL SVC-FEB	0.00	7,600.00
1011	98733	03/18/21	5822	CALIFORNIA OFFICE CLEANI	00165006570	COVID-19 CLN-FEB	0.00	3,399.00
1011	98733	03/18/21	5822	CALIFORNIA OFFICE CLEANI	00165006570	CLEANING SUPPLIES-FEB	0.00	150.00
TOTAL CHECK							0.00	11,149.00
1011	98734	03/18/21	5924	CLEAN EARTH ENVIROMENTAL	00165006520	HHW-DEC	0.00	1,004.24
1011	98734	03/18/21	5924	CLEAN EARTH ENVIROMENTAL	00165006520	HHW-NOV	0.00	1,096.74
TOTAL CHECK							0.00	2,100.98
1011	98735	03/18/21	5960	COMMUNITY RESOURCE CENTE	00150005200	COVID-19 RNTL ASST PRO	0.00	8,549.48
1011	98736	03/18/21	5171	CORELOGIC SOLUTIONS, LLC	00155005550	PROPERTY PRO DATA-MAR	0.00	96.83
1011	98737	03/18/21	2165	CULLIGAN OF SAN DIEGO	00160006170	DRNKNG WTR SVC-JAN	0.00	48.83
1011	98737	03/18/21	2165	CULLIGAN OF SAN DIEGO	00160006170	DRNKNG WTR SVC-MAR	0.00	48.83
TOTAL CHECK							0.00	97.66
1011	98738	03/18/21	739	DEPARTMENT OF JUSTICE	00150005400	FINGERPRINT APP-FEB	0.00	64.00
1011	98739	03/18/21	134	DIXIELINE LUMBER CO INC	00165006570	DRILL BITS/LIGHTS	0.00	80.96
1011	98739	03/18/21	134	DIXIELINE LUMBER CO INC	00165006560	NUTS/WSHR/BLTS/WRNCH	0.00	85.72
1011	98739	03/18/21	134	DIXIELINE LUMBER CO INC	00165006560	EPOXY	0.00	87.26
1011	98739	03/18/21	134	DIXIELINE LUMBER CO INC	00165006570	ALUMNM SCOOP	0.00	34.90
1011	98739	03/18/21	134	DIXIELINE LUMBER CO INC	00165006520	LUMBER	0.00	42.43
1011	98739	03/18/21	134	DIXIELINE LUMBER CO INC	00165006570	DRILL BIT/FURNACE KEY	0.00	45.54
1011	98739	03/18/21	134	DIXIELINE LUMBER CO INC	00165006570	MICRO PIN	0.00	11.63
1011	98739	03/18/21	134	DIXIELINE LUMBER CO INC	00165006570	PAINTR TAPE/GLVS/BRSH	0.00	105.00
TOTAL CHECK							0.00	493.44
1011	98740	03/18/21	5543	DOMUSSTUDIO ARCHITECTURE	45094496510	9449.01 MS CNTR-FEB	0.00	1,500.00
1011	98741	03/18/21	4808	DONNOE & ASSOCIATES, INC	00150005400	FIRE ENGNR EXM-3/8-22	0.00	341.00
1011	98742	03/18/21	5610	ERGOSTOP INC.	12050005460	KEYBOARD/MOUSE-HR	0.00	416.11
1011	98742	03/18/21	5610	ERGOSTOP INC.	12050005460	KEYBOARD/MOUSE-EN	0.00	416.11
1011	98742	03/18/21	5610	ERGOSTOP INC.	12050005460	STND DESK-CTY CLRK	0.00	612.59
1011	98742	03/18/21	5610	ERGOSTOP INC.	12050005460	WORK FIT-FS	0.00	726.79
1011	98742	03/18/21	5610	ERGOSTOP INC.	12050005460	FOOTREST-HR	0.00	55.07
1011	98742	03/18/21	5610	ERGOSTOP INC.	12050005460	FOOTREST-CTY CLRK	0.00	55.07
1011	98742	03/18/21	5610	ERGOSTOP INC.	12050005460	FOOTREST-EN	0.00	55.07
TOTAL CHECK							0.00	2,336.81
1011	98743	03/18/21	5098	JOSE GARCIA	00165006530	MILEAGE-03/07/21	0.00	36.40
1011	98744	03/18/21	190	LEAGUE OF CALIFORNIA CIT	00150005100	CY21 LCC MEMBERSHIP	0.00	6,170.00

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	98745	03/18/21	5549	MICHAEL BAKER INTERNATIO	22093826510	9382.03 LSF CORR-III	0.00	3,510.00
1011	98745	03/18/21	5549	MICHAEL BAKER INTERNATIO	22893826510	9382.03 LSF CORR-III	0.00	390.00
TOTAL CHECK								3,900.00
1011	98746	03/18/21	2106	MIKHAIL OGAWA ENGINEERIN	00165006520	STRMWTR PRK MNGMT-FEB	0.00	681.10
1011	98746	03/18/21	2106	MIKHAIL OGAWA ENGINEERIN	00165006520	STRMWTR PRK MNGMT-FEB	0.00	3,672.11
TOTAL CHECK								4,353.21
1011	98747	03/18/21	5407	PJ CASTORENA, INC.	55000007750	CCA WKLY 2/16 & 2/23	0.00	70.65
1011	98748	03/18/21	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	9.54
1011	98748	03/18/21	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	13.35
1011	98748	03/18/21	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	13.35
1011	98748	03/18/21	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	20.98
TOTAL CHECK								57.22
1011	98749	03/18/21	5979	PRISM	12550005465	FY20 EWC PREM ADJ	0.00	8,869.00
1011	98750	03/18/21	5835	RAFTELIS FINANCIAL CONSU	50900007700	SWR RATE STUDY-JAN	0.00	4,362.50
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506002 0101-030121	0.00	344.62
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979024 0202-030121	0.00	194.57
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20875007580	005506020 0202-030121	0.00	1,100.60
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006530	011695000 0202-030121	0.00	124.95
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006550	011695000 0202-030121	0.00	73.39
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	50900007700	005506014 0202-030121	0.00	830.87
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006520	005506014 0202-030121	0.00	276.96
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506001 0101-030121	0.00	74.42
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506004 0101-030121	0.00	74.42
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506009 0101-030121	0.00	74.42
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	012448001 0101-030121	0.00	82.85
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005979001 0101-030121	0.00	98.69
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506013 0101-030121	0.00	102.25
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506007 0101-030121	0.00	107.10
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20875007580	005506003 0101-030121	0.00	117.34
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	012448000 0101-030121	0.00	130.83
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506010 0101-030121	0.00	131.35
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506006 0101-030121	0.00	147.89
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506000 0101-030121	0.00	184.40
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506005 0101-030121	0.00	202.88
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506011 0101-030121	0.00	296.12
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006570	005506008 0101-030121	0.00	349.47
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20375007510	005979000 0101-030121	0.00	459.50
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506012 0101-030121	0.00	1,222.47
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979017 0202-030121	0.00	59.55
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979018 0202-030121	0.00	59.55
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979019 0202-030121	0.00	108.56
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979021 0202-030121	0.00	187.03
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979022 0202-030121	0.00	213.42
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979023 0202-030121	0.00	224.73
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979020 0202-030121	0.00	258.66
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979016 0202-030121	0.00	292.59

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1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506018 0202-030121	0.00	303.90
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979015 0202-030121	0.00	315.21
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979025 0202-030121	0.00	420.77
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979014 0202-030121	0.00	628.12
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	00165006560	005506019 0202-030121	0.00	669.75
1011	98752	03/18/21	141	SANTA FE IRRIGATION DIST	20475007520	005979026 0202-030121	0.00	673.36
TOTAL CHECK							0.00	11,217.56
1011	98753	03/18/21	1073	SEASIDE HEATING & AIR CO	00165006570	AS NEEDED RPR-APR	0.00	220.00
1011	98753	03/18/21	1073	SEASIDE HEATING & AIR CO	00165006570	AS NEEDED RPR-FEB	0.00	394.00
TOTAL CHECK							0.00	614.00
1011	98754	03/18/21	5109	HALLE SHILLING	00150005400	H SHILLING-FINGERPNT	0.00	25.00
1011	98755	03/18/21	5743	STANDARD PLUMBING SUPPLY	00165006570	TUBE/BALL VALVE	0.00	51.60
1011	98756	03/18/21	5699	SUNBELT RENTALS, INC.	00165006560	TILLER-LC	0.00	104.93
1011	98757	03/18/21	5704	THE HOME DEPOT PRO	00165006560	BLEACH/LINERS	0.00	926.71
1011	98757	03/18/21	5704	THE HOME DEPOT PRO	00165006570	BLEACH/LINERS	0.00	926.71
TOTAL CHECK							0.00	1,853.42
1011	98758	03/18/21	5999	TIM HENION	001	RFND-DUP19-002/990 HI	0.00	535.00
1011	98758	03/18/21	5999	TIM HENION	001	RFND-DUP19-003/200 MA	0.00	535.00
TOTAL CHECK							0.00	1,070.00
1011	98759	03/18/21	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB NTC-DRP20-005	0.00	440.58
1011	98760	03/18/21	30	VERIZON WIRELESS-SD	00165006520	PW CELL 02/02-03/01	0.00	35.04
1011	98760	03/18/21	30	VERIZON WIRELESS-SD	00165006530	PW CELL 02/02-03/01	0.00	35.04
1011	98760	03/18/21	30	VERIZON WIRELESS-SD	21100007600	PW CELL 02/02-03/01	0.00	10.01
1011	98760	03/18/21	30	VERIZON WIRELESS-SD	50900007700	PW CELL 02/02-03/01	0.00	10.01
1011	98760	03/18/21	30	VERIZON WIRELESS-SD	00165006540	PW CELL 02/02-03/01	0.00	27.53
1011	98760	03/18/21	30	VERIZON WIRELESS-SD	00165006560	PW CELL 02/02-03/01	0.00	27.53
1011	98760	03/18/21	30	VERIZON WIRELESS-SD	00165006510	PW CELL 02/02-03/01	0.00	35.01
1011	98760	03/18/21	30	VERIZON WIRELESS-SD	00160006140	CODES CELL 1/24-2/23	0.00	141.51
TOTAL CHECK							0.00	321.68
1011	98761	03/18/21	5916	WEX FLEET UNIVERSAL	00165006560	AUTO FUEL-02/08-03/07	0.00	66.07
1011	98761	03/18/21	5916	WEX FLEET UNIVERSAL	00165006570	AUTO FUEL-02/08-03/07	0.00	110.11
1011	98761	03/18/21	5916	WEX FLEET UNIVERSAL	00165006510	AUTO FUEL-02/08-03/07	0.00	121.12
1011	98761	03/18/21	5916	WEX FLEET UNIVERSAL	50900007700	AUTO FUEL-02/08-03/07	0.00	132.13
1011	98761	03/18/21	5916	WEX FLEET UNIVERSAL	00160006140	AUTO FUEL-02/08-03/07	0.00	275.61
1011	98761	03/18/21	5916	WEX FLEET UNIVERSAL	00165006530	AUTO FUEL-02/08-03/07	0.00	319.33
1011	98761	03/18/21	5916	WEX FLEET UNIVERSAL	00160006170	AUTO FUEL-02/08-03/07	0.00	350.35
1011	98761	03/18/21	5916	WEX FLEET UNIVERSAL	00165006520	AUTO FUEL-02/08-03/07	0.00	352.36
1011	98761	03/18/21	5916	WEX FLEET UNIVERSAL	00160006120	AUTO FUEL-02/08-03/07	0.00	368.38
TOTAL CHECK							0.00	2,095.46
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	COPIER CLRKS-FEB	0.00	271.68
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	EXCESS BLK-1/21-2/21	0.00	8.38
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	EXCESS CLR-1/21-2/21	0.00	35.88

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1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	FIERY CLRKS-FEB	0.00	122.84
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	COPIER UPSTAIRS-FEB	0.00	298.25
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	EXCESS BLK-1/21-2/21	0.00	13.15
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	EXCESS CLR-1/21-2/21	0.00	51.21
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	FIERY UPSTAIRS-FEB	0.00	132.61
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	COPIER PLANNING-FEB	0.00	546.78
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	EXCESS BLK-1/21-2/21	0.00	34.94
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	EXCESS CLR-1/21-2/21	0.00	46.76
1011	98762	03/18/21	37	XEROX CORPORATION	00150005350	FIERY PLANNING-FEB	0.00	132.61
TOTAL CHECK							0.00	1,695.09
1011	98763	03/25/21	2906	ACE UNIFORMS & ACCESSORI	00160006120	BTS/PNTS/SHRTS-BASIN	0.00	612.48
1011	98763	03/25/21	2906	ACE UNIFORMS & ACCESSORI	00160006120	PNTS/SHRT/BLT-PESTER	0.00	1,088.18
1011	98763	03/25/21	2906	ACE UNIFORMS & ACCESSORI	00160006120	SHIRTS-HANCOCK	0.00	1,199.26
TOTAL CHECK							0.00	2,899.92
1011	98764	03/25/21	4794	AMR	27060006120	CSA17.21 LIFEBANDS	0.00	383.86
1011	98765	03/25/21	4832	AT&T CALNET 3	00160006170	9391012281 11/25-1224	0.00	67.74
1011	98765	03/25/21	4832	AT&T CALNET 3	00160006170	9391012281 1/25-2/24	0.00	68.98
1011	98765	03/25/21	4832	AT&T CALNET 3	00160006170	9391012281 12/25-1/24	0.00	69.74
1011	98765	03/25/21	4832	AT&T CALNET 3	00160006170	9391019469 12/20-1/19	0.00	22.89
1011	98765	03/25/21	4832	AT&T CALNET 3	00160006120	9391012280 11/24-1223	0.00	582.73
1011	98765	03/25/21	4832	AT&T CALNET 3	00160006120	9391012280 12/24-1/23	0.00	584.43
1011	98765	03/25/21	4832	AT&T CALNET 3	00160006120	9391012280 1/24-2/23	0.00	835.51
1011	98765	03/25/21	4832	AT&T CALNET 3	00160006170	9391053651 11/25-1224	0.00	226.90
1011	98765	03/25/21	4832	AT&T CALNET 3	00160006170	9391053651 1/25-2/24	0.00	232.77
TOTAL CHECK							0.00	2,691.69
1011	98766	03/25/21	6002	BRENDA GRIJALVA	12050005460	CLAIM.2104 GRIJALVA	0.00	849.72
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	00150005250	PROF SERV PE 01/31/21	0.00	7.50
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	00150005250	PROF SERV PE 01/31/21	0.00	87.50
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	12050005460	PROF SERV PE 01/31/21	0.00	315.00
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	00150005250	PROF SERV PE 01/31/21	0.00	577.50
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	00150005250	PROF SERV PE 01/31/21	0.00	980.00
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	00150005250	PROF SERV PE 01/31/21	0.00	1,067.50
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	00150005250	PROF SERV PE 01/31/21	0.00	1,314.00
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	00150005250	PROF SERV PE 01/31/21	0.00	5,302.50
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	00150005250	PROF SERV PE 01/31/21	0.00	5,500.00
1011	98767	03/25/21	557	BURKE, WILLIAMS & SORENS	00150005250	PROF SERV PE 01/31/21	0.00	5,530.00
TOTAL CHECK							0.00	20,681.50
1011	98768	03/25/21	5051	CINTAS CORPORATION NO. 2	00165006570	FIRST AID SUPPLIES-PW	0.00	105.24
1011	98769	03/25/21	5924	CLEAN EARTH ENVIROMENTAL	00165006520	HHW-JAN	0.00	1,288.36
1011	98770	03/25/21	211	CONSOLIDATED ELECTRICAL	00165006530	LAMPS	0.00	395.23
1011	98771	03/25/21	4278	CTE, INC	21355005550	CUP20-004/135 S SIERRA	0.00	1,250.00
1011	98772	03/25/21	2165	CULLIGAN OF SAN DIEGO	00160006170	DRNKING WTR SVC-FEB	0.00	48.83

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CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	98773	03/25/21	218	DATATICKET INC.	00160006140	PRKNG TCKT ADMIN-FEB	0.00	99.25
1011	98774	03/25/21	213	DEPARTMENT OF TRANSPORTA	00165006540	MAINT 10/20-12/20	0.00	1,494.25
1011	98774	03/25/21	213	DEPARTMENT OF TRANSPORTA	00165006540	MAINT 07/20-09/20	0.00	2,399.79
1011	98774	03/25/21	213	DEPARTMENT OF TRANSPORTA	00165006540	ELECT 07/20-09/20	0.00	390.31
1011	98774	03/25/21	213	DEPARTMENT OF TRANSPORTA	00165006540	ELECT 10/20-12/20	0.00	471.39
TOTAL CHECK							0.00	4,755.74
1011	98775	03/25/21	372	EMPLOYMENT DEVELOPMENT D	00150005400	SUI PE 12/31/20	0.00	2,296.50
1011	98776	03/25/21	884	ENTENMANN-ROVIN CO. INC	00160006120	BADGE WALLETS-FS	0.00	180.09
1011	98777	03/25/21	322	FIRE ETC.	00160006120	TONGS/TOOLS-HOGAN	0.00	191.80
1011	98777	03/25/21	322	FIRE ETC.	00160006120	HELMET GEAR-PSTR/HGN	0.00	634.18
TOTAL CHECK							0.00	825.98
1011	98778	03/25/21	3299	HELIX ENVIRONMENTAL	21355005550	1718.20/1040 SOLANA DR	0.00	382.50
1011	98779	03/25/21	5399	INBOUND DESIGN INC.	55000007750	SEA WEBSITE MANT-FEB	0.00	49.00
1011	98780	03/25/21	2102	LEGAL SHIELD CORP	001	PPD LEGAL-MAR 21	0.00	38.86
1011	98781	03/25/21	4738	MEDICAL EYE SERVICES	001	EE# COBRA FEB21	0.00	33.87
1011	98781	03/25/21	4738	MEDICAL EYE SERVICES	001	EE# TIMING FEB21	0.00	20.23
1011	98781	03/25/21	4738	MEDICAL EYE SERVICES	001	EE# COBRA FEB21	0.00	20.33
1011	98781	03/25/21	4738	MEDICAL EYE SERVICES	001	VISION FEB 21	0.00	448.34
1011	98781	03/25/21	4738	MEDICAL EYE SERVICES	001	EE# TIMING FEB21	0.00	-22.58
1011	98781	03/25/21	4738	MEDICAL EYE SERVICES	001	EE# TIMING FEB21	0.00	-22.58
1011	98781	03/25/21	4738	MEDICAL EYE SERVICES	00150005400	ROUNDING-FEB 21	0.00	-0.21
1011	98781	03/25/21	4738	MEDICAL EYE SERVICES	001	EE# COBRA FEB21	0.00	11.29
1011	98781	03/25/21	4738	MEDICAL EYE SERVICES	001	EE# COBRA FEB21	0.00	11.29
TOTAL CHECK							0.00	499.98
1011	98782	03/25/21	5946	MEINEKE FAMILY TRUST	001	RFND-SBGR-375/301 W	0.00	12,857.00
1011	98783	03/25/21	5996	MISSION CAPITAL PROPERTI	001	RFND-DRP20-005/520 N	0.00	600.00
1011	98784	03/25/21	111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	9.54
1011	98784	03/25/21	111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	13.35
1011	98784	03/25/21	111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	13.35
1011	98784	03/25/21	111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	20.98
TOTAL CHECK							0.00	57.22
1011	98785	03/25/21	4522	NISSHO OF CALIFORNIA	00165006530	STREET LNDSVC-FEB	0.00	1,827.01
1011	98785	03/25/21	4522	NISSHO OF CALIFORNIA	00165006560	PRKS LNDSVC-FEB	0.00	11,625.14
1011	98785	03/25/21	4522	NISSHO OF CALIFORNIA	00165006570	PUBFAC LNDSVC-FEB	0.00	2,509.06
1011	98785	03/25/21	4522	NISSHO OF CALIFORNIA	20375007510	MID#33 LNDSVC-FEB	0.00	2,078.87
1011	98785	03/25/21	4522	NISSHO OF CALIFORNIA	20875007580	CRT LNDSVC-FEB	0.00	3,995.90
TOTAL CHECK							0.00	22,035.98
1011	98786	03/25/21	50	OFFICE DEPOT INC	00150005300	SIGNATURE STAMP	0.00	30.16

PENTAMATION
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CITY OF SOLANA BEACH, CA
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 ACCOUNTING PERIOD: 9/21

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	98786	03/25/21	50	OFFICE DEPOT INC	00150005300	TONER	0.00	91.58
TOTAL CHECK							0.00	121.74
1011	98787	03/25/21	54	1 STOP TONER & INKJET, L	00170007110	DRUM-LC	0.00	63.33
1011	98788	03/25/21	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1718.29/710 W SOLANA	0.00	375.00
1011	98788	03/25/21	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	B200008/986 SANTA FLO	0.00	450.00
1011	98788	03/25/21	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1719.05/412 N ACACIA	0.00	300.00
1011	98788	03/25/21	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	DRP20014/506 PACIFIC	0.00	300.00
1011	98788	03/25/21	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1719.14/476 MARVIEW	0.00	300.00
1011	98788	03/25/21	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	1717.10/301 WEST CLIF	0.00	300.00
1011	98788	03/25/21	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	DRP20005/537 N GRANAD	0.00	300.00
1011	98788	03/25/21	4797	PAMELA ELLIOTT LANDSCAPE	21355005550	DRP20006/525 FORD AVE	0.00	300.00
TOTAL CHECK							0.00	2,625.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-FEB-FC	0.00	34.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-FEB-PW	0.00	34.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-FEB-MS	0.00	34.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-MAR-FC	0.00	34.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-MAR-PW	0.00	34.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-MAR-MS	0.00	34.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-MAR-LC	0.00	35.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-FEB-LC	0.00	35.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-FEB-FS	0.00	40.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-MAR-FS	0.00	40.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-MAR-CH	0.00	53.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-FEB-CH	0.00	53.00
1011	98789	03/25/21	5361	HABITAT PROTECTION, INC	00165006570	AS ND PST CNTL-FEB-MS	0.00	29.00
TOTAL CHECK							0.00	489.00
1011	98790	03/25/21	113	PITNEY BOWES GLOBAL FINA	00150005150	CITY WIDE POSTAGE	0.00	1,800.00
1011	98791	03/25/21	1087	PREFERRED BENEFIT INS AD	001	EE TIMING MAR 20	0.00	19.40
1011	98791	03/25/21	1087	PREFERRED BENEFIT INS AD	00150005400	ROUNDING MAR 21	0.00	-0.04
1011	98791	03/25/21	1087	PREFERRED BENEFIT INS AD	00150005400	ADMIN FEE MAR 21	0.00	6.75
1011	98791	03/25/21	1087	PREFERRED BENEFIT INS AD	001	DENTAL MAR 21	0.00	2,851.14
TOTAL CHECK							0.00	2,877.25
1011	98792	03/25/21	1112	RANCHO SANTA FE SECURITY	00165006560	RESTRM LCK/UNLOCK-FEB	0.00	583.57
1011	98792	03/25/21	1112	RANCHO SANTA FE SECURITY	00165006560	ALARM MONITORING-FEB	0.00	252.00
TOTAL CHECK							0.00	835.57
1011	98793	03/25/21	416	REGIONAL COMMS SYS, MS 0	00160006120	CAP CODE-OCT	0.00	32.50
1011	98793	03/25/21	416	REGIONAL COMMS SYS, MS 0	00160006120	CAP CODE-FEB	0.00	32.50
1011	98793	03/25/21	416	REGIONAL COMMS SYS, MS 0	00160006120	CAP CODE-JAN	0.00	32.50
TOTAL CHECK							0.00	97.50
1011	98794	03/25/21	677	ROADONE INC	00160006120	TOWING JUNK CARS-TRNG	0.00	350.00
1011	98795	03/25/21	5997	SAM BAUGH INC.	001	DRP20-005/526 N GRANA	0.00	600.00
1011	98796	03/25/21	257	SAN DIEGO COUNTY SHERIFF	00160006110	FY21 CAL ID Q1 & Q2	0.00	1,270.00

PENTAMATION
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CITY OF SOLANA BEACH, CA
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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	98796	03/25/21	257	SAN DIEGO COUNTY SHERIFF	00160006110	FY21 CAL ID Q3 & Q4	0.00	1,270.00
TOTAL CHECK							0.00	2,540.00
1011	98797	03/25/21	5223	SANGIS	00165006510	SD IMGRY PROJ 2 OF 3	0.00	1,304.99
1011	98798	03/25/21	141	SANTA FE IRRIGATION DIST	00160006120	005512000 0101-030121	0.00	572.57
1011	98799	03/25/21	6000	SEQUOIA	001	RFND-DUP19-001/200 MA	0.00	535.00
1011	98800	03/25/21	3199	SOUTH COAST EMERGENCY VE	00160006120	T237 DATALINK MODULE	0.00	119.18
1011	98801	03/25/21	1231	STAPLES CONTRACT & COMME	00150005150	CAMERA/MIC	0.00	66.79
1011	98801	03/25/21	1231	STAPLES CONTRACT & COMME	00150005150	BATTERIES/MARKRS/MIC	0.00	89.98
1011	98801	03/25/21	1231	STAPLES CONTRACT & COMME	00150005150	ZOOM MIC/USB PARTS	0.00	120.65
1011	98801	03/25/21	1231	STAPLES CONTRACT & COMME	00150005150	BOX NAMEPLATES	0.00	33.42
1011	98801	03/25/21	1231	STAPLES CONTRACT & COMME	00150005150	TAPE/WIPES	0.00	53.22
1011	98801	03/25/21	1231	STAPLES CONTRACT & COMME	00150005150	RFND-HANDSET	0.00	-10.01
1011	98801	03/25/21	1231	STAPLES CONTRACT & COMME	00150005150	CLEANING SOLUTION	0.00	6.78
1011	98801	03/25/21	1231	STAPLES CONTRACT & COMME	00150005150	HANDSET	0.00	10.01
1011	98801	03/25/21	1231	STAPLES CONTRACT & COMME	00150005150	BATTERIES	0.00	20.50
TOTAL CHECK							0.00	391.34
1011	98802	03/25/21	6001	SUSAN MULLINS	001	RFND-SB-0640105	0.00	322.50
1011	98803	03/25/21	5989	THE HANNA FENICHEL CNTR	001	RFND-CUP20-002/2033 S	0.00	6,212.00
1011	98803	03/25/21	5989	THE HANNA FENICHEL CNTR	135	RFND-CUP20-002/2033 S	0.00	62.12
TOTAL CHECK							0.00	6,274.12
1011	98804	03/25/21	5961	TOSDAL APC	55000007750	SEA PROF SVC-FEB	0.00	5,157.00
1011	98805	03/25/21	3980	TURNOUT MAINTENANCE COMP	00160006120	MAINT-SPAN/STYR/MTCHL	0.00	695.54
1011	98806	03/25/21	2097	UT SAN DIEGO - NRTH COUN	55000007750	PUB HRNG-AMND SEA RTS	0.00	221.75
1011	98807	03/25/21	30	VERIZON WIRELESS-SD	00160006120	FIRE CELL 01/29-2/28	0.00	546.87
1011	98807	03/25/21	30	VERIZON WIRELESS-SD	27060006120	FIRE IPAD 01/29-2/28	0.00	114.03
1011	98807	03/25/21	30	VERIZON WIRELESS-SD	00160006120	BC CELL 01/29-2/28	0.00	153.29
1011	98807	03/25/21	30	VERIZON WIRELESS-SD	00160006170	MS IPADS 01/29-2/28	0.00	152.04
TOTAL CHECK							0.00	966.23
1011	98808	03/25/21	662	WEST COAST ARBORISTS, IN	00165006530	TREE SVC-2/1-2/15	0.00	2,040.00
1011	98809	03/25/21	5594	WEX BANK	00160006120	AUTO FUEL-JAN 21	0.00	1,070.49
1011	98809	03/25/21	5594	WEX BANK	00160006120	AUTO FUEL-FEB 21	0.00	1,425.57
1011	98809	03/25/21	5594	WEX BANK	00160006120	CR EXEMPT TAX-FEB 21	0.00	-90.50
1011	98809	03/25/21	5594	WEX BANK	00160006120	CR EXEMPT TAX-JAN 21	0.00	-71.95
TOTAL CHECK							0.00	2,333.61
1011	V9000249	03/11/21	11	ICMA PLAN 302817	001	ICMA PD 03/11/21	0.00	6,536.20
1011	V9000250	03/11/21	2260	REDFLEX TRAFFIC SYSTEMS,	00165006540	RED LIGHT CAMERA-FEB	0.00	7,158.00

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FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	V9000251	03/11/21	3066	SUMMIT ENVIRONMENTAL GRO	45099266190	9926 PROF SVC SND-FEB	0.00	2,875.00
1011	V9000252	03/18/21	11	ICMA PLAN 302817	001	PLAN NUMBER:302817	0.00	12,347.21
1011	V9000253	03/18/21	3859	ICMA RHS 801939	001	PLAN NUMBER:801939	0.00	1,993.55
1011	V9000254	03/18/21	13	SOLANA BEACH FIREFIGHTER	001	FD DUES PD 03/19/21	0.00	813.50
1011	V9000255	03/25/21	5320	BAYSHORE CONSULTING GROU	55000007750	CCA PROF SVC-FEB	0.00	1,650.00
1011	V9000256	03/25/21	5834	KIMLEY-HORN AND ASSOCIAT	45999055550	9905.03 PROF SVC-FEB	0.00	15,138.50
1011	V9000257	03/25/21	4465	SUN LIFE FINANCIAL	001	MAR 21 SUPP LIFE INS	0.00	257.55
1011	V9000257	03/25/21	4465	SUN LIFE FINANCIAL	001	MAR 21 LTD	0.00	1,524.92
1011	V9000257	03/25/21	4465	SUN LIFE FINANCIAL	001	MAR 21 LIFE&ADD INS	0.00	1,126.11
TOTAL CHECK							0.00	2,908.58
1011	V9000258	03/25/21	5019	TIFFANY WADE	00150005400	WADE-CEQA WRING 1/6	0.00	425.00
TOTAL CASH ACCOUNT							0.00	411,070.02
TOTAL FUND							0.00	411,070.02
TOTAL REPORT							0.00	411,070.02



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 14, 2021
ORIGINATING DEPT: Finance
SUBJECT: **Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2020/21**

BACKGROUND:

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

The information provided in this Staff Report lists the changes made through March 24, 2021.

DISCUSSION:

The following table reports the revenue, expenditures, and transfers for 1) the Adopted General Fund Budget approved by Council on June 12, 2019 (Resolution 2019-085) and 2) any resolutions passed by Council that amended the Adopted General Fund Budget.

GENERAL FUND - ADOPTED BUDGET PLUS CHANGES						
As of March 24, 2021						
Action	Description	Revenues	Expenditures	Transfers from GF		Net Surplus
Reso 2019-085	Adopted Budget	19,827,600	(19,602,500)	(151,100)	(1)	\$ 74,000
Reso 2020-101	FY2020/21 Amended	(495,000)	361,000	80,000	(2)	20,000
Reso 2021-021	Mid-Year Budget Adjustments	354,000	(354,993)	-		19,007
	(1) Transfers to:		151,100			
	Debt Service for Public Facilities			151,100		
	(2) Transfer to:		(80,000)			
	City CIP Fund			(80,000)		

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA

COUNCIL ACTION:

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 2020-2021 General Fund Adopted Budget.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 14, 2021
ORIGINATING DEPT: Engineering Department
SUBJECT: **Council Consideration of Resolution 2021-042
Authorizing the City Clerk to File a Notice of Completion
for the 2020 Street Maintenance & Repair Project**

BACKGROUND:

At the July 8, 2020 City Council (Council) Meeting, Council awarded the construction contract for the 2020 Street Maintenance & Repair Project, Bid No. 2020-03, to TC Construction. The project included localized asphalt concrete pavement repairs, pavement resurfacing overlays and replacement of traffic striping and markings. In addition to the pavement repairs, this project included improvements to disabled parking stalls at five City owned public parking lots to comply with the latest regulations established by the American with Disabilities Act (ADA).

This item is before the Council to consider adoption of Resolution 2021-042 (Attachment 1) to report the final project costs, accept the project as complete, and to direct the City Clerk to file a Notice of Completion.

DISCUSSION:

TC Construction completed all work on this project in accordance with the approved plans and specifications of Bid No. 2020-03 to the satisfaction of the City Engineer. The City will release the 5% retention (\$22,315) 35 days after the approval of the Notice of Completion by the Council.

This project included rehabilitation of several streets in the form of pavement overlays, localized pavement replacements (dig-outs), reconstruction of several ADA parking stalls at five City owned parking lots, and refreshing striping and traffic markings at various City street segments. The following is a summary of this year's project:

CITY COUNCIL ACTION: _____ _____
--

Pavement Rehabilitation

- Santa Luisa; complete overlay
- Vera Street; complete overlay
- 12,000 Square Feet of dig-outs in Lomas Santa Fe
- 17,000 Square Feet of dig-outs in Local Streets

Disabled Parking Stall Improvements (ADA) At Five City Owned Public Parking Lots

- Del Mar Shores at South Sierra – South parking lot (signage only)
- Del Mar Shores at South Sierra – North parking lot
- City Hall ADA parking area
- South Sierra viewpoint parking near Dahlia Drive (next to Seascape Shores)
- Plaza at Highway 101, south side adjacent to South Acacia

Traffic Striping and Markings

- Highway 101 – white striping repainted
- Lomas Santa Fe Drive – Highway 101 to Rios Avenue white striping repainted
- Lomas Santa Fe Drive – repainted green portions of bike lane at I-5 interchange
- Various locations at localized pavement repairs and overlays

In response to the community and under direction from the City Manager, the contractor performed additional work utilizing the contingency allocated for this project by the City Council. Below is a summary of the extra work.

Additional Work Utilizing the Approved Contingency Amount

1. Installed speed cushions on Highland Drive, between San Andres and San Lucas
2. Raised one valve and two survey monuments, not included in base contract
3. Additional Traffic striping and markings for localized pavement repair locations
4. Repainted green within bike lanes at I-5 interchange
5. Additional dig-outs for Lomas Santa Fe and Local streets

CEQA COMPLIANCE STATEMENT:

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

FISCAL IMPACT:

The City Council approved the base construction contract in the amount of \$426,275 and a contingency amount of \$73,725 for unanticipated and extra work, for a total construction budget of \$500,000. The appropriated amount for the Fiscal Year (FY) 2020-2021 funding is \$500,000 as outlined in the table on the following page.

Construction Budget

CIP No.	Project Title	Fund	Amount
CIP-13	Annual Pavement Management Program	Gas Tax	\$72,300
		TransNet	144,400
		SB1	208,300
	Total CIP-13 Funding		425,000
CIP-12	ADA Transition Plan Projects	General Fund	75,000
	Total Funding		\$500,000

The City Manager approved one change order totaling \$20,027 for the additional work described previously, for a final contract amount of \$446,302, which is \$53,698 below the City Council approved project amount of \$500,000.

The ADA upgrades to City parking lots was originally planned to be performed in three years for a total budget of \$150,000. However, the upgrades were performed in two years at a total cost of \$132,300.

WORK PLAN:

Un-prioritized Community Character Issues.

OPTIONS:

- Adopt Staff recommendation.
- Deny Staff recommendation and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2021-042:

1. Authorizing the City Council to accept, as complete, the 2020 Street Maintenance & Repair Project, Bid No. 2020-03, performed by TC Construction.
2. Authorizing the City Clerk to file a Notice of Completion.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution No. 2021-042

RESOLUTION 2021-042

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ACCEPTING AS COMPLETE THE 2020 STREET MAINTENANCE & REPAIR PROJECT, BID NO. 2020-03, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, on July 8, 2020, the City Council awarded a construction contract for the 2020 Street Maintenance & Repair Project, Bid No. 2020-03, to TC Construction; and

WHEREAS, the 2020 Street Maintenance & Repair Project has now been completed in accordance with the plans and specifications included as part of the public works contract with TC Construction to the satisfaction of the City Engineer.

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 accepts as complete the 2020 Street Maintenance & Repair Project, Bid No. 2020-03, performed by TC Construction.
3. That the City Council authorizes the City Clerk to file a Notice of Completion for the project.

PASSED AND ADOPTED this 14th day of April 2021, 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

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

ATTACHMENT 1



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 14, 2021
ORIGINATING DEPT: Engineering Department
SUBJECT: **Consideration of Resolution 2021-037 Authorizing the City Manager to Execute a Professional Services Agreement with Chen Ryan Associates, Inc. for Preparation of a Safe Routes to School Master Plan**

BACKGROUND:

The Sustainable Transportation Planning Grant Program was created to support the California Department of Transportation's (Caltrans) Mission: Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

As part of Senate Bill (SB) 1, the Road Repair and Accountability Act of 2017, the transportation funding bill provides a reliable source of funds to maintain and integrate the State's multi-modal transportation system. In addition to the \$9.5 million in traditional state and federal grants, approximately \$25 million in SB 1 funds for Sustainable Communities Grants is available for the Fiscal Year (FY) 2020-21 grant cycle. The SB 1 grant funding is intended to support and implement Regional Transportation Plan (RTP) Sustainable Communities Strategies (SCS) (where applicable) and to ultimately achieve the State's greenhouse gas (GHG) reduction target of 40 and 80 percent below 1990 levels by 2030 and 2050, respectively.

On October 9, 2019, the City Council authorized the City Manager to submit an application to Caltrans for the preparation of a Safe Routes to School (SRTS) Master Plan. The total project amount submitted was \$220,000, which included \$165,000 in grant funds that would be reimbursed by Caltrans and \$55,000 in matching funds to be provided by the City. The City Council also authorized the City Manager to execute a grant agreement with Caltrans if the grant was approved.

CITY COUNCIL ACTION:

This item is before the City Council for consideration of Resolution 2021-037 (Attachment 1) authorizing the City Manager to execute a Professional Service Agreement (PSA) with Chen Ryan Associates, Inc. for preparation of a Safe Routes to School Master Plan.

DISCUSSION:

In October 2019, the City submitted a grant application to Caltrans through the Sustainable Transportation Planning Grant Program for a SRTS Master Plan. A statewide total of 178 grant applications was received requesting a total of approximately \$54 million. A total of 77 applications were selected for grant awards, totaling approximately \$21.5 million. In June 2020, the City was notified that our grant proposal was accepted for full funding. A grant agreement was executed with Caltrans in October 2020 and a Notice to Proceed was issued in November 2020.

A Request for Proposals (RFP) for the preparation of the SRTS Master Plan was issued on February 11, 2021. The RFP was widely distributed and was downloaded by 13 consulting firms from our electronic distribution program. The due date for proposals to be submitted was March 11, 2021 at which time the City received one proposal that was submitted by Chen Ryan Associates, Inc. (CRA).

The executed grant agreement with Caltrans was included as an attachment to the RFP. Since the scope of work and project cost were identified in the grant agreement, there are no disparities between the scope of work and cost contained in the proposal submitted by CRA and the executed grant agreement with Caltrans.

CRA has done several studies and planning documents for the City in recent years including an update to the Circulation Element portion of the General Plan, the Comprehensive Active Transportation Strategies (CATS) and development of the Traffic Impact Fee (TIF). CRA is also one of the City's on-call traffic engineering firms. Additionally, CRA has completed Safe Routes to School programs for other local agencies including the cities of Carlsbad, Oceanside, National City and San Marcos. Staff is confident that CRA is well qualified and capable of completing the SRTS Master Plan.

CEQA COMPLIANCE STATEMENT:

Preparation of a SRTS Master Plan is not a project under CEQA. Environmental review will be addressed prior to City Council approval to advertise construction bids for any construction projects identified in and implemented under the SRTS Master Plan.

FISCAL IMPACT:

The amount of the agreement with CRA under consideration is for an amount not to exceed \$220,000. As mentioned above, the grant amount to be reimbursed by Caltrans is \$165,000 and the remaining \$55,000 is the City's match requirement. Staff is proposing to use TransNet funds for the matching funds requirement.

As part of the attached Resolution, the Caltrans grant would be accepted and appropriated into the project account. The use of TransNet funds would have to be added to the Regional Transportation Improvement Plan (RTIP) through a separate action as part of San Diego Association of Governments' (SANDAG's) quarterly update process. Since there are other projects that will be using future TransNet funds, Staff will be processing the RTIP amendment through SANDAG as a separate public hearing at a future City Council meeting.

WORK PLAN:

This project is not identified in the FY 2020/21 Work Plan.

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with modifications.
- Provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2021-037:

1. Authorizing the City Manager to execute a Professional Services Agreement, in an amount not to exceed \$220,000, with Chen Ryan Associates, Inc. for preparation of a Safe Routes to School Master Plan.
2. Appropriating \$165,000 to the State Grants revenue account and to the Safe Routes to School Master Plan project account.
3. Appropriating \$55,000 in TransNet funds to the Safe Routes to School Master Plan project account.
4. Authorizing the City Treasurer to amend the FY 2020/21 Adopted Budget accordingly.

CITY MANAGER RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2021-037

RESOLUTION NO. 2021-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CHEN RYAN ASSOCIATES, INC. FOR PREPARATION OF A SAFE ROUTES TO SCHOOL MASTER PLAN

WHEREAS, the Sustainable Transportation Planning Grant Program was created to support the California Department of Transportation's (Caltrans) Mission: Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability; and

WHEREAS, on October 9, 2019, the City Council authorized the City Manager to submit an application to Caltrans for the preparation of a Safe Routes to School (SRTS) Master Plan with a total project amount of \$220,000, including \$165,000 in grant funds that would be reimbursed by Caltrans and \$55,000 in matching funds to be provided by the City. The City Council also authorized the City Manager to execute a grant agreement with Caltrans if the grant was approved; and

WHEREAS, in October 2019, the City submitted a grant application to Caltrans through the Sustainable Transportation Planning Grant Program for a SRTS Master Plan;

WHEREAS, in June 2020, the City was notified that its grant proposal was accepted for funding; and

WHEREAS, a grant agreement was executed with Caltrans in October 2020 and a Notice to Proceed was issued in November 2020; and

WHEREAS, a Request for Proposals for the SRTS Master Plan was issued on February 11, 2021, which included the grant agreement with Caltrans; and

WHEREAS, the Request for Proposals was sent to 12 plan rooms and was also downloaded by 13 consulting firms; and

WHEREAS, the due date for proposals to be submitted was March 11, 2021 at which time the City received one proposal that was submitted by Chen Ryan Associates, Inc., which was consistent with the scope of work and project cost identified in the grant agreement with Caltrans; and

WHEREAS, Chen Ryan Associates, Inc. has demonstrated competence and qualifications prove it capable of completing the SRTS Master Plan and the project cost is fair and reasonable.

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

1. That the foregoing recitations are true and correct.
2. That the City Council authorizes the City Manager to execute a Professional Services Agreement, in an amount not to exceed \$220,000, with Chen Ryan Associates, Inc. for preparation of a Safe Routes to School Master Plan.
3. That the City Council accepts and appropriates \$165,000 to the State Grants revenue account and to the Safe Routes to School Master Plan project account.
4. That the City Council appropriates \$55,000 in TransNet funds to the Safe Routes to School Master Plan project account.
5. That the City Council authorizes the City Treasurer to amend the Fiscal Year 2020/21 Adopted Budget accordingly.

PASSED AND ADOPTED this 14th day of April, 2021, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

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

LESA HEEBNER, 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: April 14, 2021
ORIGINATING DEPT: Community Development Department
SUBJECT: **Consideration of the Draft Covenants, Conditions and Restrictions (CC&Rs) for the Approved Subdivision at 127-129 N. Granados Avenue, Solana Beach and Resolution 2021-044 Approving the CC&Rs**

BACKGROUND:

At the June 10, 2020 City Council meeting, the City Council was able to make the required findings to adopt Resolution 2020-078 conditionally approving a Development Review Permit (DRP), Structure Development Permit (SDP), and Minor Subdivision (SUB) to consolidate two existing parcels and construct four detached, single-family condominium residences, a new driveway entry and associated site improvements. Planning Department Condition XV indicated that, "The City Council shall review and approve the proposed Covenants, Conditions and Restrictions (CC&Rs) for the development prior to the approval of the final map." Condition XVI required that, "The CC&Rs shall clearly restrict the garage space use from impeding the ability to park two automobiles in the garage at all times." Therefore, the Applicant, Granados Avenue Partners, LLC, has provided draft CC&Rs for the City Council's review and approval.

This item is before the City Council to review and adopt Resolution 2021-044 (Attachment 1) if the Council approves the attached CC&Rs (Attachment 2) for the approved subdivision at 127-129 N. Granados Avenue.

DISCUSSION:

The Applicant has drafted the proposed CC&Rs for the subdivision as provided in Attachment 2. Section 11.11.3 of the CC&Rs contains the garage restriction as required by the City Council, which states:

11.11.3 Parking Spaces: Garages shall be used only for parking vehicles. There shall be no parking in the driveways to avoid obstruction of free traffic flow; parking

CITY COUNCIL ACTION:

outside of the Garage or designated parking spaces shall be considered a “nuisance” under this Declaration. ***No use of the garages shall impede the ability to park two vehicles in each garage at all times.***

Section 11.12 of the CC&Rs restates and expands upon this restriction as follows:

11.12. USE OF GARAGES; PARKING SPACES.

Garages shall be used only for the purpose of parking automobiles and other vehicles and equipment and storing an Owner's household goods. **Garages shall not be converted into any use (such as recreational room) or so filled that would prevent its use as parking spaces for at least two vehicles at all times. Specifically, no use of the garages shall impede the ability to park two vehicles in each garage at all times.** Owners are to use their Garages, as applicable for parking of their vehicles so that any street parking will be available for guests. Parking of vehicles on the Property shall be limited to within in Garages and the one designated Guest Parking Spaces; there shall be no parking of vehicles on unpaved surfaces, within the Drive or any private driveway.

Additionally, a condition was added in Section 18.6 that indicates that any amendment to Section 11.11.3 would require written approval from the City. If the Council determines that the draft CC&Rs are sufficient to meet Planning Department Conditions XV and XVI., Resolution 2021-044 should be adopted to allow the Applicant to proceed with the approval of the final map and the issuance of building permits for the approved subdivision.

CEQA COMPLIANCE STATEMENT:

The original project was found exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. The Approval of the CC&Rs would not be considered a project under CEQA.

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

- Adopt Staff recommendation approving the CC&Rs by adopting Resolution 2021-044.
- Approve Staff recommendation subject to additional specific revisions to the CC&Rs.
- Deny Staff recommendation and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2021-044 approving the CC&Rs for the development at 127-129 N. Granados Avenue, Solana Beach, CA.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2021-044
2. Draft CC&Rs

RESOLUTION NO. 2021-044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs) FOR THE APPROVED FOUR-UNIT CONDOMINIUM SUBDIVISION AT 127-129 N. GRANADOS AVENUE, SOLANA BEACH

APPLICANT: Granados Avenue Partners, LLC
CASE NO.: 17-17-47 DRP/SDP/SUB

WHEREAS, Granados Avenue Partners, LLC (hereinafter referred to as “Applicant”) submitted an application for a Development Review Permit (DRP), Structure Development Permit (SDP), and Minor Subdivision Tentative Parcel Map (SUB) pursuant to Title 16 (Subdivisions) and Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, at the Public Hearing on November 20, 2019, the City Council received and considered evidence concerning the proposed application; 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, the City Council adopted Resolution 2020-078 approving the project; and

WHEREAS, one of the conditions of Resolution 2020-078 required that the City Council shall review and approve the proposed Covenants, Conditions and Restrictions (CC&Rs) for the development prior to the approval of the final map; and

WHEREAS, the City Council has reviewed the proposed CC&Rs.

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

1. That the foregoing recitations are true and correct.
2. That the proposed CC&Rs attached hereto as Attachment 1 are sufficient to meet Planning Department Conditions XV and XVI of Resolution 2020-078.
3. That the proposed CC&Rs for the four unit condominium subdivision at 127-129 N. Granados Avenue, Solana Beach, CA are approved.

PASSED AND ADOPTED this 14th day of April 2021, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California, by the following vote:

AYES: Councilmembers –

NOES: Councilmembers –

ABSENT: Councilmembers –

ABSTAIN: Councilmembers –

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA CANLAS, City Attorney

ANGELA IVEY, City Clerk

RECORDING REQUESTED BY:

WHEN RECORDED, MAIL TO:

GRANADOS AVENUE PARTNERS, LLC,
a California Limited Liability Company
418 Santa Domingo
Solana Beach, CA 92075
ATT: Jeff M. Wagner

APN: 263-372-26 & 27

(Space above this line for Recorder's Use Only)

Index as "CC&R's" and "SUBORDINATION AGREEMENT"

**DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
"127 - 129 N. GRANADOS"**

City of Solana Beach, County of San Diego, California

CERTAIN DISPUTES ARISING UNDER THIS DECLARATION, INCLUDING DISPUTES CONCERNING THE DESIGN OR CONSTRUCTION OF THE COMMUNITY, SHALL BE SUBMITTED TO ALTERNATIVE DISPUTE RESOLUTION IN ACCORDANCE WITH THE PROVISIONS OF THIS DECLARATION.

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Exhibit “A” – LEGAL DESCRIPTION

Subordination Agreement

Draft

THIS DECLARATION ("Declaration" or "CC&RS") is made on the day and year hereinafter written, by **GRANADOS AVENUE PARTNERS, LLC, a California limited liability company**, hereafter called "**Declarant.**" The first-letter capitalized words used herein shall have the meanings given them in **ARTICLE 3** herein. This Declaration is made with reference to the following:

ARTICLE 1.

RECITALS

1.1. THE PROPERTY

Declarant is the Owner of the real property (the "Property") and improvements therein located in the City of Solana Beach, County of San Diego, State of California, more particularly described on Exhibit "A" attached hereto, and by this reference made a part hereof. Collectively the Property and improvements therein may be referred to herein as the "Community" or "Project".

1.2. INTENTION: COMMON INTEREST DEVELOPMENT

Declarant intends by Recordation of this Declaration to (a) Establish the Community as a Common Interest Development by development of the Property as a "condominium project" (the "Project" or "Condominium Project") within the meaning of Business And Professions Code §11004.5(c) and Civil Code §4100 and §4125(a), in conformance with the provisions of the Subdivided Lands Law (Business And Professions Code §11000 et seq.) and Government Code §66427, whereby Declarant has or will subdivide the Property into four (4) separate interest "Units," each of which will be similar to a "residential lot," although the Property will legally be a Condominium Project; and (b) Subject the Community to certain mutually beneficial limitations, restrictions, conditions, covenants, easements, Assessments and liens, as hereinafter set forth, in accordance with the provisions of the Davis-Stirling Common Interest Development Act (Civil Code §4000-6150), as a comprehensive plan of improvement and development as a residential community called "127 - 129 N. GRANADOS" (the "Community") for: (i) the lease and/or sale of the Units to the general public, (ii) the use and management of the Project as a Common Interest Development, and (iii) enhancing and protecting the value, desirability and attractiveness of the Property for the benefit of Declarant and any and all present and future Owners and Occupants of the Property or any portion thereof.

1.3. DESCRIPTION OF COMMUNITY

1.3.1 General Description: Generally, the Community includes four Units, Common Area, Association Property, Easements and membership in the Association, each which is more specifically described below:

(a) **Detached Dwellings:** The Community consists of a single subdivision lot divided into four (4) "Condominium Units" (sometimes called "Units"); the 4 Units include single family homes with a two-car garage enjoying separately-metered utility facilities (electricity, gas, water, cable television, telephone and internet) and private balconies and patios.

(b) **Association Property:** The Association Property consists of certain real estate, Improvements and Easements owned by the Association for the common use and enjoyment of Owners; generally, the Association Property consists of a common driveway, a guest parking space, an outdoor landscaped, open area for use by all Owners, together with certain improvements (including, among other things, a ganged mailbox, landscaping, seating areas, irrigation and other systems, and perimeter fencing).

(c) **Common Area:** The Common Area, as more fully defined below in Section 1.3.3, consists of cloud of air space located high above Ground Elevation as exists to comply with Civil Code §4500.

(d) **Project Easements:** Generally there are non-exclusive, reciprocal easements within the Property, benefiting the Owners, their Units and Dwellings, intended to provide (i) vehicular and pedestrian access, (ii) utility facilities rights-of-way and use locations, (iii) maintenance access and/or (iv) landscaping operation. The Association is granted non-exclusive easements over certain areas in order to fulfill its maintenance and other obligations outlined herein. Specific easements are described more fully in Articles 3 and 9 of this Declaration.

(e) **Association:** A nonprofit mutual benefit corporation, called the "**127 - 129 N. GRANADOS OWNERS ASSOCIATION,**" (the "Association") of which the Owners of all Units shall automatically be members, is assigned the responsibility and obligation for (i) maintaining the

Master Insurance Policy on behalf of the Owners for coverage of the Master Insurance Areas, (ii) maintenance and operation of the Association Property and certain Exterior Areas (such as building roofs & exterior surfaces and Easement Areas) as defined below; (iii) the collection of funds from the Owners to pay for the costs of the Master Insurance Policy, maintenance and the administration of the Association itself, and (iv) ownership of the Association Property; and (v) such other purposes as are more fully described in this Declaration.

1.3.2. CONDOMINIUM UNITS

Each Condominium Unit consists of a separate interest in space containing all of the earth, air and improvements located within its boundaries. The lower boundary of a Condominium Unit extends to the center of the earth below Ground Elevation; the upper boundary of a Condominium Unit extends above Ground Elevation up to its boundary of the "Common Area," as shown on the Condominium Plan and described hereinafter. The lateral (side) boundaries of each Condominium Unit are shown on the Plan by "Unit Boundary" depiction lines.

1.3.3. COMMON AREA

The "Common Area" depicted and more fully defined on the Condominium Plan, is a three-dimensional portion of the Property consisting exclusively of a volume of air space located high above Ground Elevation, beginning at a point that is ten feet (10.00') below infinity and extending upwards into infinity. It contains no earth or any natural or constructed physical objects or improvements. The Common Area exists in order to comply with Civil Code §4500 for the establishment and existence of a condominium project Common Interest Development, and shall be owned by all Unit Owners in one-fourth (1/4th) undivided, equal "Fractional Interests" as tenants-in-common.

1.4. CONDOMINIUM PLAN

Declarant will Record or has Recorded concurrently with this Declaration a Condominium Plan (the "Plan") covering the Property in compliance with Civil Code §4120. The Plan diagrammatically establishes three-dimensional divisions of the Property into (a) "Common Area"; (b) "Unit" Separate Interests; (c) Association Property; and Easements.

1.5. CONDOMINIUM OWNERSHIP.

The Owner of a Condominium will receive title to a Condominium Unit, together with an undivided one-fourth (1/4) fractional interest as tenant-in-common in the Common Area. By virtue of owning a Condominium, each Owner shall also have a membership in the Association, which membership shall be appurtenant to and pass with title to the Condominium.

1.6. NOTICE OF STATUTORY PROCEDURES FOR CERTAIN CLAIMS PURSUANT TO CIVIL CODE §912(f)

Declarant hereby notifies each Owner and the Association that Chapter 4 (commencing with §910) of Title 7 of Part 2 of Division 2 of the Civil Code sets forth non-adversarial procedures and remedies that may apply to claims for construction defect which may arise in connection with the Project. The non-adversarial procedures impact the legal rights of Owners and the Association. The statute allows Declarant to elect not to use its procedures. The statute also allows Declarant, by contract with Owners or the Association, to provide alternative non-adversarial procedures and remedies in lieu of the procedures and remedies contained in Civil Code §910 *et seq.*

ARTICLE 2. DECLARATION

NOW, THEREFORE, Declarant hereby declares that the Property, shall be, held, conveyed, transferred, hypothecated, mortgaged, encumbered, leased, rented, used, occupied, sold, and improved subject to the declarations, limitations, reservations, covenants, conditions, restrictions, servitudes, easements, liens and charges herein set forth, all of which are imposed as equitable servitudes pursuant to a general plan for the development and ownership of the Property, and all of which are declared and agreed to be for the purpose of uniformly enhancing, maintaining and protecting the value, attractiveness and desirability of the Property. These provisions are imposed upon the Association, Declarant, the Owners, Occupants and their respective Invitees, and shall bind all of the foregoing.

These provisions shall be a burden upon and a benefit to not only the original Owner of each Condominium and the Association, but also to their respective successors and assigns, including Residents and Invitees thereof. All covenants are intended as and are declared to be covenants running with the land as well as equitable servitudes upon the land.

ARTICLE 3. DEFINITIONS

3.1. ADJACENT DWELLING; ADJACENT UNIT

"Adjacent Dwelling" shall mean and refer to each of the Dwellings within the Property with respect to the location of one to the other. "Adjacent Unit" shall mean and refer to each of the two Units in the Property with respect to the location of one to the other.

3.2. ANCILLARY INSTRUMENT

"Ancillary Instrument" shall mean and refer to any instrument, document, agreement or warranty, whether Recorded or not Recorded, which (a) encumbers or affects the use and/or Operation of the Property or appurtenant Easements, (b) is intended to enable the establishment or continued Operation of the Property or appurtenant Easements; or (c) creates or involves a duty or obligation on the part of Declarant, the Owners and/or the Association to perform or cause to be performed certain Operations to the Property or appurtenant Easements which are either an Association Obligation or a Shared Responsibility.

3.3. ARCHITECTURAL STANDARDS

"Architectural Standards" shall mean and refer to such design, construction and similar criteria that may be adopted by Declarant and thereafter the Board or its Architectural Committee, pursuant to the Article 12 entitled "Architectural And Design Control" herein.

3.4. ARTICLES.

"Articles" shall mean and refer to the Articles of Incorporation of the Association, including such amendments thereto as may from time to time be made.

3.5. ASSOCIATION.

"Association" shall mean and refer to **127 - 129 N. GRANADOS OWNERS ASSOCIATION**, a California nonprofit corporation (formed pursuant to the Nonprofit Mutual Benefit Corporation Law of the State of California), its successors and assigns. The Association is an "Association" as defined in Civil Code §4080.

3.6. ASSOCIATION PROPERTY.

"Association Property" shall mean all real property (including Improvements) and easements owned by the Association from time to time for the common use and enjoyment of the Owners. The Association Property to be conveyed in fee (unless via easement or license, as described herein) to the Association shall consist of all portions of the Community except (i) the Unit Separate Interests and (ii) the Common Area as shown on the Condominium Plan. It is intended that the Association Property include portions of the project other than the Unit Separate Interests, and shall include, but not be limited to: a) the common drives and any parking spaces therein, the shared yard with benches, planters and landscaping improvements, BMP's and drainage facilities which benefit multiple Owners, and all improvements located on the Association Properties, which areas are depicted on the Condominium Plan as "AP"; b) Any Utility Facilities, which connect to or are utilized by more than one Separate Interest, but which are not owned and maintained by a governmental entity or public utility; television cable and related CATV equipment and other communication equipment may be owned by the cable supplier or another third party; c) Off-site maintenance easements/licenses which are transferred to the Association and areas subject to encroachment maintenance and removal agreements; and d) Easements on or over the Association Maintenance Areas.

3.7. ASSESSMENT

"Assessment" shall mean and refer to a charge which the Board may levy against an Owner and/or such Owner's Unit in accordance with the provisions of the Article 7 herein entitled "ASSESSMENTS."

3.8. ASSOCIATION RESPONSIBILITY; ASSOCIATION OBLIGATION(S); ASSOCIATION MAINTENANCE AREA(S) OR OBLIGATIONS

"Association Responsibility," "Association Obligation(s)" or "Association Maintenance Areas or Obligation(s)" (as the context may infer) shall mean and refer to the Association's obligation to Maintain: (a) the Association Property (including the driveway, community year and landscaped areas and perimeter fence described below and depicted on the Condominium Plan, (b) the Master Insurance Coverage on the Association Property; (b) the Improvements on the Association Property, including, if any, the ganged mailbox(es) (except for the locks), the lighting, signage, fire suppression system and equipment, trash receptacles, and the perimeter fencing on the boundaries of the Property; and (c) other Areas assigned to the Association for maintenance in Article 13, and any other responsibility, duty and/or obligation the Association may have pursuant to this Declaration, Applicable Law or Ancillary Instrument. Any cost or expense associated with an Association Responsibility or Obligation shall be a Common Expense.

3.9. BOARD

"Board" shall mean and refer to the Board of Directors of the Association.

3.10. BUDGET

"Budget(s)" or shall mean and refer: (a) during the initial year of operation of the Project and the Association, to that detailed "budget" prepared in accordance with DRE requirements for common interest developments, estimating the Common Expenses (the "DRE Budget"); and, thereafter, (b) to a pro forma operating budget described in Civil Code §5300(b)(1), prepared or caused to be prepared by the Board for the second and each subsequent Fiscal Year of Operation of the Project and the Association (the "Association Budget"). The Budget shall define the monthly and annual costs of estimated Common Expenses and the amount to be allocated to and assessed against the individual Units and their respective Owners in accordance with the provisions of Article 7 entitled "ASSESSMENTS" herein.

3.11. BYLAWS.

"Bylaws" shall mean and refer to the Bylaws of the Association, including such amendments thereto as may from time to time be made.

3.12. BUILDING

"Building" shall mean and refer to any physical building structure, , including, but not limited to, any Garage portion of such building structure, and all framing, walls, drywall, insulation, HVAC, rough plumbing, rough electric, trim, exterior siding and/or paint or other exterior surfaces, stairs, foundation, trusses, Roofs, sub-roofs, ceilings, sub-ceilings, balconies, decks, windows, window frames, perimeter doors, garage doors, walkways; together with any ancillary Improvements to the foregoing; but excluding the personalty of the Owner.

3.13. CC&RS

"CC&RS" shall mean and refer to the covenants, conditions and restrictions contained in this Declaration and the other Documents, as they may from time to time be amended.

3.14. CITY.

"City" shall mean and refer to the City of Solana Beach, a municipal corporation located in the County of San Diego, State of California.

3.15. CLOSE OF ESCROW.

"Close of Escrow" shall mean and refer to the date on which a deed from Declarant is Recorded conveying a Condominium pursuant to a transaction requiring the issuance of a Public Report.

3.16. COMMON AREA.

"Common Area" shall mean and refer to that three-dimensional portion of the Property consisting exclusively of a volume of air space located high above Ground Elevation, beginning at a point that is ten feet (10.00') below infinity and extending upwards into infinity. It contains no earth or any natural or constructed physical objects or improvements.

3.17. COMMON EXPENSES.

"Common Expenses" means and includes the actual and estimated costs and expenses incurred or to be incurred by the Association (including those of the *pro-forma operating budget* described in Section 3.10 herein):

- (a) expenses for Master Insurance Coverage
- (b) expenses for the Maintenance of the Association Property and the Association Maintenance Obligations;
- (c) performing the duties and obligations of the Association set forth in this Declaration and the other Governing Documents; expenses incurred in the implementation of Association Responsibilities and obligations (such as complying with the Governmental Entitlements and Applicable laws); maintaining the legal status and qualifications of the Association as an entity in good standing and entitled to do business in the State of California; conducting inspections; administering Association committees;
- (d) expenses for management and administration of the Association, including without limitation compensation paid by the Association to managers, accountants, attorneys and architects and consultants
- (e) any real property taxes or assessments paid by the Association, which are not charged separately to each Unit or Owner thereof
- (f) reasonable reserves as deemed appropriate by the Board or otherwise required pursuant to the Governing Documents or Applicable Laws
- (g) any other expenses incurred by the Association in connection with the Operation of the Association Obligations as required under the Governing Documents and
- (h) any other sums designated to be a common expense by or pursuant to these CC&RS, or as may be mutually agreed upon in writing by the Members pursuant to Voting Policy.

Common Expenses shall not include any costs arising from any damages or injury as a result of the gross negligence or willful misconduct of an Owner, Occupant or respective Invitee thereof.

3.18. COMMON EXPENSE AREAS

"Common Expense Area(s)" shall mean and refer to the areas associated with the Common Expenses described in Section 3.17 above, and such other areas and Improvements within the Property and responsibilities of the Association which are designated to be a Common Expense Area by or pursuant to these CC&RS or as agreed by the Members of the Association in accordance with its Voting Policy.

3.19. CONDOMINIUM.

"Condominium" shall mean and refer to an estate in the Property, or portions thereof, as defined in Civil Code §4125(b), or any similar statute hereinafter enacted, and shall consist of (i) a Separate Interest in space called a "Unit," (herein also referred to as a "Condominium Unit"); (ii) an appurtenant Fractional Interest in the "Common Area" as described herein and described and depicted in the Condominium Plan; (iii) and certain easements over the Association Property which has been conveyed to the Association and elsewhere on the Property, subject to the Association rules and regulations.

3.20. CONDOMINIUM PLAN; DIAGRAMMATIC PLAN; PLAN.

"Condominium Plan," "Diagrammatic Plan" and/or "Plan" shall mean and refer to the diagrammatic plan Recorded pursuant to Civil Code §§4285 and 4290, covering the Property, which depicts the Common Area and each Unit therein. The Condominium Plan may be amended from time to time in accordance with the provisions herein, and/or in compliance with Civil Code §4295 and Government Code §66427.

3.21. COUNTY RECORDER

"County Recorder" shall mean and refer to the San Diego County Recorder, San Diego County, California.

3.22. DECLARANT.

"Declarant" shall mean and refer to Granados Avenue Partners, LLC, a California limited

liability company, its respective successors and assigns, if such successors or assigns acquire any or all of the Declarant's interest in the Condominiums within the Property. A successor Declarant shall also be deemed to include the beneficiary under any deed of trust securing an obligation from a then existing Declarant, encumbering all or any portion of the Property, which beneficiary has acquired any such property by foreclosure, power of sale or deed in lieu of such foreclosure or sale. A successor shall also include any Person to whom the Declarant assigns any of its rights by an express written assignment, who acquires substantially all of Declarant's assets by sale, merger, reverse merger, consolidation, sale of stock or assets, operation of law, or otherwise.

3.23. DECLARATION.

"Declaration" shall mean and refer to this Declaration recorded with the Office of the County Recorder of San Diego County, California, covering the Property, including such amendments thereto as may from time to time be recorded. The foregoing notwithstanding, the effect of any new or any amendment to a California statute(s) or Federal law which is applicable to the Association shall prevail over the then current Declaration, notwithstanding the absence of an amendment to the Declaration by the Association.

3.24. DRAINAGE FACILITIES.

"Drainage Facilities" shall mean and refer, as applicable, to (a) any area drains which run along the surface of the Property; (b) any subterranean drains below the Property surface; and (c) such other drainage facilities described herein.

3.25. DWELLING.

"Dwelling" shall mean and refer to a single-family residence in a Building or portion of a Building located within the boundaries of a Unit/Condominium Unit that is used exclusively by the Owner or Occupant thereof for residential purposes.

3.26. EASEMENTS

"Easements" shall mean and refer to those non-exclusive easements and rights shown on the Map and otherwise of Record, and those specifically granted and reserved in Article 9 herein and elsewhere this Declaration and the other Governing Documents.

3.27. ELIGIBLE MORTGAGE HOLDER

"Eligible Mortgage Holder" shall mean and refer to the holder of a First Mortgage or First Deed of Trust on a Unit, who has provided a written request to the Association, to be notified of those matters which such holder is entitled to notice of by reason of this Declaration or the Bylaws of the Association. Such notice must contain the Unit number or the street address of the secured Unit.

3.28. EMERGENCY

"Emergency" is an unforeseen occurrence or condition calling for immediate action to avert imminent danger to life, health, or property; provided, however, the term "emergency situation" with respect to an action or attention taken by the Board of Directors shall exist if there are circumstances that could not have been reasonably foreseen by the Board, that require immediate attention and possible action by the Board, and that, of necessity, make it impracticable to provide "notice" [Civil Code §4930(d)(1)].

3.29. ENTRY; ENTRY NOTICE.

"Entry" or "Entry Notice" shall mean and refer to the protocols for providing notice of entry and actual entry:

(a) onto one Unit that one Owner or Occupant (the "Entering Party") or its authorized Invitee is required to give to the Owner or Occupant of another Unit in order to enter upon such other Owner's or Occupant's ("Entered Party" or "Other Party") Exterior Area not located within an Easement Area, when reasonably necessary for purposes of performing such Operations on Improvements owned by the Entering Party but which may require access from within the Entered Party's Exterior Unit Area (e.g. accessing exterior surface areas of Dwelling), including access to areas which constitute an easement for lateral support of land or Improvements of the Entering Party's Adjacent Unit; or

(b) onto one Unit or the Dwelling therein by the Association or its duly authorized

agent, when necessary in connection with the Association's Obligations and Responsibilities for maintaining Insurance Coverage on the Master Insurance Areas, and for the evaluation, estimation, restoration, repair or replacement of Improvements comprising the Master Insurance Areas or maintenance areas of the Association;

3.30. EXCLUSIVE USE EASEMENT AREA; EXCLUSIVE USE AREAS

Exclusive Use Easement Area(s) shall mean and refer to those portions of the Property and the Improvements located therein designated for the exclusive use of one Unit Owner and which is or will be appurtenant, assigned and/or conveyed to such Unit as an Exclusive Easement. Exclusive Use Areas may include, but not be limited to certain external Utilities Facilities, including, but not limited to, telephone, television, computer and other electrical wiring, and other utility installations, if any of the foregoing are designed to exclusively serve a single Unit, but located outside the boundaries of such Unit (*e.g.* any utility lines running through the Association Property), which serve or are intended to serve just one Unit.

3.31. EXTERIOR AREA

"Exterior Area" shall mean and refer to those areas of the Property which the Association shall maintain or otherwise operate. These Exterior Areas may be Association property, an association maintenance Area or part of the Unit, but assigned to the Association for maintenance or operation.

3.32. EXTERIOR SURFACE AREA

"Exterior Surface Area" shall mean and refer to the surface of the exterior portion of a Building and/or Structural Improvement (such as the roof or painted surface of the exterior walls) which are assigned to the Association for maintenance but otherwise Owned by and used exclusively by a Unit owner.

3.33. FACILITIES

"Facilities" shall mean and refer to tangible Improvements within the Property, including, but not limited to, Utility Facilities, Drainage Facilities, Structural Improvements and Landscaping Improvements,

3.34. FHLMC

"FHLMC" shall mean and refer to the Federal Home Loan Mortgage Corporation.

3.35. FNMA

"FNMA" shall mean and refer to the Federal National Mortgage Association.

3.36. FIRST MORTGAGE.

"First Mortgage" shall mean and refer to a First Deed of Trust as well as a First Mortgage.

3.37. FIRST MORTGAGEE.

"First Mortgagee" shall mean and refer to the Mortgagee of a First Mortgage as well as to a Beneficiary under a Deed of Trust defined herein as a First Mortgage.

3.38. FIRST PURCHASER

"First Purchaser" shall mean and refer to a Person who purchases a Unit from Declarant authority of a Public Report and any and all Improvements located thereon, whether such Improvements are existing or proposed. Neither Declarant nor any successive Declarant shall be First Purchasers.

3.39. FISCAL YEAR

"Fiscal Year" shall mean and refer to the fiscal accounting and reporting period of the Association; initially, the Fiscal Year shall *commence on* January 1 and end on December 31 of each year; provided, however, the Fiscal Year may be changed from time to time by the Owners, acting as Members of the Association, as they shall mutually determine.

3.40. FRACTIONAL INTEREST

"Fractional Interest" shall mean and refer to each equal, undivided fractional interest in the Common Area appurtenant to each Unit owned by an Owner. Each Fractional Interest shall be equal to the fractional proportion of one Unit to all of the Units in the Project – that is, "one-fourth (1/4th)".

3.41. GARAGE

"Garage" shall mean and refer to that portion of a Dwelling which is designed and intended for the parking of motor vehicles and storing such other Personalty as may be permitted by this Declaration.

3.42. GOVERNING DOCUMENTS

"Governing Documents" means and includes this Declaration, the exhibits, if any, attached hereto, the Condominium Plan, Articles of Incorporation, Bylaws and any Operating Rules for the Members as established from time to time.

3.43. HAZARDOUS MATERIALS.

"Hazardous Materials" shall mean and refer to (a) any toxic substance, material or waste, which is or becomes (i) regulated by any local governmental authority, the State of California or the United States Government; and/or (ii) defined as a "Hazardous Substance" under Health and Safety Code §25316, or (b) an excessive quantity of otherwise non-toxic materials.

3.44. GROUND ELEVATION.

"Ground Elevation" shall mean and refer to the finish grade(s) of the Property, as referenced on the Condominium Plan.

3.45. IMPROVEMENTS

"Improvement" shall mean and refer to any one or all of the following, as the context may infer or require:

3.45.1. STRUCTURAL IMPROVEMENTS

All structures and appurtenances thereto of every type and kind, including, but not limited to, Buildings/Dwellings, Garage, windows, window frames, window tinting, doors, door frames, hardware, glass, skylights, screens, Roofs, foundations, paintings or other surface applications of any exterior surfaces of any building or other structure, skylights, stairs, walkways, fences, gates, screens, screening walls, retaining walls, awnings, balconies, decks, deck covers, trellises, poles, masts, antennas, solar or wind powered energy systems or equipment, heating or air-conditioning fixtures or equipment, swimming pools, heating, ventilating, cooling and electrical systems; plumbing, water-lines, pumps, sump-pumps, manhole-covers, sewer pipes or lines, fire-sprinkler systems, alarms, exterior wiring and other utility facilities;

3.45.2. LANDSCAPING IMPROVEMENTS; LANDSCAPING

"Landscaping" or "Landscaping Improvements" shall mean and refer, but not be limited to: (a) Landscape and Utilities Easement Area(s) (b) landscaping – including flowers, grass, plants, trees, shrubs and bushes, including natural or artificial plantings, (c) the planting, clearing or removing landscaping, (e) landscape facilities – including landscape-focus lighting, real and/or faux stones, rocks, timbers, edgers, walls and boxes, pavers, planters, (f) irrigation facilities – including irrigation pipes, pipe heads, sprinklers, controllers, (g) with respect to Unit 1, a private side yard located within the Unit; and (h) drainage facilities related to any of the foregoing.

3.45.3. PERSONALTY; PERSONALTY IMPROVEMENTS

"Personalty" or "Personalty Improvements" shall include, but not be limited to, umbrellas, signs, water softeners, above ground hot spas, appliances, cabinets, carpeting, added flooring atop sub-floors, interior added wall surfaces, finish plumbing including plumbing fixtures, finish electric including interior lights, lighting fixtures, furnishings, furniture, whether built-in or free-standing; landscaping and similar items of personalty located within a Unit. Personalty Improvements shall also include bicycles and motorized vehicles within a Unit.

3.45.4. ELIMINATION OF IMPROVEMENTS

Demolition or destruction by voluntary action of any Improvement or appurtenance thereto of every type and kind;

3.45.5. GRADING

The grading, excavation, filling or similar disturbance to the surface of the land, including, without limitation, change of grade, change of ground level, change of drainage pattern or change of stream bed;

3.45.6. MODIFICATION

"Modification" shall mean any addition, alteration or modification to the any of the foregoing, including, without limitation, any change of material exterior appearance, color or texture, room partitions, structural alterations to any portion of a Building.

3.46. INCORPORATOR

"Incorporator" shall mean and refer to the incorporator of the Association.

3.47. INSTITUTIONAL MORTGAGEE

"Institutional Mortgagee shall mean and refer to each of the following: (a) a Mortgagee which is a bank savings and loan association, insurance or mortgage company or other entity or institution chartered under Applicable Laws; (b) an insurer or governmental guarantor of a First Mortgage; (c) a First Mortgagee which is a Federal or State Agency; or (d) any other institution specified by the Board in a recorded instrument that is the Mortgagee of a Mortgage or the beneficiary of a deed of trust encumbering a Condominium.

3.48. INSURANCE COVERAGE

"Insurance Coverage" shall mean and refer to the insurance coverages of the Property that are required pursuant to the provisions of ARTICLE 14 herein. There are two (2) types of Insurance Coverage: Master Insurance and Unit Insurance.

3.49. INVITEE.

"Invitee" shall mean and refer to any person, who is not an Occupant, whose presence within the Project is approved by or is at the request of a particular Owner, Occupant or the Association, and shall include, but not limited to, an Owner's or an Occupant's Family, agents, guests, employees, licensees or service personnel.

3.50. JOINT FOUNDATION

"Joint Foundation" shall mean and refer to each Building foundation or slab, built as part of the original construction of the Buildings within the Units, which is shared with and serves Adjacent Units.

3.51. MAP; FINAL MAP.

"Map" or "Final Map" shall mean and refer to that certain Final Map filed in Office of the County Recorder of San Diego County, as more particularly described in EXHIBIT "A" hereto.

3.52. MASTER INSURANCE AREAS

"Master Insurance Areas" shall mean and refer to all Association Property and Association Maintenance Areas within the Property.

3.53. MASTER INSURANCE COVERAGE

"Master Insurance Coverage" shall mean and refer to liability and casualty insurance coverage over the Master Insurance Areas that is required to be put in place and supervised by the Association in accordance with ARTICLE 14 herein.

3.54. MORTGAGE.

"Mortgage" shall mean and refer to a deed of trust and/or mortgage encumbering a Unit.

3.55. MORTGAGEE.

"Mortgagee" shall mean and refer to a beneficiary or a holder of a deed of trust as well as a mortgagee.

3.56. MORTGAGOR.

"Mortgagor" shall mean and refer to the trustor of a Deed of Trust as well as a mortgagor.

3.57. NOTICE AND HEARING

"Notice and Hearing" shall mean and refer to the procedure, pursuant to Civil Code §5855 that gives an Owner notice of the Board's intention to consider or impose a discipline against a Member, and the opportunity for a hearing before the Board, as more fully described in the Article entitled "RIGHTS OF OWNERS" herein.

3.58. OCCUPANT; RESIDENT

"Occupant" or "Resident" shall mean and refer to a Person who either owns and occupies a Unit, or who leases a Unit from an Owner and occupies the same.

3.59. MAINTAIN; MAINTAINENCE; MAINTAINING

"Maintain" (and its related word forms) shall mean and refer to the day-to-day cleaning, repair, maintenance, replacement and/or other operation of Improvements in the Property or in the administration of the Association.

3.60. OWNER.

"Owner" shall mean and refer to the record owner, whether one (1) or more persons or entities, of fee simple title to a Unit, including Declarant. The term "Owner" shall include a seller under an executory contract of sale, but shall exclude Mortgagees.

3.61. PERSON

"Person" shall mean a natural individual, and/or any public or private corporation, general or limited partnership, limited liability company, trust, trustee and any other form of organization permitted by law, or one or more of them, and the heirs, executors, administrators, legal representatives, successors and assigns of any of them, as the context may require, including Owners, who has the legal right to hold title to or an interest in real property, including, but not limited to, a leasehold interest or an easement.

3.62. PROJECT; CONDOMINIUM PROJECT

"Project" or "Condominium Project" shall mean and refer to all of the real property described in **EXHIBIT "A"** together with all improvements situated thereon.

3.63. PROPERTY

Property shall also mean and refer to all of the real property described in Exhibit A.

3.64. PURCHASER

"Purchaser" shall mean and refer to a Person who was a First Purchaser or any subsequent Owner thereof.

3.65. RECORD; RECORDED, RECORDATION

"Record," "Recorded" or "Recordation" shall mean and refer to, with respect to any document, the recordation or filing of such document in the Office of the County Recorder, California in which the Property is located; the use of such term shall automatically imply that the parties shall provide properly authorized signatures and notarization thereof.

3.66. RULE; OPERATING RULE

"Rule(s)" or "Operating Rule(s)" shall mean and refer to a regulation(s) adopted by Declarant and thereafter the Board under Civil Code §§4340-4370 that applies generally to the Operation of the Project or the conduct of the business and affairs of the Association, Owners, Occupants and their respective Invitees within the Project.

3.67. ROOF

"Roof" shall mean and refer to the roof area of each Dwelling, which is a separate and independent roof system located exclusively within the boundaries of the Unit in which each such Dwelling is located, and is not physically connected to any other Dwelling whatsoever.

3.68. UNIT; UNIT SEPARATE INTEREST; CONDOMINIUM UNIT.

"Unit," "Unit Separate Interest," "Condominium Unit", which terms are synonymous in these CC&RS, shall mean and refer to an estate in the Property, or portions thereof, as defined in Civil Code §§4125(b) and 4185(a)(2), or any similar statute hereinafter enacted, each of which is not owned in common with the Owners of any other Unit in the Property. Said Units are described and depicted in the Condominium Plan, where they are identified as UNIT 1, UNIT 2, UNIT 3, and UNIT 4. Each Unit is a three-dimensional division of land (including airspace, earth, water and Improvements) the lateral boundaries of which are vertical planes at the limits of the horizontal dimensions of each such respective Unit as shown on the Condominium Plan, the lower limit of which extends from the ground elevation down to the center of the earth, and the upper limit which extends from ground elevation to the lower boundary of the Common Area. The Unit does not include those areas defined herein as "Common Area" or "Association Property". Each Unit is subject to easements and/or encroachments, whether they now exist or may be later caused or created in any manner referred to in the Section entitled "Easements" herein.

3.69. UNIT IMPROVEMENTS

"Unit Improvements" shall mean and refer to those Structural and Landscaping Improvements, which are located within the boundaries of a separate interest Unit.

3.70. UNIT RESPONSIBILITY; UNIT OWNER RESPONSIBILITY

"Unit Responsibility" and/or "Unit Owner Responsibility" (as the context may infer) shall mean and refer to any responsibility, duty and/or obligation the Unit Owner and/or Occupant may have pursuant to this Declaration, any other Governing Document, Applicable Law, resolution by the Board or Ancillary Instrument, and shall include any responsibility for the cost thereof.

3.71. UNIT INSURANCE COVERAGE

"Unit Insurance Coverage" shall mean and refer to the individual liability and casualty insurance coverage over each Unit Area that each Owner is required to maintain in accordance with Article 14 herein.

3.72. UTILITY AREA

"Utility Area" shall mean and refer to any area within the Property in which Utility Facilities and/or Systems are located and/or for which easements are reserved and granted to one or more Owners for purposes of installation, maintenance and use of such Utility Facilities and Systems.

3.73. UTILITY FACILITIES; UTILITY SYSTEMS.

"Utility Facilities" and/or "Utility Systems" shall mean and refer, but not be limited to: (a) those electrical, cable, computer, television, telephone and similar transmission devices and/or media available now or in the future; (b) gas, water, sanitary sewer and drainage facilities; (c) plumbing, lighting, heating and air conditioning facilities, including air conditioning compressors and condensers and all such other types of utility systems and facilities, any of the foregoing of which is or is intended to be an individual or shared utility service to any Unit, Building or Improvement therein.

3.74. VA

"VA" means the U.S. Department of Veterans Affairs, including any successors thereto.

3.75. VOTING AND ELECTION PROCEDURES POLICY; VOTING POLICY

"Voting Policy" or "Voting and Election Procedures Policy" shall mean and refer to specific procedures adopted by the Board for Member decision-making as described in the Bylaws, pursuant to Civil Code §§5100-5145, or its successor statute, including any quorum requirement not otherwise addressed by statute or specific provision of the Governing Documents.

3.76. VOTING POWER

"Voting Power" shall mean those Members of the Association who are eligible to vote, as provided in the Bylaws.

ARTICLE 4. THE ASSOCIATION

4.1. THE ORGANIZATION

The Association is a nonprofit mutual benefit corporation formed under the Nonprofit Mutual Benefit Law of the State of California.

4.2. COMMENCEMENT OF ASSOCIATION

The Association shall commence business at such time that a Board of Directors has been either appointed by the Incorporator of the Association or elected pursuant to the provisions therefor contained in the Bylaws.

4.3. INTERIM PERIOD

The "Interim Period" shall mean and refer to that period of time from (a) the date of conveyance of the first Condominium to a Purchaser in the Project, until (b) the date that a Board of Directors of the Association has been appointed by the incorporator or elected by the membership pursuant to the provisions therefor contained in the Bylaws. During the Interim Period, Declarant or its designated agent may operate and handle the affairs for the Master Insurance Area of the Project. The foregoing notwithstanding, during the Interim Period, the powers granted to the Association and the Board herein, in the Bylaws and in the other Governing Documents, shall inure to the Declarant or its agent.

4.4. POWERS AND DUTIES OF THE ASSOCIATION

The Association, acting through its Board of Directors, shall have all of the powers of a California nonprofit mutual benefit corporation, and to perform any and all lawful acts which may be necessary or proper for or incidental to the exercise of any of the express powers of the Association, as described and subject to the limitations set forth in this Declaration, the Articles of Incorporation and the Bylaws of the Association.

ARTICLE 5. MEMBERSHIP, VOTING, FIRST MEETING

5.1. MEMBERSHIP IN GENERAL

Every Owner of a Unit against which Assessments have been levied, including Declarant, shall be a Member of the Association. Ownership of a Unit or interest in it shall be the sole qualification for membership in the Association. Each Owner shall remain a Member of the Association until such owner's interest in the Unit(s) in the Project ceases, at which time such Owner's membership in the Association shall automatically cease. Membership shall be appurtenant to and may not be separated from ownership of any Unit. Membership in the Association shall not be transferred, pledged or alienated in any way, except upon the sale of the Unit to which it is appurtenant, and then only to the purchaser. Any attempt to make a prohibited transfer shall be void. The transfer of title to a Unit or interest therein shall operate automatically to transfer the appurtenant membership to the new Owner. As a Member of the Association, each Owner is obligated to promptly, fully and faithfully comply with and conform to the Governing Documents.

5.2. COMMENCEMENT OF VOTING RIGHTS

An Owner's right to vote, including Declarant, shall not vest until Regular Assessments have been levied upon such Owner's Unit as provided in this Declaration. All voting rights shall be subject to the CC&RS provided for herein and in the other Governing Documents.

5.3. CLASSES OF VOTING RIGHTS

The Association shall have two (2) class(es) of membership:

5.3.1. CLASS A

Each Member, other than the Declarant, shall be a Class A member. Class A membership entitles the holder to one (1) vote for each Unit of which he or she is record owner. If a Unit is owned by more than one person, each such person shall be a Member of the Association, but there shall be no more than one (1) vote for each Unit.

5.3.2. CLASS B

Declarant shall be the sole Class B Member. Class B membership entitles the holder to three (3) membership votes for each Unit owned. The Class B membership shall be irreversibly converted to Class A membership on the date which is the later of: (i) one hundred twenty (120) days after the close of escrow of seventy-five percent (75%) of the Condominiums planned for the Project; (ii) five years after the date of recordation of this Declaration; or (iii) Two (2) years following the first Close of Escrow to a First Purchaser. At the first election following the Class B conversion, the Declarant or his agent may continue to serve as an ex officio member of the Board, possessing all rights of Board membership except voting and attending executive sessions of the Board.

5.3.3. SPECIAL VOTING RIGHTS OF CLASS A MEMBERS FOR ELECTION OF DIRECTORS

For so long as the Class B Member has the right to designate a majority of the members of the Board as provided above, the Class A Members shall be entitled to elect at least one-third (33.3%) of the members of the Board by their sole vote.

5.4. APPROVAL OF MEMBERS

Member decision-making shall be accomplished pursuant to the Association's Voting and Election procedures as described in the Bylaws, pursuant to Civil Code §§5000 and 5100-5145.

5.5. FIRST MEETING OF THE ASSOCIATION

The first meeting of the Members shall be held no later than six (6) months after the first Close of Escrow in the Project. Thereafter, Annual Meetings shall be scheduled and conducted by the Board at least once in each subsequent Fiscal Year. As provided in the Bylaws, at the first meeting of the Association, the Class A Members shall elect one Board member and the Declarant shall elect two Board members.

5.6. ELECTION OF BOARD OF DIRECTORS

Election of the directors shall be accomplished by secret ballot with cumulative voting, in accordance with the election provisions described in the BYLAWS, pursuant to Civil Code §§5100-5145. A Report Meeting may be scheduled to be conducted concurrently (a) with the tabulation of secret ballots for such election of directors and prior to (b) a Board meeting, so that the Board may thereafter elect officers and/or make such other decisions as may be necessary for the Operation of the Board and the Association.

5.7. NO PERSONAL LIABILITY OF BOARD MEMBERS

No volunteer, officer or volunteer director of the Board or of any committee of the Association, or any officer of the Association, or any Managing Agent, as described in Civil Code §5350 *et seq.*, or Declarant, or any agent or employee of Declarant (each an "Association Agent"), shall be personally liable to any Owner, or to any other Person, including the Association, for any error or omission of any Association Agent, if such Person has, on the basis of such information as may be possess by him or her, acted in good faith without willful or intentional misconduct. In addition to the foregoing, as more particularly specified in Civil Code §5800, or any successor statute or law, any person who suffers bodily injury, including, but not limited to, emotional distress or wrongful death as a result of the tortious act or omission of a member of the Board who resides in the Project either as a tenant or as an Owner of no more than two Units, and who, at the time of the act or omission, was a "volunteer" as defined in Civil Code §5800, or any successor statute or law, shall not recover damages from such Board member, if such Board member committed the act or omission within the scope of such member's Association duties ("Official Act"), while acting in good faith and without acting in a willful, wanton or grossly negligent manner, provided that all of the requirements of Civil Code §5800, or any successor statute or law, have been satisfied.

5.8. INDEMNIFICATION OF ASSOCIATION AGENTS

The Association shall indemnify, defend, protect and hold harmless each Association Agent for all damages, and expenses incurred (including, without limitation, reasonable attorneys' fees), and satisfy any judgment or fine levied as a result of any action or threatened action brought because of an act or omission what such Person reasonably believed was an Official Act. Association Agents are

deemed to be agents of the Association when they are performing Official Acts for purposes of obtaining indemnification from the Association pursuant to this Section. The entitlement to indemnification under this Declaration inures to the benefit of the estate, executor, administrator and heirs of any Person entitled to such indemnification. The Association has the power, but not the duty, to indemnify any other Person acting as an agent of the Association for damages incurred, pay expenses incurred, and satisfy any judgment or fine levied as a result of any action or threatened action because of an Official Act. The Association also has the power, but not the duty, to contract with any person to provide indemnification in addition to any indemnification authorized by law on such terms and subject to such conditions as the Association may impose.

5.9. ADDITIONAL PROVISIONS

Certain laws apply to the operation of the Association and the Property by the Association, including, without limitation, the Davis Stirling Common Interest Development Act (Civil Code §§4000 *et seq.*), and the Association shall comply with all Applicable Law.

ARTICLE 6. RIGHTS, POWER AND DUTIES OF ASSOCIATION AND BOARD

Except as to matters requiring the approval of Members as set forth in this Declaration, the Articles, or the Bylaws, the affairs of the Association shall be conducted by the Board and such officers as the Board may elect or appoint. Such election or appointment shall be in accordance with this Declaration and the Bylaws. Except as otherwise provided in this Declaration, the Articles and the Bylaws, all matters requiring the approval of Members shall be deemed approved if Members holding a majority of the total voting rights assent to them by written consent as provided in the Bylaws or if approved by a majority vote of a quorum of Members at any regular or special meeting held in accordance with the Bylaws.

6.1. POWERS OF ASSOCIATION AND BOARD

The Association shall have all the powers of a nonprofit corporation organized under the Nonprofit Mutual Benefit Corporation Law of California subject only to such limitations on the exercise of such powers as are set forth in the Articles, the Bylaws and this Declaration. It shall have the power to do any lawful thing that may be authorized, required, or permitted to be done by the Association under the CC&RS, and to do and perform any act that may be necessary or proper for or incidental to, the exercise of any of the express powers of the Association, including, without limitation, the powers set forth below.

6.1.1. PERFORMANCE OF DUTIES

The Association shall have the power to undertake all of the express duties required under the Section below entitled "Duties of the Association" to be done by the Association.

6.1.2. DELEGATION OF POWERS: PROFESSIONAL MANAGEMENT

The Association, acting by and through the Board, may delegate its power, duties and responsibilities to committees, employees or, by contract, to a professional managing agent ("Managing Agent"). The maximum term of any such contract ("Management Contract") shall be one (1) year, unless a longer term is approved either by vote or written assent of a majority of the voting power of the Association or in which case the maximum term of the Management Contract shall be three (3) years. Each Management Contract shall provide for its termination by either party thereto with cause upon no more than thirty (30) days written notice to the other party, and without cause and without payment of a termination fee upon no more than ninety (90) days written notice to the other party. A Managing Agent shall be an Association Agent, as described herein.

6.1.3. RIGHT OF ENFORCEMENT; PENALTIES; NOTICE AND HEARING

A. ENFORCEMENT ACTIONS

The Association in its own name and on its own behalf, or on behalf of any Owner who consents, can commence and maintain actions for damages or to restrain and enjoin any actual or threatened breach of any provision of the Governing Documents or any resolutions of the Board, and to enforce by mandatory injunction, or otherwise, all of these provisions. In addition, the Association

can temporarily suspend the membership rights and privileges for any violation of the Governing Documents.

B. PENALTIES AGAINST MEMBERS

The Board shall have the right to impose the following penalties:

(1) Suspension of the membership rights and privileges (but may never suspend access to and from the Owner's Unit), together with the voting rights of any Member of the Association, for any period of time during which the Assessment on a Member's Unit remains unpaid;

(2) Suspension of the membership rights and privileges to the greatest extent allowed by the California Civil Code and other Applicable Laws.

(3) Imposition of monetary penalties against an individual Member as a disciplinary measure for failure of a Member to comply with provisions of the Governing Documents or Board resolutions, or as a means of causing the Member to reimburse the Association for costs and expenses incurred by the Association in bringing the Member and his or her Condominium to compliance with the Governing Documents or Board resolutions; provided, however, no such monetary penalty may be characterized or treated as an Assessment which may become a lien against the Owner's subdivision interest enforceable by a sale of the interest in accordance with the provisions of Civil Code §§2924, 2924(b) and 2924(c).

(4) The Board may adopt a schedule of reasonable fines or penalties which, in its reasonable discretion, the Board may assess against a Person for the failure of such Person to comply with the Governing Documents. Such fines or penalties may only be assessed pursuant to Civil Code §§5650 *et seq.*

The provisions of the preceding paragraph expressly do not apply to charges imposed against a Member consisting of reasonable late payment penalties for delinquent Assessments and/or charges to reimburse the Association for the loss of interest and for costs reasonably incurred (including attorneys' fees) in its efforts to collect delinquent Assessments as more fully described in this Declaration.

C. SETTLEMENT PRIOR TO JUDGMENT

In the event legal counsel is retained or legal action is instituted by the Board pursuant to this Section, any settlement prior to judgment or any judgment rendered in any such action shall include costs of collection, court costs and reasonable attorneys' fees.

D. RIGHT TO NOTICE AND HEARING

A Member shall have the right to Notice and Hearing prior to the Board's decisions to impose any suspension or monetary penalty, as more fully described in Section 9.2 hereafter entitled "Notice and Hearing."

6.1.4. ENTRY BY ASSOCIATION

The Association and the Association's agents or employees shall have the right to Enter into any Dwelling to perform such Operations required or related to any Association Obligations and/or in the event of an Emergency.

6.1.5. CONTRACTS FOR GOODS AND SERVICES

The Association shall have the power to contract for goods and services for the benefit of the Project necessary for the Association to perform its Obligations hereunder, subject to such limitations as set forth in this Declaration or the Bylaws.

6.1.6. TITLE POLICIES

The Association shall have the power to pursue any title claims regarding the Common Area made by any third party, pursuant to any title insurance policy held by the Owners or the Association. Each Owner hereby delegates, on a non-exclusive basis, and assigns to the Association any rights it may have under its title insurance policies to the extent that the title claim relates to the Common Area.

6.1.7. BORROW FUNDS

The Association shall have the right to borrow money to improve, repair or

maintain the Association Property and to hypothecate any or all real or personal property owned by the Association, including pledging as collateral the assessment liens levied thereon provided that, the borrowing of any money or hypothecation of any real or personal property in excess of five percent (5%) of the budgeted gross expenses of the Association shall require the consent of fifty-one percent (51%) of each class of Members.

6.1.8. CLAIMS AND ACTIONS

Subject to the provisions of this Declaration, the Association shall have the power, but not the duty, to initiate, defend, settle or intervene in mediation, arbitration, judicial or administrative proceedings on behalf of the Association in matters pertaining to: (a) the application or enforcement of this Declaration and (b) damage to the Master Insurance Area not covered by insurance.

6.1.9. POWER OF ATTORNEY TO AMEND

Except as may otherwise be provided in this Declaration, Declarant hereby reserves, for itself and grants to the Incorporator and the Association, powers of attorney to act on behalf of the Owners (including Declarant and the Association, when Declarant or Incorporator alone is exercising the power of attorney herein reserved) and their respective Mortgagees, optionees, grantees, licensees, trustees, receivers, lessees, tenants, judgment creditors, heirs, legatees, devisees, administrators, executors, legal representatives, successors and assigns, whether voluntary or involuntary, to amend the Condominium Plan or any amendment thereto, by executing on behalf of the affected Owners and Mortgagees an amendment thereto and such instrument(s) to effect any conveyances or partial reconveyances necessary to effect such amendment; provided, however, such powers of attorney hereby reserved or granted are limited as follows: (a) to cure or correct any manifest or technical errors, especially any technical error which may limit or restrict an Owner's access, ingress or egress to or from its Unit or Exclusive Use Area, any ambiguity or defective or inconsistent provisions or any clerical omission or mistake, as evidenced by a written statement in such amendment describing any of the foregoing; or (b) to reconfigure the boundaries of any Unit; provided, however, such power may not be exercised if such exercise would result an actual physical reduction in the living area square footage of an Owner's (other than Declarant's) Unit, without the written approval of the Owner of such Unit and any Mortgagee thereof (i.e. if a Plan is amended to reflect the *actual* living area square footage of Unit, which is less than any "stated" square footage noted in any Governing Document or Ancillary Instrument, no written approval would be required). In the event any such foregoing amendment requires the revision or recalculation of any diagrammatic element of the Condominium Plan, then any such amendment shall be duly signed by a land surveyor, civil engineer or other California licensed professional as authorized by Applicable Law to sign a Condominium Plan or any amendment thereto for such purpose(s).

6.2. DUTIES OF ASSOCIATION

6.2.1. ASSESSMENTS

The Association through its Board shall have the power and duty to establish, fix, and levy Assessments against the Owners and their Condominiums, and to enforce payment of such Assessments in accordance with the provisions of the Governing Documents.

6.2.2. TAXES AND ASSESSMENTS

The Association shall have the duty to pay all real and personal property taxes and assessments and all other taxes levied against the Common Area or against the Association. Such taxes and assessments may be contested or compromised by the Association; provided that they are paid or that a bond insuring payment is posted before the sale or the disposition of any property to satisfy the payment of such taxes.

6.2.3. MAINTENANCE

The Association shall have the duty to Maintain the Association Maintenance Obligation Areas expressly assigned to the Association pursuant to these CC&RS. The Association's obligation and responsibility for such Maintenance shall commence upon the commencement of Regular Assessments.

6.2.4. RULES AND REGULATIONS

(a) The Board shall have the power to adopt, amend or repeal any Operating Rule; provided, however, that any Operating Rule shall be valid and enforceable only if all of the following requirements are satisfied: (1) The Rule is in writing; (2) The Rule is within the authority of the Board conferred by and not inconsistent with Applicable Law, these CC&RS or the other Governing Documents; (3) The Rule is adopted, amended or repealed in good faith and in substantial compliance with the requirements of this Section; and (4) The Rule is reasonable.

(b) An Operating Rule may govern the use of the Exterior Areas by all Owners, Occupants and their Invitees, and the conduct of Owners, Occupants and their Invitees with respect, but not limited to actions or activities which, if not so regulated, might detract from the appearance of the Community or offend or cause inconvenience or danger to persons residing or visiting therein. An Operating Rule may also provide that the Owner or Occupant of a Unit or their Invitee who leaves property within any Easement Area areas in violation of the Rules may be assessed, after Notice and Hearing, an amount to cover (i) the expense incurred by the Association in removing such property and storing or disposing thereof, or (ii) the expense incurred by the Association in correcting such violation or the results of such violation.

6.2.5. ARCHITECTURAL CONTROL

The Association shall have the duty to maintain Architectural and architectural control of the Building and Exterior Areas through the Board pursuant to the Architectural Standards and the provisions of **ARTICLE 12** herein.

6.2.6. LIENS AND CHARGES

The Association shall pay any amount necessary to discharge any lien or encumbrance upon the Common Area, or any other property or interest of the Association. Where one or more Owners are jointly responsible for the existence of such lien, they shall be jointly and severally liable for the cost of discharging it, and any costs incurred by the Association by reason of said lien or liens shall be specially assessed to said Owner(s).

6.2.7. BUDGET; FINANCIAL STATEMENTS; RESERVES

The Association shall establish, adopt and distribute an annual budget, provide regular financial statements as required by the Bylaws, and maintain a reserve fund for the replacement of Improvements and all Common Expense Areas only to the extent that the Board deems it necessary in order to assure timely replacement of Improvements and other Common Expense Areas. Among other things, the Board shall prepare and distribute an annual report in accordance with the requirements of California Corporation Section 8321. If required by California Civil Code Section 5300(b)(3)(b), the Board shall prepare and distribute a review of the financial statement of the Association prepared in accordance with the requirements of that statute. For the second and each subsequent fiscal year of the Association, the Board shall cause a pro forma operating statement (budget) for the Association to be prepared and distributed to Members in accordance with the requirements of California Civil Code Sections 5300 and 5305, or any successor statutes, and any other applicable California law.

Reserve funds shall be used solely for those purposes for which the reserves were established or allowed by law. (Civil Code §5510). The Board shall comply with the requirements of California Code Section 5500 et. seq. regarding the Association's operating and reserve accounts, including conducting and reviewing studies of the Association's reserve accounts as required by California Civil Code Sections 5550 and 5560.

6.2.8. INSURANCE

The Association shall accept the obligation of maintaining Insurance Coverage over the Master Insurance Area in accordance with these CC&RS, and shall obtain, from reputable insurance companies and maintain the Master Insurance Coverage described in the Article hereof entitled INSURANCE.

6.2.9. PROPERTY MANAGEMENT

The Association may employ a management or accounting company

("Association Agent") to handle Assessment collection and related Association Operation, subject to the contract term and termination provisions hereof.

6.2.10. CONTRACTS

Any agreement for management of the Project, or any portion thereof, or any agreement providing for services by Declarant, or any contract or lease, including franchises and licenses to which Declarant is a party, shall have a term of not more than one (1) year, without the consent of each class of Members; provided, however, that in no event shall such an agreement exceed a term of three (3) years. Any such agreement shall provide that the agreement may be terminated by either party "without cause" and without payment of a termination fee upon not more than ninety (90) days written notice, and "with cause" upon thirty (30) days written notice.

6.2.11. LIMITATIONS ON AUTHORITY OF BOARD

The Board shall not take any of the actions listed below except with the vote or approval by written ballot of: (a) a majority of the Members of each of Class A and Class B during the time the two-class voting structure set forth in this Declaration is in effect; or (b) except with the vote at a meeting of the Association or by written ballot without a meeting pursuant to Corporations Code §7513 of at least one hundred percent (100%) of the Members of the Association. Specifically, the Board may not:

A. LIMIT ON COMPENSATION

Pay compensation to members of the Board for services performed in the conduct of the Association's business. However, the Board may cause a member of the Board to be reimbursed for expenses incurred in carrying on the business of the Association. The foregoing notwithstanding, nothing herein shall limit the Association from paying compensation to any members of the Board, any committees appointed by the Board or consultants to such committees, including any architectural or Architectural committee, who may provide services to the Association in their professional capacity other than as a member of the Board.

B. LIMIT ON THIRD PERSON CONTRACTS

Enter into a contract with a third person wherein the third person will furnish goods or services for the Common Maintenance Area or the Association for a term longer than one (1) year unless a longer term is, by vote at a meeting or by written ballot without a meeting pursuant to California Corporation Code §7513, approved by a majority of the voting power of Members of the Association, other than Declarant, constituting a quorum consisting of more than fifty percent (50%) of the voting power of Members of the Association other than Declarant, with the following exceptions:

- (i) A management contract, the terms of which have been approved by the Federal Housing Administration or the United States Department of Veterans Affairs;
- (ii) A contract with the public utility company for materials or services the rates for which are regulated by the Public Utilities Commission may exceed a term of one (1) year so long as it does not exceed the shortest term for which the public utility will contract at the regulated rate;
- (iii) A contract for prepaid casualty and/or liability insurance policies may be for a term of not to exceed three (3) years, provided that the policy permits short rate cancellation by the Association;
- (iv) Agreements for cable, television services and equipment, internet services or similar telecommunications services and equipment, or satellite dish television services and equipment, where the supplier is not an entity in which the Declarant has a direct or indirect ownership interest of ten percent (10%) or more may exceed a term of one (1) year but may not exceed a term of five (5) years;
- (v) Agreements for sale or lease of burglar alarm and fire alarm equipment, installation and services, where the supplier or suppliers are not entities in which the Declarant has a

direct or indirect ownership interest of ten percent (10%) or more may exceed a term of one (1) year but may not exceed a term of five (5) years; and

(vi) Contracts for management of the community and any other contract with a term not to exceed three (3) years which are terminable by the Association without cause, penalty or other obligation after one (1) year upon ninety (90) days written notice of termination given by the Association to the other party.

ARTICLE 7. ASSESSMENTS

7.1 COVENANT FOR ASSESSMENTS.

Declarant, for each Condominium owned, covenants, and each Owner of any Condominium by acceptance of a deed to the Condominium, whether or not so expressed in such deed, is deemed to covenant and agrees to pay to the Association: (a) regular assessments, which shall include an adequate reserve fund for periodic maintenance, repair and replacement of the Association Property, (b) special assessments (including compliance and emergency assessments provided for in this Article). The regular and special assessments, together with interest, costs, late charges and reasonable attorney's fees, shall, except as stated in §7.4 or disallowed by law, be a charge and continuing lien upon the Condominium against which each such assessment is made, the lien to become effective upon recordation of a notice of assessment. Each such assessment, together with interest, costs, late charges and reasonable attorney's fees shall also be the personal obligation of the person who was the Owner of such Condominium at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to an Owner's successors in title unless expressly assumed by them; however, the assessment shall remain a lien on the Condominium.

7.2 PURPOSE OF ASSESSMENTS.

The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety and welfare of all the residents in the entire Community and for the improvement and maintenance of the Association Property for the common good of the Community, to reimburse the Association for the costs incurred in bringing an Owner into compliance with the Bylaws, this Declaration and the rules and regulations adopted by the Board, and for those other purposes described in this Declaration. The regular assessments shall be determined at least annually by the Board to meet the expenses of the Association, including the establishment of reserve accounts, based upon the annual budget adopted by the Board pursuant to the Bylaws. A special assessment is an assessment the Board, in its discretion, determines necessary if the Association's available funds are or will become inadequate to meet the estimated expenses of the Association for a fiscal year. The Board may levy the entire special assessment immediately or levy it in installments over a period the Board determines appropriate. In addition, a special assessment against a particular Owner only may be levied by the Board as set forth in §10.4.

7.3 LIMITATION ON REGULAR AND SPECIAL ASSESSMENTS.

The Board shall levy regular and special assessments sufficient to perform the obligations of the Association as provided in this Declaration the Bylaws, and California Civil Code §5600; provided, however, except for assessment increases necessary for emergency situations:

7.3.1 The Board may not increase the regular assessments for any fiscal year unless (i) the Board has complied with the provisions of California Civil Code §§5600, 5605, and 5300(b) with respect to the fiscal year or (ii) the increase is approved by Owners casting a majority of the votes at a meeting or election of the Association conducted in accordance with (A) the Common Interest Development Open Meeting Act, as set forth in California Civil Code §§ 4925 through 4955, inclusive, and any election rules adopted by the Board in conformance therewith; (B) Chapter 5 (commencing with §7510) of Part 3 of Division 2 of Title 1 of the California Corporation Code; and (C) §7613 of the California Corporation Code at which a quorum was present or participated; and

7.3.2 The Board may not impose a regular assessment that is more than twenty percent (20%) greater than the regular assessment for the Association's preceding fiscal year nor special assessments which in the aggregate exceed five percent (5%) of the budgeted gross expense of the Association for the fiscal year, without the approval of Owners casting a majority of the votes at a

meeting or election of the Association conducted in accordance with (A) the Common Interest Development Open Meeting Act, as set forth in California Civil Code §§4925 through 4955, inclusive, and any election rules adopted by the Board in conformance therewith; (B) Chapter 5 (commencing with §7510) of Part 3 of Division 2 of Title 1 of the California Corporation Code; and (C) §7613 of the California Corporation Code at which a quorum was present or participated.

7.3.3 The Board may increase Assessments within this framework for emergency situations (Civil Code section 5610); an "emergency" situation is any one of the following:

(i) An extraordinary expense required by an order of a court.

(ii) An extraordinary expense necessary to repair or maintain the Community or any part of the Community for which the Association is responsible where a threat to personal safety in the Community is discovered.

(iii) An extraordinary expense necessary to repair or maintain the Community or any part of the Community for which the Association is responsible that could not have been reasonably foreseen by the Board in preparing and distributing the pro forma operating budget under California Civil Code Section 5300 *et. seq.* However, prior to the imposition or collection of an assessment under this Subsection, the Board shall pass a resolution containing written findings as to the necessity of the extraordinary expense involved and why the expense was not or could not have been reasonably foreseen in the budgeting process, and the resolution shall be distributed to the Members with the notice of assessment.

7.3.4 For purposes of this Section 7.3, "quorum" means more than fifty percent (50%) of the Owners. The term "regular assessment for the Association's preceding fiscal year" as used in this Section 7.3 is deemed to be the regular assessment which would have existed in the absence of any subsidy of assessments agreed to be paid by Declarant. Anything in this Section. 7.4. to the contrary notwithstanding, the limitation on regular and special assessments shall comply with the laws of the State of California at the time the regular or special assessment is levied by the Association.

7.3.5 The due dates of assessments shall be as the Board establishes them. The Association shall, upon demand and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Condominium have been paid. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment.

7.4 NON-LIEN ASSESSMENTS (COMPLIANCE).

The Association may also impose a special assessment against any Owner to reimburse the Association for costs incurred in bringing an Owner and the Owner's Condominium into compliance with the provisions of this Declaration, the Bylaws and Association rules and regulations, or as a penalty imposed as a disciplinary measure for failure of an Owner or occupants of the Owner's Condominium to comply with such provisions. Such special assessment may be imposed upon the vote of the Board after notice and an opportunity for a hearing which satisfy the requirements of §§5700 and 5855 of the California Civil Code, as set forth in the Bylaws, and the Board shall meet in executive session if requested by the Owner being disciplined and the Owner shall be entitled to attend the executive session. Except to the extent such special assessment is to reimburse the Association for the cost of collecting assessments, the special assessment shall not constitute a lien on the Owner's Condominium and shall be assessed only against the Owner who is or was in non-compliance. The Association shall have lien rights with respect to charges imposed against an Owner which are reasonable late payment fees for delinquent assessments, interest and other charges to reimburse the Association for costs reasonably incurred (including attorney's fees) in its efforts to collect delinquent assessments.

7.5 SCHEDULE OF MONETARY PENALTIES.

If the Association adopts a policy of imposing any monetary penalty, including any fee, on any Owner for violation of this Declaration or the rules of the Association, including any monetary penalty relating to the activities of a guest or invitee of an Owner, the Board shall adopt and distribute to each Owner, by personal delivery or first-class mail (or electronically to the degree allowed by the Civil Code), a schedule of the

monetary penalties that may be assessed for those violations, which shall be in accordance with the authorization for Owner discipline set forth in this Declaration and the Bylaws. The Board shall not be required to distribute any additional schedules of monetary penalties unless there are changes from the schedule that was adopted and distributed to the Owners pursuant to this Section.

7.6. RATE OF REGULAR ASSESSMENTS.

Both regular and special assessments shall be levied upon each Condominium at an equal rate. However, this Section does not apply to the sums payable by reason assessment against a specific member as provided herein.

7.7 RATE OF SPECIAL ASSESSMENTS FOR REPAIRS.

Any special assessment to raise funds for the rebuilding or major repair of a portion of the structural Association Property shall be levied against each Condominium in the Community against which the Association's regular assessments have commenced. Such special assessments shall be levied upon the basis of the ratio of the square footage of the floor area of the Separate Interest of the Condominium to be assessed to the total square footage of the aggregate floor area of the Separate Interests in all Condominiums to be assessed.

7.8 DATE OF COMMENCEMENT OF REGULAR ASSESSMENTS.

The regular assessments shall commence as to all Condominiums in a particular Phase of the Community on the first day of the month following the conveyance of the first Condominium to a First Purchaser in that Phase, at which time Voting rights shall vest.

7.9 ADJUSTMENT OF ASSESSMENTS; DUE DATES.

The Board shall fix the amount of the regular assessments against each Condominium at least thirty (30) days in advance of each fiscal year but may change the assessment amount on any subsequent occasion. Although the amount of regular assessments (other than special assessments) shall be determined at least annually, commencement of regular assessments against an additional Phase during the marketing period may cause the regular assessment amounts to change. Unless otherwise determined by the Board, regular assessments shall be due and payable in monthly installments on the first day of the calendar month. No notice of regular assessments shall be required except for notices of changes in assessment amount or changes in due dates. Written notice of changes in the regular assessments or of any special assessment shall be sent by first-class mail to every Owner subject thereto not less than thirty (30) nor more than sixty (60) days prior to the change in assessments or the special assessment becoming due.

7.10 EFFECT OF NON-PAYMENT OF ASSESSMENTS; REMEDIES OF THE ASSOCIATION.

Any assessment made in accordance with this Declaration (including lien and non-lien assessments) shall be a debt of the Owner of a Condominium from the time the assessment is due. Any assessment not paid within four (4) days after the due date shall be delinquent. If an assessment is delinquent, the Association may recover any of the following: (i) reasonable costs incurred in collecting the delinquent assessment, including reasonable attorney's fees, (ii) a late charge on unpaid assessments in an amount not exceeding the greater of Ten Dollars (\$10.00) or ten percent (10%) of each assessment, and (iii) commencing thirty (30) days after the assessment becomes due until paid, interest at the rate of twelve percent (12%) per annum on the delinquent assessment and all sums imposed by this Section, including reasonable fees and costs of collection and reasonable attorney's fees. After any assessments levied by the Association affecting any Condominium have become delinquent, the Board may utilize all remedies available under California statutes, judicial or non-judicial foreclosure of a lien against the delinquent Owner's Condominium as provided in California Civil Code §5725(a). To that end a power of sale is hereby conferred upon the Association. The Association, acting on behalf of the Condominium Owners, shall have the power to bid for the Condominium at a foreclosure sale, and to acquire and hold, lease, mortgage and convey the same. Suit to recover a money judgment for unpaid assessments, rent and attorney's fees shall be maintainable without foreclosing or waiving the lien. **THE ASSOCIATION SHALL COMPLY WITH ALL APPLICABLE STATUTORY REQUIREMENTS IN EXERCISING ITS REMEDIES, INCLUDING §§ 2924, 2924(B), 2924(C), 2934(a), 2924(f), 2924 (g), 2924 (h), 5675, 5700, and 5710, OF THE CALIFORNIA CIVIL CODE, AND ALL OTHER APPLICABLE STATUTES.**

7.11 SUBORDINATION OF LIEN TO FIRST DEEDS OF TRUST AND FIRST MORTGAGES.

The lien of the assessments, interest, costs, attorney's fees and late charges shall be

subordinate to the lien of any first Mortgage upon any Condominium. Sale or transfer of any Condominium shall not affect the assessment lien. However, the sale or transfer of any Condominium pursuant to judicial or non-judicial foreclosure of a first Mortgage shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. However, the Association may treat as Common Expenses, assessable against all the Condominiums, any unpaid assessments for which lien rights have terminated. No sale or transfer shall relieve such Condominium from lien rights for any assessments thereafter becoming due.

7.12 ESTOPPEL CERTIFICATE.

The Association shall furnish, upon demand by any person, a certificate signed by an officer of the Association setting forth whether the assessments on a specified Condominium have been paid. A properly executed certificate of the Association as to the status of assessments on a Condominium is binding upon the Association as of the date of its issuance.

7.13 NON-USE OF ASSOCIATION PROPERTY.

No Owner shall be exempt from personal liability for assessments levied by the Association, nor shall any Condominium be released from the liens and charges of assessments because of the non-use of the Association Property or because of abandonment of the Condominium.

7.14 TAXATION OF ASSOCIATION.

In the event that any taxes are assessed against the Association Property or the personal property of the Association, rather than against the individual Condominiums, the taxes shall be added to the regular assessments and, if necessary, a special assessment may be levied against the Condominiums in an amount equal to the taxes, to be paid in two (2) installments, thirty (30) days prior to the due date of each tax installment.

7.15 PAYMENT OF ASSESSMENTS BY DECLARANT.

Except as specifically stated otherwise in this Article, Declarant shall pay all assessments levied by the Association against any Condominium owned by Declarant at the same time, in the same manner and in the same amount as any other Owner.

7.16 CAPITALIZATION OF ASSOCIATION.

Upon conveyance to a First Purchaser of each Condominium from Declarant, the First Purchaser shall contribute to the capital of the Association an amount equal to two times the then regular assessment for the Condominium as determined by the Board of the Association. This amount shall be deposited by the First Purchaser into the purchase and sale escrow and disbursed therefrom to the Association at close of escrow. Amounts paid pursuant to this Section are not advance payments of assessments and are in addition to and not in lieu of regular and special assessments of the Association. The capital contributions will be the Association's funds and may not be used by Declarant to defray its expenses, construction costs or assessments.

7.17 CODE SECTIONS SUBJECT TO CHANGE.

This Article relies on provisions of California statutory law which have been revised frequently. The Board is cautioned to have its legal consultant carefully review statutes in effect as of the date any notices or other actions are taken pursuant to this Article

ARTICLE 8. OWNERS; OWNERSHIP; PROPERTY RIGHTS

8.1. OWNERSHIP INTERESTS.

Each Unit in the Project shall be conveyed to a Purchaser who shall thereupon become an Owner. Ownership of a Condominium shall include those interests described in Section 1.5 hereinabove. Each Exclusive Use Area shall be appurtenant to the Separate Interest it serves unless otherwise so depicted on the Condominium Unit. Conveyance of a Separate Interest will automatically convey all appurtenant Exclusive Use Areas and all Improvements therein unless otherwise provided in this Declaration. Any and all Exclusive Use Areas which are appurtenant to a Separate Interest are for the exclusive use and enjoyment of the Owner of that Separate Interest. No Owner shall make any improvements to an Exclusive Use Area unless such improvements have been previously approved in writing by the Architectural Committee.

The Units as described below are hereby reserved and granted as an appurtenance to the stated Unit and/or

Owner thereof, for the intended exclusive use and/or benefit of that Unit, its Owner or Invitees thereof the following Exclusive Easements: All Units shall have the exclusive use of any external Utilities Facilities, including, but not limited to, telephone, television, computer and other electrical wiring; and of other utility installations, if any of the foregoing are designed to exclusively serve a single Unit, but located outside the boundaries of such Unit (*e.g.* any utility lines running through an Adjacent Unit or Association Property).

8.2. CONVEYANCE OF ASSOCIATION PROPERTY AND COMMON AREA.

Declarant covenants for itself, its successors and assigns, that Declarant will convey to the Association any Association Property free and clear of all encumbrances and liens, except non-delinquent taxes, easements, covenants, conditions and reservations then of record, including those set forth in this Declaration.

The Common Area shall be conveyed from Declarant to an Owner as a one-fourth (1/4th) Fractional Interest appurtenant to such Owner's Unit Separate Interest, and thereafter owned.

8.3. NO SEPARATION OF INTERESTS.

No Owner may sell, assign, lease or convey such Owner's Fractional Interest in the Common Area separate and apart from his Unit, nor any portion of, or appurtenance to his Unit apart from the entire Unit. Any conveyance of any Unit shall automatically transfer its appurtenant Fractional Interest in its related Common Area without the necessity of express reference in the instrument of conveyance.

8.4. PARTITION.

(a) **Suspension.** The right of partition is suspended pursuant to Civil Code §4610 as to the Project. Nothing in this Section shall be deemed to prohibit partition of a co-tenancy in a Condominium.

(b) **Partition.** Except as provided in this Declaration, there shall be no judicial partition of the Common Area, or any part thereof, for the term of the Project, nor shall Declarant, any Owner or any other person acquiring any interest in any Condominium in the Project seek any such judicial partition. A Fractional Interest in the Common Area may not be altered or changed as long as the prohibition against severability of interests in a Condominium remains in effect as provided in this Declaration. The foregoing notwithstanding, judicial partition shall be permitted as allowed by Applicable Law, including Civil Code §4610, as the same may be amended from time to time.

8.5. AMENDMENT OF ARTICLE 8.

Anything in the Article entitled "AMENDMENTS" herein to the contrary notwithstanding, this ARTICLE 8 shall not be amended, modified or rescinded until Declarant has conveyed title to the last Condominium in the Property to a Purchaser or other Person, without (a) the prior written consent of Declarant, and (b) the Recording of said written consent.

ARTICLE 9. EASEMENTS

The ownership interests in the Property and the Condominium Units, and the Owners' rights of ingress and egress over the Property described in this Article, are subject to the easements and rights of the Association and the Owners as granted and reserved in this Declaration and the other Governing Documents, all easements and rights-of-way shown on the Final Map(s), and all other easements of record. Each of the easements reserved or granted under this Declaration shall be deemed to be established upon the Recordation of this Declaration and shall henceforth be deemed to be covenants running with the land for the use and benefit of the Owners, the Condominium Units and the Association superior to all other encumbrances applied against or in favor of any portion of the Community. Individual grant deeds to Condominiums may, but shall not be required to, set forth the easements specified in this Article.

9.1. EASEMENTS FOR OWNERS' ENJOYMENT (Over Association Property)

Subject to the limitations set forth in this Declaration, every Owner of a Condominium shall have a right and easement of ingress and egress, support for his or her Separate Interest and of enjoyment from the use of the Association Property. These rights shall be appurtenant to and shall pass with the title of each Condominium, subject to the following provisions:

(a) The right of the Board to make rules and regulations relating to the operation and use of the Association Property, including the right to charge a fee for special or extraordinary use of the Association Property. Each Owner shall have the right of reasonable access to his or her Condominium and the right to reasonably utilize any private utilities that service his or her Condominium. The Association shall have no right to restrict reasonable access or utilities to a Condominium by the persons who have the right to possession of the Condominium nor shall the Association have the right to restrict Declarant access to the Community for construction or marketing purposes nor the right to restrict hooking up to and utilizing any private utility lines that were designed to service the Community.

(b) The right of the Board to suspend the voting rights of an Owner During the period of time any Association assessment against the Condominium remains delinquent;

(c) Subject to the limitations set forth in the Article entitled "**RIGHTS OF LENDERS**" and subject to the restrictions stated in California CORPORATIONS CODE Section 8724, the right of the Board to transfer less than substantially all of the Association Property. It is specifically intended that the Board have the right to cooperate with Declarant in adjusting the boundaries of the Association Property and other portions of the Community or to adjust the boundaries of the Community with another property owner.

(d) The sole and exclusive right of the Association, acting through its Board, to operate, maintain and control the Association Property except as otherwise stated in this Declaration.

(e) The right of the Board to grant or dedicate to third parties permits, licenses (which may be irrevocable), and easements over the Association Property for utilities, roads and other purposes necessary for the proper operation of the Community; and the right of the Board to convey portions of the Association Property to others in connection with a boundary adjustment requested by an adjacent property owner or public entity.

(f) The right of the Board to grant easements and licenses over the Association Property.

(g) The right of the Board, in accordance with this Declaration, to permit Owners to install improvements within Association Property, provided that the installation of such improvements would not materially and adversely affect any Owner's use of the Association Property. For example, the Board shall have the right to permit an Owner to install improvements necessary to provide private technology or entertainment services to the Owner's Separate Interest (e.g., satellite dishes, electric car charging station, cables and similar improvements).

(h) The right of the Association, in accordance with the Articles and Bylaws, to borrow money for the purpose of improving the Association Property and to hypothecate any or all real or personal property owned by the Association.

(i) Declarant's right to construct and market homes and other improvements within the Community, including the following rights:

(1) Declarant and its sales agents, employees and independent contractors shall have the right to the non-exclusive use of the Association Property for the purpose of maintaining sales offices, parking, signs and flags reasonably necessary to market the Condominiums in the Community. Declarant shall have the right, during its marketing of the Community, to control those hours in which Declarant, its agents, contractors and potential buyers to have access to the Community.

(2) Declarant shall also have a non-exclusive easement over the Association Property to provide access and utilities thereto for the purpose of constructing, marketing and utilizing portions of the Community owned by Declarant.

9.2. ENCROACHMENT AND DRAINAGE

Declarant hereby reserves for the benefit of Declarant, the Association and Owners of Units contiguous to other Units, reciprocal nonexclusive easements appurtenant to such Units for the purposes of (a) providing subjacent or sub-lateral support for encroachments or intrusions on the Units

by the Improvements thereon, caused by minor settlement, shifting or movement of such Improvements after construction or placement thereof on a Unit accommodating any existing encroachment that is a part of the structural Improvements thereon; provided, however, the foregoing shall not authorize, and there is hereby expressly prohibited, the initial placement of an Improvement on a Unit in such a manner that it immediately encroaches on another Unit; and (b) providing drainage from the Units of water resulting from the normal use of such Units and the Dwellings therein in accordance with the drainage pattern existing at the time of the Close of Escrow for the applicable Unit to a Purchaser from Declarant or in accordance with such drainage pattern as altered thereafter with the approval of the Association. In furtherance of the foregoing, no Improvement shall be hereafter placed on any Unit which may change, in a manner adverse to the other Units, the direction or flow of drainage facilities, or which may obstruct or retard the flow of water through drainage facilities, in the easement areas reserved pursuant to clause (b) of the immediately preceding sentence.

9.3. EASEMENTS FOR ACCESS AND TO PERFORM GOVERNING DOCUMENT DUTIES

Anything herein to the contrary notwithstanding, there is hereby reserved to Declarant, the Association, each Owner, and their respective duly authorized agents and representatives, such easements as may be necessary to perform their respective duties (including Maintenance), responsibilities, obligations and rights as are set forth in this Declaration or other Governing Document. Among other things, the Owners and the Association shall have a mutual, reciprocal and non-exclusive easement over the Premises where necessary for vehicular and/or pedestrian access to the Owner's Unit and/or common Improvements (such as the ganged mailbox). Further, certain reciprocal maintenance easements shall include:

(a) Reciprocal easements shall exist between Units and the Association for the necessary access to and repair, maintenance, and replacement of the Building and other Improvements located therein, so that each Owner, and such Owner's agents or the Association, as the case may be, shall have reasonable access to such Improvements, regardless of where located, over the Adjacent Unit and Building, for the limited purpose and only to the extent necessary and reasonable to Access his or her Unit and to conduct such repair, maintenance or replacement of such Improvements; provided, however, nothing herein shall permit the expansion or extension of any existing Improvement (and concurrent expansion or extension of the access easement therefor), without the express written consent of the Adjacent Unit Owner. Anything herein to the contrary notwithstanding, except in the case of an Emergency, access on, over, across or through the Adjacent Unit shall observe the maximum requirements of notice of Entry as provided herein, and performed to cause the least amount of disturbance to the Entered Party, its Occupants or Invitees.

(b) The Entering Party shall have a simultaneous obligation to restore to its original condition any portion of the Entered Party's Improvements which may be damaged as a result of the entering Owner's access and work. Work of restoration shall be reasonably agreed upon between the Owners as soon as possible following the conclusion of the Entering Party's remedial work on the other's Improvements, but not later than thirty (30) days after such conclusion. The cost of restoration shall be the borne by the Entering Party. In the event that the Owners fail to achieve agreement for the restoration of the Improvements within aforesaid mentioned thirty (30) day period, or the Entering Party fails to pay for the costs of such restoration, enforcement shall be conducted as an "Exigent Matter" pursuant to ARTICLE 22 herein.

(c) In connection with any entry of a Unit, the Entering Party shall assume all risks which may result from such Owner's access and conduct of work and such Owner shall indemnify defend and hold harmless the Other Party, the Association and Declarant from any and against any claim, demand, liability, loss, cost action, damage, suit, legal or administrative proceeding, expense or fee, judgment, reasonable attorney's fees and other obligations which arise out of or are incurred in connection with the access and conduct of work. The Entered Party may condition any such entry onto such Owner's Unit on the receipt of written evidence from the Entering Party of liability insurance in form and substance required or permitted to be maintained by such Owner pursuant to ARTICLE 14 herein, endorsed to the reasonable satisfaction of the Entered Party to cover the acts or omissions of the Entering Party while on the Adjacent Unit.

9.4. EASEMENTS FOR UTILITIES

Declarant hereby reserves for itself and for the benefit of each Unit, the respective Owners

thereof, the Association and utility companies and public agencies (including telephone, internet and television utility companies) acting in accordance with their governmental or private agreement functions and authority, exclusive and/or non-exclusive, as the case may be, surface, subsurface and Exterior Area easements and rights-of-way within the Easement Areas (as the case may be) and the Utilities Easement Area for the Operation of Utility Facilities and uses incidental thereto in accordance with these CC&RS and Applicable Law. Exclusive Use Areas may include, but not be limited to certain external Utilities Facilities, including, but not limited to, telephone, television, computer and other electrical wiring, Drainage Facilities; and other utility installations, if any of the foregoing are designed to exclusively serve a single Unit, but located outside the boundaries of such Unit (*e.g.* any utility lines running through an Exterior Unit Area, which serve or are intended to serve just one Unit).

The gas, electricity and other utilities to each Unit shall be under a separate meter/billing, and each Owner shall be responsible for paying his or her own utility costs.

9.5. VIEW OBSTRUCTIONS.

Each Owner acknowledges that (a) there are no protected views in the Property, and no Unit is assured the existence or unobstructed continuation of any particular view, and (b) any construction, landscaping or other installation of Improvements by Declarant, other Owners or owners of other real property in the vicinity of the Project may impair the view from any Unit and the Dwelling therein, and the Owners consent to such view impairment.

9.6. COMMENCEMENT AND DURATION OF EASEMENTS.

The easements reserved herein shall become effective upon the conveyance of the first Unit from Declarant or its successor in interest. Individual grant deeds to Units may, but shall not be required to, set forth the easements specified in this ARTICLE. Except as provided herein, the Declarant's Easement reservations and rights shall transfer to the party for whom the Easement was reserved (whether the Association, Owner or both) commencing when the portion of the Property subject to the Easement reservation is first sold to a First Purchasers or transferred to the Association, or within three years from the date of recordation of this Declaration, whichever occurs first.

9.7. AMENDMENT

Anything in the Article entitled "Amendments" to the contrary notwithstanding, the provisions of this Article may not be amended, modified or rescinded prior to such time that Declarant no longer owns any Unit in the Property or until the termination of any Declarant contractual agreements or warranties with respect to any Improvements within the Property, whichever is later, without the (a) prior written consent of Declarant and (b) the Recording of said written consent Declarant.

ARTICLE 10. RIGHTS OF OWNERS

Owners, and, to the extent permitted by such Owner, such Owner's Invitees, and contract purchasers who reside in such Owner's Dwelling, shall have the following rights and limitations:

10.1. RIGHT OF ACCESS AND USE OF CONDOMINIUM

The right of access, ingress to and egress from such Owner's Condominium, and of enjoyment and full use of such Condominium, which right shall be appurtenant to and shall pass with title to the Owner's Unit, subject to the limitations contained herein. This right cannot be forfeited or abridged by the failure by an Owner to comply with provisions of the Governing Documents or duly-enacted Rules, except by order of a court, order pursuant to a final and binding arbitration decision or as otherwise provided by Applicable Law.

10.2. NOTICE AND HEARING

(a) The rights to be notified in writing at least ten (10) days prior to a meeting by the Board to consider or impose discipline upon a Member. The notification shall contain, at a minimum, the date, time, and place of the meeting, the nature of the alleged violation for which the Member may be disciplined, and a statement that the Member has a right to attend and may address the Board at the meeting. The Board shall meet in executive session if requested by the Owner.

(b) Following the Board's imposition of discipline on a Member, the right to receive timely written notice of the disciplinary action.

(c) If the discipline imposed by the Board is one that suspends the privileges of a Member, such Member shall have the additional to have an opportunity to be heard by the Board orally or in writing, not less than five (5) days before the effective date of the suspension, to request reconsideration that such suspension not take place. Any action challenging a suspension of privileges, including any claim alleging defective notice, must be commenced within one (1) year after the date of the suspension. In the event such an action is successful the court may order any relief, including reinstatement, if finds equitable under the circumstances, but no vote of the Members or of the Board may be set aside solely because a person was at the time of the vote wrongfully excluded by virtue of the challenged suspension, unless the court finds further that the wrongful suspension was in bad faith and for the purpose, and with the effect, of wrongfully excluding the member from the vote or from the meeting at which the vote took place, so as to affect the outcome of the vote.

(d) Such other rights and limitations provided under Corporations Code §7341 and Civil Code §5855, as each may be hereafter amended.

For purposes of this Section, "Notice" shall be given by any method reasonably calculated to provide actual notice. Notice may be hand-delivered to the Owner, sent by first class or registered mail or email if allowed by law, all of the foregoing addressed to the Owner at the last address of the Owner shown on the Association's records.

10.3. INSPECT AND COPY ASSOCIATION DOCUMENTS AND MEMBERSHIP LIST

The right of an Owner or such Owner's duly authorized representative to inspect and copy or to request copies of the Association's (i) financial records and accounting books (including financial documents, interim financial statements and the like), salary information (of association employee, vendors, or contractors), state and federal tax returns, reserve account information, and invoices, receipts cancelled checks or credit card statements; (ii) Governing Documents and records (including the Bylaws certified by the Secretary, CC&RS, Articles of Incorporation, and amendments thereto, Operating rules, election rules, any schedule of monetary penalties, and the like), (iii) association contracts; (iv) Board, committee and membership meeting agendas and minutes of proceedings (other than minutes, proposed minutes or summary minutes of a Board executive session) (collectively, "Association Documents"), and (v) election materials and ballots (excluding proxies); (iv) members' names, addresses and voting rights ("Membership List"), and Miscellaneous Materials (such as insurance policies, non-privileged reports, architectural plans, and escrow documents (as defined in Section 4525), all in accordance with Civil Code §§5200-5240, Corporations Code §§8330-8338, and such other Applicable Law, as more fully described in Bylaws.

10.4. ASSESSMENT STATEMENT

The right of an Owner to obtain a statement ("Assessment Statement") in writing from an authorized representative of the Association as to the amount of any Assessments levied upon the Owner's interest in his or her Condominium which are unpaid on the date of the Assessment Statement. Such Statement shall also include true information on late charges, interest and costs of collection which, as of the date of the Statement, are or may be made a lien upon the Owner's Condominium interest pursuant to Civil Code §5650(a), or any successor statute or law. A properly executed Assessment Statement by the Association shall be upon the Association as of the date of its issuance. The Association may charge a fee for production of the Assessment Statement, which fee shall not exceed the reasonable costs for preparation and reproduction thereof.

ARTICLE 11. USE RESTRICTIONS

11.1. USE OF UNITS

No Unit shall be occupied and used except for residential purposes by the Owners and their Invitees, and no trade or business shall be conducted therein, except that Units may be used as a combined residence and executive or professional business office by the Owner thereof, so long as such use (a) does not interfere with the quiet enjoyment by other Owners, (b) does not include unreasonable visitations by clients, (c) is in compliance with the Zoning Codes of the City, and (d) is otherwise authorized by such California

statutory or common law that may take precedence over City requirements and/or this Declaration. Provided however, Non-residential use cannot exceed twenty-five percent (25%) of the Unit's total floor area, and non-residential workspace of the total Project cannot exceed twenty-five percent (25%) of the Community's total floor area.

11.2. LEASE OF DWELLING.

11.2.1. REQUIREMENTS OF ALL LEASES.

Any Owner who wishes to lease his or her Unit must meet each and every one of the following requirements, and the lease will be subject to these requirements whether they are included within a lease or not:

- (a) All leases must be in writing;
- (b) No lease shall be for a period of less than thirty (30) days;
- (c) An Owner may lease, or any Lessee may sublease, a portion of a Unit for a use as set forth in Section 11.1, so long as the Lessee or Sublessee, as the case may be, of said portion of a Unit is a business entity owned by such Owner or Lessee. Provided however, Non-residential use cannot exceed twenty-five percent (25%) of the Unit's total floor area, and non-residential workspace of the total Project cannot exceed twenty-five percent (25%) of the Community's total floor area;
- (d) All leases shall be subject in all respects to the provisions of this Declaration and the other Project Documents.

11.2.2. FAILURE OF TENANT TO COMPLY WITH PROJECT DOCUMENTS.

- (a) Any failure of a tenant to comply with the Project Documents shall be a default under the lease, regardless of whether the lease so provides. In the event of any such default, the Owner immediately shall take all actions to cure the default including, if necessary, eviction of the tenant;
- (b) If any tenant is in violation of the provisions of the Project Documents, any Owner or the Association, upon its activation, may bring an action (in his name, or in the case of the Association, in its own name and/or in the name of the Owner of the Unit in which the tenant is an occupant) to have the tenant evicted and/or to recover damages. If the court finds that the tenant is violating, or has violated any of the provisions of the Project Documents, the court may find the tenant guilty of unlawful detainer notwithstanding the fact that the Owner is not the plaintiff in the action and/or the tenant is not otherwise in violation of tenant's lease. For purposes of granting an unlawful detainer against the tenant, the court may assume that the Owner or person in whose name a contract (the lease or rental agreement) was made was acting for the benefit of all of the Owners or Units in the Project, and/or the Association. The remedy provided by this subsection is not exclusive and is in addition to any other remedy or remedies which an Owner, or the Association, has. If permitted by present or future law, any Owner and/or the Association may recover all of his or its costs, including court costs and reasonable attorneys' fees incurred in prosecuting the unlawful detainer action.
- (c) The acting Owner or Association shall give the tenant and the Owner of the Unit of which the tenant is an occupant, notice in writing of the nature of the violation of the Project Documents, and twenty (20) days from the mailing of the notice in which to cure the violation, before the Owner and/or the Association may file for eviction.
- (d) Each Unit Owner shall provide a copy of the Project Documents to each tenant of his Unit. By becoming a tenant, each tenant agrees to be bound by the Declaration, the Bylaws, the Rules of the Association and any other Project Document, and each tenant recognizes and accepts the right and power of any Owner and the Association to evict a tenant for any

violation by the tenant of the Declaration, the Bylaws, the Rules of the Association and any other Project Document. Notwithstanding the foregoing, each Owner is responsible and liable to the other Owners and the Association for the acts or omissions of its tenant, including reasonable attorneys' fees.

11.3. INSURABILITY.

No Unit or improvements situated therein shall be occupied or used for any purpose or in any manner which shall cause such improvements to be uninsurable against loss by fire or the perils of the extended coverage endorsement to the California Standard Fire Policy form, or cause the rate of insurance to increase, or cause any such policy or policies representing such insurance to be canceled or suspended, or the company issuing the same to refuse renewal thereof. To ensure insurability, no waterbeds or other furniture filled with liquid shall be permitted on the premises. The presence of such furniture shall nullify any warranty directly or indirectly associated with damage caused thereby.

11.4. PETS.

Owners may keep and maintain such pets as may be permitted by City ordinances; provided, however, any Owner may impose such restrictions on any tenant who occupies such Owner's Unit as such Owner may deem appropriate. The foregoing notwithstanding, no pets may be kept on the Property that result in an annoyance or are obnoxious to other Owners or occupants. No dog whose prolonged barking (or other prolonged noise-producing pet) unreasonably disturbs other Owners or occupants shall be permitted to remain in the Project. Persons bringing or keeping a pet within the Project shall prevent their pets from soiling all portions of the Project where other persons customarily walk or otherwise occupy from time to time and shall promptly clean up any mess left by their pets. Each person bringing or keeping a pet within the Project shall be absolutely liable to the other Owners and their Invitees, and the Association, if activated, for any damage to persons or property caused by any pet brought upon or kept upon the Project by such person or such Owner's Invitees.

11.5. INTERFERENCE OF OTHER OCCUPANTS.

No Unit shall be used in such manner as to obstruct or interfere with the enjoyment of occupants of other such areas or annoy them by unreasonable noise or otherwise, nor shall any nuisance be committed or permitted to occur in any Unit. No area of the roof of the Unit shall be used for any purpose that would interfere with the view of any other Unit.

11.6. SIGNS.

All Signage must comply with Solana Beach Municipal Code. No signs, placards, decals or other similar objects, visible from other Units, neighboring property or streets, shall be erected or displayed on any Unit, without the prior permission of the Board; provided however, the following signs shall be permitted, all of the foregoing of which shall conform with applicable local governmental ordinances:

(a) Such signs as may be required by legal proceedings;

(b) One or more signs displayed by an Owner or the Owner's agent, on such Owner's Unit or on real property owned by another with that Owner's consent, which is reasonably located, in plain view of the public, and is of reasonable dimensions and design, advertising the following: (i) that the Unit is for sale, lease or exchange by the Owner or the Owner's agent (ii) directions to the Unit, (iii) the Owner's or agent's name, and (iv) the Owner's or agent's address and telephone number;

(c) Two (2) signs not to exceed 1'x 1' in size, advertising or noticing the existence of a security system on which such sign is located, and any number of security system window signs not to exceed sixty-four inches (64") square in size. No such security signs shall be attached to the exterior of a Building;

(d) Customary window dressings placed in observance of national or religious holidays;

(e) One (1) sign displayed by an Owner or the Owner's Lessee which is reasonably located in plain view of the public, dimensions not to exceed 2'x 1' in size, exclusively used to advertise the service or business of Owner or Lessee, as set forth in Section 7.1.

(f) Pursuant to §4705 of the California Civil Code, the display of the flag of the United States by an Owner on or in the Owner's Unit. For purposes of this section, "display of the flag of the United States

means a flag of the United States made of fabric, cloth or paper displayed from a staff or pole or in a window, and does not mean a depiction or emblem of the flag of the United States made of lights, paint, roofing, siding, paving materials, flora or balloons, or any other similar building, landscaping or decorative component.

(g) Pursuant to §4710 of the California Civil Code, the display or posting of noncommercial signs, posters, flags or banners on an Owner's Unit, except as for the protection of public health or safety or if the display or posting would violate a local, state or federal law. For purposes of this section, a noncommercial sign, poster, flag or banner may (i) be made of paper, cardboard, cloth, plastic, or fabric, and may be displayed or posted from the yard, window, door, balcony, or outside wall of the Unit, but may not be made of lights, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping or decorative component, or include the painting of architectural surfaces, and (ii) noncommercial signs and posters may not exceed more than nine (9) square feet in size and noncommercial flags or banners may not exceed four (4) square feet in size.

Anything contained in this Declaration to the contrary notwithstanding, Declarant shall have the right, during the time period described in the Section entitled "Declarant Exemption" in the Article herein entitled "GENERAL PROVISIONS", to install and maintain such signs, flags, poles and advertisements as it deems appropriate in connection with its sales, financing, or construction program for the sale to the public of Units, provided such signs shall comply with the local zoning ordinances, that all City or other governmental approvals therefore shall be obtained and that they do not unusually interfere with the right of use and quiet enjoyment of the Owners and occupants.

11.7. EXTERIOR LIGHTING.

Any exterior lighting installed on a Dwelling or within a Unit shall be sufficient to assure safe nighttime use and yet be indirect, shielded or of such controlled focus and intensity as to prevent glare on surrounding properties and unreasonable disturbance to occupants of other Dwellings in the neighborhood All exterior light shall comply with all Standards adopted by the Architectural Committee and with Solana Beach Municipal Code 17.60.060.

11.8. OFFENSIVE ACTIVITIES AND CONDITIONS.

No noxious or offensive activity shall be undertaken in any Unit. No odor shall be permitted to arise from any Unit that renders the Unit or any portion thereof unsanitary, unsightly or offensive to any portion of the Project or to its occupants. No noise or other nuisance shall be permitted to exist or operate upon any portion of a Unit so as to be unreasonably offensive or detrimental to any other part of the Project or to its occupants. No exterior speakers, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes) which unreasonably disturb other Owner (s) or their tenants shall be located, used or placed in any Unit. Alarm devices used exclusively to protect the security of a Dwelling and its contents shall be permitted, provided that the devices do not produce annoying sound or conditions as a result of frequently occurring false alarms.

11.9. GARBAGE AND REFUSE DISPOSAL.

All rubbish, trash and garbage shall be regularly removed from each Unit, and shall not be allowed to accumulate therein. All equipment for storage or disposal of trash, garbage, and other waste such materials shall be kept in a clean and sanitary condition and stored either within each Owner's Unit and/or placed inside the trash receptacles provided on the Property, except for purposes of trash removal from the Property. Certain portions of the Association Property may be designated as trash container drop off locations by the Developer or Board of Directors. The residents within the Project are required to place their trash inside such containers, and not place any items outside of the containers. The Board may adopt rules and regulations regarding the trash containers and shall require each Owner to comply with the City's approval trash plan for the Project.

11.10 CAR MAINTENANCE AND POWER EQUIPMENT.

No car maintenance, servicing, repairing, assembling, disassembling, modifying, restoring, other than emergency work, shall be permitted in a Unit or the Project, except for minor repairs only performed inside a garage. The foregoing shall not be deemed to prevent the washing or polishing of motor vehicles together with those activities normally incident to such activity.

11. 11.

VEHICLE RESTRICTIONS.

11.11.1. "Prohibited Vehicles" A Prohibited Vehicle is defined as any commercial type of vehicle (including, but not limited to, any dump truck, cement mixer truck, oil or gas truck or delivery truck); any inoperable vehicle or any other similar vehicle; or any vehicle or vehicular equipment, mobile or otherwise, constituting a nuisance. Prohibited Vehicles shall not be allowed in any Parking Space, driveway or other exposed parking areas, except for the purposes of loading, unloading, making deliveries or emergency repairs ("**Transitory Use**"), provided that no Transitory Use shall extend over more than twenty-four (24) hours during any seven (7) consecutive days. No excessively noisy inoperable or unlicensed vehicle shall be permitted to remain upon any area within the Community in such a manner that it is visible from neighboring property and public and Common Area. Motorcycles and motorbikes shall be permitted, provided they are operated at noise levels not exceeding 45 decibels. The storing, placing or parking of any vehicle, or any part thereof, which is disabled, unlicensed, unregistered, inoperative, or from which an essential or legally required operating part is removed, shall be prohibited unless conducted within a carport or in an area not visible from neighboring property

11.11.2 No "**Recreational Vehicles**" (as defined in this Section) shall be parked, stored or kept on any Unit, Association Property or within the Community. A Recreational Vehicle is defined as any truck or van which (A) is larger than one (1) ton capacity, or (B) has a mounted camper component which protrudes from the truck from either side or from beyond the rear gate or above the cab ceiling, or any camper shell which is detached from a vehicle, bus, dune buggy, boat, trailer, mobile home or motor home. Recreational Vehicles shall be allowed in a driveway or other exposed parking areas, for the purposes of Transitory Use, provided that no Transitory Use shall extend over more than twenty-four (24) hours during any seven (7) consecutive days.

11.11.3 Parking Spaces: Garages shall be used only for parking vehicles. There shall be no parking in the driveways to avoid obstruction of free traffic flow; parking outside of the Garage or designated parking spaces shall be considered a "nuisance" under this Declaration. ***No use of the garages shall impede the ability to park two vehicles in each garage at all times***

11.11.4 Due to City restrictions regarding street width for emergency vehicle access, except for Garages depicted on the Condominium Plan and designated guest and other parking spaces on the Property, it is currently planned that there shall be no dedicated street parking.

11.11.5 No repairs or restorations of any vehicle or equipment shall be conducted upon any Unit or elsewhere within the Community except on an emergency basis within the Garage portion of the Unit.

11.11.6 No excessively noisy, inoperable or unlicensed vehicle shall be permitted to remain upon any area within the Community in such a manner that it is visible from neighboring property and public and Common Area. The storing, placing or parking of any vehicle, or any part thereof, which is disabled, unlicensed, unregistered, inoperative, or from which an essential or legally required operating part is removed, shall be prohibited unless conducted within a carport or in an area not visible from neighboring property.

These restrictions shall not be interpreted in a manner which would permit any activity which would be contrary to any ordinance of the City or other governmental agency having jurisdiction over the Community. **VEHICLES PARKED OR OTHERWISE IN VIOLATION OF THESE PROVISIONS OR SECTION 11.12 ARE SUBJECT TO BEING TOWED IN ACCORDANCE WITH THE PROVISIONS OF CALIFORNIA VEHICLE CODE SECTION 22658 AND ANY AMENDMENTS THERETO AT THE OWNER'S EXPENSE. The Association shall not be liable to any Owner or resident for any damages or costs of any nature incurred by the owner because of a removal in compliance with his section.**

11.11.7. PERMITTED VEHICLES.

Automobiles, standard-sized vans and pickup trucks shall be permitted vehicles within the Community. Permitted commercial vehicles shall include automobiles or standard sized vans and pickup trucks that are used both for business and personal use.

11.12. USE OF GARAGES; PARKING SPACES.

Garages shall be used only for the purpose of parking automobiles and other vehicles and equipment and storing an Owner's household goods. **Garages shall not be converted into any use (such as recreational room) or so filled that would prevent its use as parking spaces for at least two vehicles at all times. Specifically, no use of the garages shall impede the ability to park two vehicles in each garage at all times.** Owners are to use their Garages, as applicable for parking of their vehicles so that any street parking will be available for guests. Parking of vehicles on the Property shall be limited to within in Garages and the one designated Guest Parking Spaces; there shall be no parking of vehicles on unpaved surfaces, within the Drive or any private driveway.

11.13. WATER QUALITY PROTECTION

Each Owner acknowledges that water that enters a storm drain flows directly to natural sources of water, including waterways, creeks, drains, rivers, lakes and that erosion has an impact on the environment. Unlike the water in the sewer system in the Units, which flows to wastewater treatment plants, water that enters a storm drain flows directly, without any treatment, to waterways, creeks, streams, rivers, lakes and/or oceans. Accordingly, the National Pollutant Discharge Elimination System ("NPDES"), the Federal Clean Water Act, and the policies and ordinances of the City prohibit discharging anything other than natural rain water into storm drainage systems. Toxic chemicals or hydrocarbon compounds such as gasoline, motor oil, antifreeze, solvents, paints, paint thinners, wood preservatives, detergents, pet waste, paints and other such materials and pollutants shall not be discharged into any storm water conveyance systems within the Project. Each Owner further acknowledges that the disposal of such pollutants and materials into a storm drain system within the Project may result in significant penalties and fines. Owners are encouraged to consult with the City, and other governmental authorities. (e.g. California State Water Resource Control Board Internet site at <http://www.swrcb.ca.gov/>), concerning the proper disposal of any toxic or hazardous materials. Dumping any such materials into sewers, gutters or storm drains is against the law.

11.14. USE OF EASEMENT AREAS

Except as otherwise provided herein, all Easement Areas shall be improved and used only for the following purposes for which they were designed and no part of the Easement Areas shall be obstructed so as to interfere with its use for the purposes hereinabove permitted. Each Owner shall be legally liable to the Association and the respective Owners for any damages to the Common Expense Area or to any improvements therein that may be sustained by reasons of the negligence of that Owner and/or such Owner's Invitees, as such liability may be determined under California law

11.15. USE OF BALCONIES/DECKS

Balconies/Decks or other outdoor areas of a Unit (together "Decks"), regardless of location, are open to view from various vantage points outside of the boundaries of the Unit, including the Adjacent Unit, the public street and neighboring properties. For this reason the use of Decks can affect the attractiveness and desirability of the overall Property and the value of the Units therein. In order to uniformly enhance, maintain and protect the foregoing, the following conditions and restrictions are imposed on the use of Decks:

(a) Decks shall be used only for traditional deck/balcony purposes for the quiet enjoyment of Occupants and their Invitees. Personalty Improvements may include, but not be limited to, deck furnishings, including tables, chairs, lounge chairs, umbrellas, a gas barbecues and live/artificial plants.

(b) Nothing may be placed on or hung/draped over Deck railings at any time.

(c) Nothing may be thrown, swept, shaken or otherwise propelled off Decks.

(d) Decks may not be used for drying or airing of clothing, rugs, towels or for storage of items such as bicycles, boxes, baby carriages, cribs, beds, beach/surf boards, and similar non-Deck items if visible from the street or another Owner or if such storage causes damage to the Deck area; no storage cabinets may be placed on a Deck. The Owner shall be responsible for any damage caused to the Deck by virtue of the storage of items on the Deck.

(e) Should live plants be placed on a Deck, an Owner/Occupant shall take

adequate steps to capture or provide proper drainage of water from such plants and to prevent any unsightly appearances or damage to Master Insurance Areas or an Adjacent Unit's Owner's/Occupant's Improvements.

(f) An Owner shall be responsible for the cost of repairs or replacement to any Master Insurance Areas or an Adjacent Unit Owner's/ Occupant's Improvements which have been damaged as a result of a violation of the restrictions within this Section or conditions relating thereto (e.g. water run-off).

11.16. USE OF ASSOCIATION PROPERTY

(a) Except as otherwise provided in this Declaration, the Association Property shall be improved and used only for the purposes and in the in the manner described in this Declaration or for those additional purposes which may be allowed by the Board or as provided herein.

(b) No Owner shall use or interfere with use of the Association Property in any manner which shall increase the Association's cost of insurance or which shall result in cancellation of insurance or making insurance unavailable.

11.17. OWNERS' AGREEMENTS BY ACCEPTANCE OF DEED TO UNIT

Each Owner, by acceptance of deed or other conveyance of title to such Owner's Unit, agrees: (a) to be responsible for compliance with the provisions of this Declaration, the Articles, Bylaws and Rules of the Board or any Architectural Standards, and for compliance by such Owner's Invitees, (b) to hold each other Owner harmless from, and to defend each other Owner against, any claim of any person for personal injury or property damage occurring within such Owner's Unit, unless the injury or damage occurred by reason of the negligence of any other Owner; and (c) after written notice and an opportunity for a hearing as provided in Section 7.4 herein entitled "Non-Lien Assessments," to pay any fines and penalties assessed pursuant hereto, the Bylaws or the Rules or Architectural Standards, for any violation by such Owner or such Owner's Invitees.

ARTICLE 12. ARCHITECTURAL AND DESIGN CONTROL

12.1. APPROVAL FOR ARCHITECTURAL AND DESIGN MATTERS

Each Owner, other than Declarant, shall obtain the approval of the Board for any modification or installation of improvements as described in this Declaration, in accordance with the provisions set forth below.

12.2. SCOPE

Except as specifically stated in the Declaration to the contrary, no Owner shall make any improvements or exterior changes to any portion of a Condominium which would be within view outside of the Owner's Unit, which result in any structural change to any building, (including the structural integrity of the walls, floors, ceilings), which would alter the ornamental component of the Building, would impair water proofing, or would otherwise be in the jurisdiction of the Architectural Committee pursuant to this Declaration until the plans and specifications therefore showing the nature, design, kind, shape, height, width, color, materials and location have been submitted to and approved in writing by the Architectural Committee. In addition, the grade, level or drainage characteristics of the Unit or any portion thereof shall not be altered without the prior written consent of the Board. For purposes of this Article, this Declaration and the Governing Documents, the term "Architectural Control" shall mean and refer to the Plans and Specifications described herein.

12.3. GENERAL: THE COMMITTEE

The powers and duties set forth in this Article shall be vested in and exercised by Declarant until such time that a Board is elected; provided, however, the Board may, upon unanimous approval thereof, delegate its powers and duties to an Architectural Committee consisting of not less than three (3) nor more than five (5) members (in the event the Board elects to delegate such powers to an Architectural Committee, prior to conversion of the Class B membership in the Association to Class A membership, Declarant may appoint all of the original members of the Committee and all replacements until the first anniversary of the first Close of Escrow; additionally, Declarant reserves to itself the power to appoint a majority of the members to the Committee until ninety percent (90%) of all

the Condominiums in the Project have been sold or until the fifth anniversary of the Close of Escrow, whichever first occurs.

After one (1) year from the first Close of Escrow, the Board shall have the power to appoint one (1) member to the Architectural Committee until ninety percent (90%) of all of the Condominiums in the development have been sold or until the fifth anniversary date of the issuance of the final Public Report, for the Project, whichever first occurs. Thereafter, the Board shall have the power to appoint and remove all of the members of the Architectural Committee. Members appointed to the Architectural Committee by the Board shall be from the membership of the Association. Members appointed to the Architectural Committee by the Declarant need not be members of the Association. A majority of the Architectural Committee may designate a representative to act for it. In the event of death or resignation of any member of the Architectural Committee, the successor shall be appointed by the person, entity or group which appointed such member until Declarant no longer has the right to appoint any members to the Architectural Committee, and thereafter the Board shall appoint such a successor).

12.4. DUTIES

The Board shall consider and act upon such proposals or plans, as described herein, submitted to it pursuant to the terms hereof.

12.5. MEETINGS; VOTING; WRITTEN CONSENT

The Board shall meet from time to time as necessary to properly perform its duties under this Article. The vote or written consent of at least fifty-one percent (51%) of the Board shall constitute an act by the Board under this Article, unless the unanimous decision of its members is otherwise required by this Declaration. The Board shall keep and maintain a record of all actions taken by it at such meeting or otherwise.

12.6. ARCHITECTURAL STANDARDS

The Board may, from time to time and in accordance with Civil Code §4355 adopt, amend and repeal such rules and regulations to be known as or "Architectural Standards," as it deems necessary in order to (i) to enhance maintain and protect the value, attractiveness and desirability of the Project, and (ii) to perform its responsibilities and obligations. Such Architectural Standards may include a broad range of regulations, including those that provide for "minimum standards" together with sufficient artistic and esthetic latitude that offer discretionary leeway, and, time frames for review, approval, and appeal of any Architectural Activity; provided, however, such Architectural Standards shall not be in derogation of the standards required by this Declaration. Architectural Standards may include, but not be limited to specific or general criteria, specifications and protocols for the architectural, landscape, placement or other form of design, color scheme, exterior finish, materials and similar features of all improvements, and as well as restrictions, conditions and other criteria relating to the use of improvements that are visible to Occupants and their Invitees.

Anything in this Article or Declaration notwithstanding, the Association and Architectural Committee shall comply with Section 4760 of the Act, which provides as follows:

- (a) Subject to the governing documents and applicable law, a member may do the following:
 - (1) Make any improvement or alteration within the boundaries of the member's separate interest that does not impair the structural integrity or mechanical systems or lessen the support of any portions of the common interest development.
 - (2) Modify the member's separate interest, at the member's expense, to facilitate access for persons who are blind, visually handicapped, deaf, or physically disabled, or to alter conditions which could be hazardous to these persons. These modifications may also include modifications of the route from the public way to the door of the separate interest for the purposes of this paragraph if the separate interest is on the ground floor or already accessible by an existing ramp or elevator. The right granted by this paragraph is subject to the following conditions:
 - (A) The modifications shall be consistent with applicable building code requirements.

(B) The modifications shall be consistent with the intent of otherwise applicable provisions of the governing documents pertaining to safety or aesthetics.

(C) Modifications external to the dwelling shall not prevent reasonable passage by other residents, and shall be removed by the owner when the unit is no longer occupied by persons requiring those modifications who are blind, visually handicapped, deaf, or physically disabled.

(D) Any member who intends to modify a separate interest pursuant to this paragraph shall submit his or her plans and specifications to the association for review to determine whether the modifications will comply with the provisions of this paragraph. The association shall not deny approval of the proposed modifications under this paragraph without good cause.

(b) Any change in the exterior appearance of a separate interest shall be in accordance with the governing documents and applicable provisions of law."

Anything in this Article or Declaration notwithstanding, the Association and Architectural Committee shall comply with laws and regulations as they may be adopted from time to time regarding the approval of any Solar Energy Systems. Any Owner proposing to install or use a solar energy system, as defined in Civil Code Section 801.5 shall be subject to the same review and approval process as any Owner proposing to construct any Improvements or other actions requiring the approval of the Board pursuant to this Declaration. However, only reasonable restrictions on the installation and use of a solar energy system shall be permitted. Reasonable restrictions on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its sufficiency or specified performance, or which allow for an alternative system of comparable costs, efficiency, and energy conservation benefits

12.7. DISTRIBUTION OF ARCHITECTURAL STANDARDS

The Association shall annually distribute to the Members notice of any requirements for Association approval of physical changes to improvements within the Project. Such notice shall describe the types of changes that require Association approval and shall include a copy of the procedure used to review and approve or disapprove a proposed change. Such notice shall be distributed either in conjunction with its annual distribution of the Budget described in the Section hereinbefore entitled "Budgeting," or such other time as the Board may deem appropriate, by mail or delivery to each Unit, or by newsletter or similar means of communication. The foregoing notwithstanding, upon written request from an Owner or Owner's authorized representative, the Association shall, in accordance with the procedures and provisions contained in Civil Code §4530, or any successor statute, provide the Owner a copy of the most current Architectural Standards.

12.8. APPROVAL OF PLANS & SPECIFICATIONS

Any Owner, other than Declarant, proposing to construct improvements requiring the prior approval of the Board pursuant to this Declaration shall first apply to the Board for approval by submission of Plans and Specifications in accordance with the Architectural Standards, unless otherwise exempted by such Architectural Standards and any other materials required by the Board. The decision of the Board shall be made in good faith, in accordance with any applicable Architectural Standard and consistent with Applicable Law, including, but not limited to the Fair Employment and Housing Act of Division 3 of the Title 2 of the Government Code. The Board shall notify the Owner of its approval or disapproval of the proposed improvements in writing within thirty (30) days of receipt of the Owner's application. If a proposed change is disapproved, the written decision shall include explanation of why the proposed change is disapproved within four (4) days of disapproval. The Owner shall be entitled to reconsideration of the disapproval by the Board at any open meeting of the Board, unless the initial decision was made at an open meeting of Board. Any such reconsideration by the Board shall not constitute "dispute resolution" within the meaning of Civil Code §5905.

However, the City of Solana Beach established certain conditions to the approval of the Project; in compliance with these Cit5y conditions, no approval will be given of any plans or change requests which: a) divert or otherwise alter the established drainage patterns approved by the City; b) proposed onsite fencing, walls, retaining walls, hedges, dense landscaping or other similar items unless approved by the City pursuant to Solana Beach Municipal Code Sections 17.20.040 and 17.60.070; c)

replace exterior lighting unless in conformance with the City lighting regulations; d) installation or use of any balcony, patio, or roof deck for occupancy or use on the second floor roof of any unit; e) installation or use of the first floor roof as a balcony, patio, or roof deck on the south side of Unit 3; or f) obstruct or otherwise limit fire department access on the Association Property driveway.

12.9. INSPECTION AND CORRECTION OF WORK

Inspection of work and correction of defects therein shall proceed as follows:

12.9.1. RIGHT OF INSPECTION DURING COURSE OF CONSTRUCTION

The Board or its duly authorized representative may enter into any Unit, from time to time, as provided below during the course of construction or installation of any improvements for the purpose of inspecting the construction or installation. If the Board determines that such construction and/or installation is not being done in substantial compliance with the approved Plans and Specifications, it shall notify the Owner of such noncompliance. The Board may not enter into a Condominium without obtaining the prior permission of the Owner or Occupant of such Condominium; provided, however, that such prior permission shall not be unreasonably withheld and shall be given for entry by the Board during daylight hours within forty-eight (48) hours of the request for entry.

12.9.2. NOTICE OF COMPLETION

Upon the completion of any improvements for which approved Plans and Specifications are required under this Article, the Owner shall give written notice of completion thereof to the Board.

12.9.3. INSPECTION

Within thirty (30) days after receiving notice of completion, the Board, or its duly authorized representative, shall have the right to Enter into a Unit, to inspect the improvements to determine whether they were constructed or installed in substantial compliance with the approved Plans and Specifications. If the Board finds that such construction or installation, was not done in substantial compliance with the approved Plans and Specifications, it shall notify the Owner in writing of such non-compliance within such thirty (30) day period, specifying particulars of non-compliance, and shall require the Owner to remedy such non-compliance.

12.9.4. NON-COMPLIANCE

If, upon the expiration of thirty (30) days from the date of notification of non-compliance, the Owner shall have failed to remedy such non-compliance, the Board, after affording the Owner a Notice and Hearing, shall determine whether there is non-compliance, and if so, the nature thereof and the estimated cost of correcting or removing the same. If non-compliance exists, the Board shall require the Owner to remedy or remove the same within a period of not more than thirty (30) days from the date of the Board ruling. If the Owner does not comply with the Board ruling within such period or within any extension of such period as the Board, in its discretion, may grant, the Board, at its option, may either remove the non-complying improvement or remedy the non-compliance and the Owner shall reimburse the Association for all expenses incurred in connection therewith upon demand. If such expenses are not promptly repaid by the Owner to the Association, the Board shall levy an Enforcement Assessment against such Owner for reimbursement.

12.9.5. FAILURE TO NOTIFY

If for any reason the Board fails to notify the Owner of any non-compliance within sixty (60) days after receipt of the notice of completion from the Owner, the improvements shall be deemed to be in accordance with said approved Plans and Specifications.

12.9.6. GOVERNMENT REGULATION

If there is any conflict between the requirements or actions of the Board and any mandatory Applicable Law relating to the Property, the mandatory Applicable Law, to the extent that such Applicable Law is more restrictive, shall control, and the Board shall modify its requirements or actions to conform to the Applicable Law. The application to and the review and approval by the Board of any Plans and Specifications or other submittals by an Owner shall in no way be deemed to be

satisfaction or compliance with any building permit process or other Applicable Law (hereinafter collectively referred to as "*Additional Requirements*") the responsibility for which shall lie solely with the Owner; provided however, if the Additional Requirements are less restrictive than the provisions of this Declaration, the provisions of this Declaration shall nonetheless apply.

12.10. DILIGENCE IN CONSTRUCTION

Upon approval by the board of any Plans and Specifications, the Owner(s) shall promptly commence construction and diligently pursue the same to completion.

12.11. FEE FOR REVIEW; DEPOSIT FOR CONSTRUCTION CLEANUP

The Board shall have the right to establish a reasonable fee for the review and approval of Plans and Specifications which must be submitted to it pursuant to the provisions of this Article or the Bylaws, which shall be reasonably related to the duties performed and to cover any expense incurred in obtaining professional review assistance from licensed engineers, architects or contractors.

12.12. OWNERS RESPONSIBILITY FOR CLEANUP; DEPOSIT TO ASSOCIATION

(a) Each Owner shall be responsible for the daily cleanup of any and all construction debris that is left within the Common Expense Areas as a result of any construction activity within such Owner's Unit, and/or the ingress and egress of any construction-related vehicles or workers through the Common Maintenance Area.

(b) The Board may require that an Owner deposit funds from time to time with the Association in amount that the Board deems sufficient and appropriate, so that in the event any such Owner fails to cleanup any construction debris as required by the Board, the Association shall have sufficient funds to cause the cleanup thereof. The Board may require that such Owner's deposit be made to the Association (1) as a condition of its approval of an Owner's Plans and Specifications and (2) prior to the commencement and/or during the course of any such construction activity. In the event such Owner fails to remit the requested deposit, and the Association nonetheless proceeds to perform or cause to perform cleanup, the costs of such cleanup shall be assessed to such Owner as Compliance Assessment.

12.13. INTERPRETATION

All questions of interpretation or construction of any of the terms or conditions herein shall be resolved by the Board and its decision shall be final, binding and conclusive on all of the parties affected.

12.14. WAIVER

The approval by the Board of any plans, drawings or specifications for any work done or proposed, or for any other matter requiring the approval of the Board under this Declaration, shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing, specification or matter subsequently submitted for approval.

12.15. ESTOPPEL CERTIFICATE

Within thirty (30) days after written demand is delivered to the Board by any Owner, and upon payment to the Association of a reasonable fee (as fixed from time to time by the Association), the Board shall provide to the Owner an estoppel certificate, executed by any two (2) of its members, certifying (with respect to any Unit of said Owner) that as of the date thereof, either: (a) all improvements made and other work completed by said Owner comply with this Declaration, or (b) such improvements or work do not so comply, in which event the certificate shall also identify the non-complying improvements or work and set forth with particularity the basis of such non-compliance. Any purchaser from the Owner, or from anyone deriving any interest in said Unit through him, shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Association, Declarant and all Owners and such persons deriving any interest through them.

12.16. LIABILITY

The Board shall not be liable to the Association or to any Owner for any damage, loss or prejudice suffered or claimed on account of: (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective; (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications; (c) damage to the Project or any property within

the Project; or (d) the execution and filing of an estoppel certificate pursuant to the Section entitled "Estoppel Certificate" above, whether or not the facts therein are correct; provided, however, that such Board member has acted in good faith on the basis of such information as may be possessed by him. Without in any way limiting the generality of the foregoing, the Board or any member thereof may, but is not required to, consult with or hear the views of the Association or any Owner with respect to any plans, drawings, specifications or any other proposal submitted to the Board.

12.17. GOVERNMENT REQUIREMENTS

(a) The application to and the review and approval by the Board of any proposals, plans or other submittals shall in no way be deemed to be satisfaction of or compliance with any building permit process or any other governmental requirements, the responsibility for which shall lie solely with the applying Owner.

(b) Each Owner shall make available to the Board any building and/or other governmental permits obtained by such Owner in connection with any improvement work to be conducted on such Owner's Unit.

12.18. VARIANCES

The Board may authorize variances from compliance with any of the architectural provisions of this Declaration. Such variances must be in writing, and must be signed and acknowledge by at least a majority of the members of the Board. The granting of a variance shall not operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular property and particular Unit and particular provision hereof covered by the variance, nor shall it affect in any way affect the Owner's obligation to comply with all Applicable Law affecting its use of the Unit, including, but not limited to, zoning ordinances and lot setback lines or requirements imposed by the City or any other governmental authority.

12.19. NON-APPLICABILITY TO DECLARANT

Any architectural control provisions of this Article, this Declaration or any other Governing Document shall not apply to any improvements installed or to be installed by the Declarant, or any affiliate or agent of Declarant, and neither the Board nor any Member shall have any rights of review or approval with respect thereto.

12.20. AMENDMENTS

Notwithstanding the Article of this Declaration entitled AMENDMENTS, no amendment, verification or rescission of this Article may be made, prior to last Close of Escrow without the (a) written consent of Declarant and (b) the Recording of such consent.

ARTICLE 13. RESPONSIBILITIES OF MAINTENANCE AND OPERATION

13.1. OWNER RESPONSIBILITY

With the exception of Maintaining the Association Property and the Association Maintenance Areas; the Unit Exterior Surface Areas, including Roofs; specific Improvements (namely, the ganged mailbox and any perimeter fencing), which are Association Obligations, Owners are required to Maintain (including clean, maintain, repair and replace) all Improvements located within their respective Units, including the Dwelling, Garage, Building, Utility Facility Areas, windows and doors, lighting fixtures (including bulb replacement), and fencing located within the boundaries of their Unit. All such maintenance shall comply with the City municipal code and regulations and be conducted in a safe, attractive and neat manner and at a professional quality level that is consistent with the highest standards of the properties in the City and similar Projects. The replacement of exterior items shall be subject to Architectural and Design Control requirements. Among other things, each Owner of a Condominium Unit shall be responsible for the Maintenance and repair of:

(a) His or her Separate Interest (except for those items of maintenance which the Association is required to maintain in this Declaration).

(b) The Structural Improvements (except for the Exterior Surfaces) and interior of the Unit including all appliances, equipment or personalty whether "built-in" or freestanding within the Separate

Interest. Each Owner shall be responsible for the repair and maintenance of the Unit occasioned by the presence of wood-destroying pests or organisms, and to notify the Association as soon as reasonably possible of the presence of wood-destroying pests;

(c) The Utility Facilities (including the solar systems and equipment and the air conditioning units and systems) servicing the Owner's Condominium and located either within or without the outside perimeter of the exterior walls, floors and ceilings thereof, so long as those systems are used exclusively by such Owner and not in common. No Owner may permanently remove or revise the type of appearance of any porch or lighting fixtures servicing his or her Separate Interest without the approval of the Architectural Committee.

(d) Each Owner shall be responsible for maintaining and replacing any and all windows and doors associated with or attached to the Unit. (Any changes to the color or design of the windows and doors shall require architectural review and approval.) Each Owner shall be responsible for maintaining and replacing the light bulbs of all exterior lighting fixtures appurtenant to his or her Condominium. All exterior lighting shall conform with the uniform lighting described herein.

(e) Each Residential Unit Owner shall be responsible to do all routine maintenance (for example, sweeping and cleaning), of the Balconies, Decks and Patio areas. The Owner shall not do anything which would impair the proper operation of any drainage systems including those that may be located within a Balcony, Deck or Patio. Each Owner shall take steps to minimize siltation from entering the drainage system.

(f) Should a fence or wall separate a Unit from another Unit, the Owners of the Separate Interests to which fence or wall is adjacent shall be responsible to maintain the fence, sharing the cost; however, the Association shall have the right to paint or stain any portion of the fence facing the Association Property.

(g) The Project is serviced by public sewer and water mains with private sewer laterals which deliver waste from each Unit to the public sewer main and water to each Unit from the public water mains, services and meters. Each Owner shall be responsible for the proper operation and maintenance of any portion of the private sanitary sewer and water delivery systems which lie within such Owner's Unit. Any portion of such systems which does not lie within a Unit and is shared by more than one Unit, up to the point where they connect to the public sewer main or the public water meter, will be the responsibility of the Association to operate and maintain.

13.2. FAILURE TO MAINTAIN

In the event an Owner fails to maintain the areas described herein pursuant to the standards set by the Board, the Board may notify the Owner of the work required and request that the same be done within a reasonable time from the giving of such Notice. In the event the Owner fails to carry out such maintenance within said time period, the Board may cause such work to be done and the cost thereof charge to the Owner as an Assessment, which shall immediately be paid by such Owner to the Association and until paid shall bear interest at the rate of twelve (12%) percent per annum (but no greater than the maximum rate authorized by law).

13.3. ASSOCIATION RESPONSIBILITY

The Association shall be responsible for the Maintenance of the named Association Property, Association Maintenance Obligations and Areas, including the driveway, community open space and landscaped areas, parking spaces, trash receptacles (if servicing the whole community), mailbox, the right of way and Improvements therein (such as any seating areas, bike racks, landscaping, signage, backflow and irrigation systems, or other similar improvements), and any other areas depicted on the Condominium Plan, and all the Improvements located on the Association Property or as identified herein as Association Maintenance Obligations. Among other things, the Association shall maintain:

(a) **Exterior Surfaces:** In order to maintain a quality and uniform aesthetic, the Exterior Surface Areas of each Building (including the Roof and Exterior Surfaces of the Decks and Balconies) shall be waterproofed, repaired and or replaced by the Association. (The Owner shall be responsible for routine cleaning and maintenance of these areas.) The Exterior surfaces include the repainting or refacing of exterior siding, roof repair and replacement, and similar items. All exterior surfaces made of wood, including all wood fencing adjacent to public right-of-way and/or visible from the public right-of-way will be stained or otherwise finished with a waterproof material similar to that as constructed by the Declarant. All mechanical rooftop and ground

equipment shall be screened from public view to the degree possible and any roof solar, mechanical equipment, screens and vents shall shielded or screened to avoid reflection and maintain an aesthetic appeal.

(b) **Fire Code Compliance:** Building and Unit Addresses of a minimum of four inches in height shall be maintained on all building locations and or monuments pursuant to the City's Ordinances and be visible at all times; the driveway shall be properly painted to identify fire lanes and be maintained in good condition to allow emergency access. The Association shall regularly paint (including demarcation of "NO PARKING FIRE LANE) and stripe all areas to assure unobstructed access.

(c) **Fencing:** The Association shall be responsible for the maintenance and repair of the structure and exterior of each wall or fence separating Separate Interests from Association Property and shall maintain both the exterior and interior surfaces and the structure of any perimeter wall located along any boundaries of the Property.

(d) **Improved and Landscaped Open Space:** The Association shall maintain the portion of the Association Property on the west side of the property (generally "common open space") and the Improvements thereon (consisting of landscaped and/or open space, improved with benches, shrubs and other foliage) for the use and enjoyment of all Units. 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. The Association shall provide landscaping, pruning and gardening properly to maintain and periodically replace when necessary the trees, plants, grass and other vegetation originally placed in areas it is obligated to maintain and to remove trash and debris from the Association Property. The Association shall take such maintenance actions as are necessary to avoid erosion and to assure proper drainage of all areas it is obligated to maintain. The Association in its maintenance activities shall comply with any City, insurance and other applicable governmental standards, requirements or restrictions that are applicable to the Project, including any City brush removal requirements. Among other things, the irrigations system is and shall continue to be designated for use of recycled water, and shall be fed from its own separate water meter, with backflow preventer.

All landscaping within the Association Property shall be kept free from weeds, trash and debris, and shall be maintained at least to the standards set by the City. Under no circumstances shall the Association or any Owner plant any root invasive plant material. Notwithstanding the foregoing, the Association shall at all times comply with any City open space regulations or other applicable restrictions pertaining to the Association Property, and shall maintain the vertical clearance of access and driveway areas to meet Fire Department requirements. All trees shall be trimmed when/if they obstruct the required clearance area and/or any view corridor. Drought tolerant plant materials and water conserving irrigation systems shall be incorporated into all landscaping plans, pursuant to the current water efficient landscaping regulations of SBMC Chapter 17.56. The Association shall maintain all irrigation systems associated with the Association Property in operating condition.

(e) **Drainage and Best Management Practices:** The Association shall monitor and maintain all drainage systems and the Storm Drain Facilities which are located within the Association Property, including the cross-lot drainage system, if any. The Association shall complete all such monitoring and maintenance in strict compliance with the Storm Water Facility Maintenance Agreement described in the Ancillary Instrument definition and shall educate all owners on at least an annual basis on the Association and Member duties thereunder. However, the individual Owners of all Condominiums shall be responsible for the routine maintenance and cleaning out and filter inlets (or other drainage inlets) located within his or her Unit, including Exclusive Use Areas. The Owners and the Association shall provide the City with access to site for the purpose of BMP inspection and maintenance and shall complete & retain for any City required forms to document all operation, inspection, and maintenance, which shall be made available to the City upon request. The Association maintenance activities and agreements shall require the training, inspection and maintenance of all BMPs on an annual basis and shall grant all implementing parties with offsite and on-site access easements or rights necessary for the operation and maintenance of BMPs, which duty runs with the land. The BMPs may not be altered in any way, unless reviewed and approved by the City Engineer.

(f) **Common Driveway:** The Association shall be responsible for the maintenance, repair and replacement of the hardscape area and Improvements located within the Association Property, including the driveway, Parking Spaces, and walkways within the Association Property or right-of-way, any driving gates or entry systems, and the like.

(g) **Public Areas/City Right of Way:** The Association shall maintain any public areas within or adjoining the Community which the City requires to be maintained by the Association.

13.4. WATER FOR LANDSCAPE IMPROVEMENTS

Each Owner is responsible for the Maintenance of the Landscaping located on his or her Unit and for the costs, including water, associated with performing such maintenance. As of the date of Recordation of these CC&RS, water for the Landscape Improvements within the Association Property is supplied by a separate "house" meter or sub-meter(s), the purpose of which is to separate the water supplied to irrigate these respective areas from the water supplied to the Dwelling for potable domestic water purposes. The cost of the house meters shall be included in the Association budget and shared equally by the Owners as a Common Expense.

13.5. USE OF LICENSED CONTRACTORS; WORKFORCE; PERMITS

All work of repair or replacement required to be performed pursuant to this Article shall be performed only by reputable and experienced contractors, appropriately licensed by the State of California or other controlling governmental jurisdiction. A contractor's workforce shall be presentable at all times and all employees shall be competent and qualified, and shall be U.S. citizens, legal residents or otherwise legally approved to be in the United States. If building or other permits are required for such work, then such permits shall be obtained before the work is commenced.

13.6 MAINTENANCE MANUALS.

Declarant may provide its original purchasers and/or the Association with manuals ("Maintenance Manuals") which outline Declarant's or manufacturers' recommended homeowner and/or Association maintenance obligations and schedules.

(a) Each Owner who receives a Maintenance Manual shall provide the same to any purchaser or other transferee of his or her Condominium.

(b) The Association shall keep and make available to any Owner the Maintenance Manual(s) provided by Declarant (including any Maintenance Manual which pertains to Association or Owner maintenance). The Association shall have the right to require an Owner to reimburse the Association for its costs of copying any such Maintenance Manual which the Association provides to an Owner.

(c) The Association and each Owner, respectively, shall follow the recommendations set forth in the applicable Maintenance Manual provided by Declarant, as the same may be updated from time to time.

13.7 MOLD

The Association, with respect to the Association Property, and each Owner, with respect to his or her Condominium, shall take all reasonable and appropriate steps to prevent conditions that may cause mold or mildew to develop, including following any recommendations contained in the Maintenance Manual or in any applicable publications of the California Department of Public Health ("CDPH") or the United States Environmental Protection Agency ("EPA"). As of the date of this Declaration, the EPA and CDPH have Web sites which contain information and publications regarding mold and other biological pollutants. For example, see "Biological Pollutants in Your Home" and "Mold Resources" on the EPA Web site (<http://www.epa.gov>); and "Indoor Air Quality Info Sheet: Mold in My Home: What Do I Do" on the CDPH Web site (<http://www.dhs.ca.gov>). An Owner shall promptly report to the Association any evidence the Owner may discover of moisture accumulation or mold in the Community. Should an Owner fail promptly to report to the Association any evidence of moisture accumulation or mold in the Owner's Separate Interest that may affect the Association Property or should an Owner fail promptly to report to another Owner any evidence of such moisture accumulation or mold that may affect the Owner's Separate Interest or another Separate Interest, such Owner shall be obligated to reimburse the Association and the other Owner for all costs incurred by the Association or other Owner as a result of the unreasonable delay in reporting the condition to the Association or other Owner.

13.8 INSPECTION OF FIRE PREVENTION, BACK FLOW & ELEVATED SYSTEMS

The Association shall comply (or cause the Owner to comply) with all applicable City requirements for regular testing and inspection of fire prevention systems and/or back flow systems, if any including, but not limited to, visual inspections within the Separate Interest. All Owners shall cooperate with the Association in performance of its inspection obligations, and grant access to the Unit as necessary. As

part of its maintenance performance, the Association (or its agents and employees) may inspect all Units on an annual basis (unless required on an emergency basis) if such inspection is necessary to the maintenance of such items. For example, any sump or heat pump, fire safety and fire prevention system or similar Facilities located within a unit may be inspected upon appropriate Notice. If the Inspection Report indicates that remedial work is recommended to ensure the proper functioning of such item, the Board shall send notice to the Owner along with a copy of the Inspection Report. The Owner of such Condominium shall have thirty (30) days to complete the recommended remedial work at Owner's cost from the date of the notice unless an alternate time period is specified in the notice. Upon completion of any work, the Owner shall provide proof satisfactory to the Board that the remedial work has been completed.

If applicable and necessary, on or before January 1, 2025 the Association shall comply with Civil Code Section 5551 by conducting visual inspections of load-bearing components six feet above ground, supported substantially by wood and reinspect such areas every nine years. The inspection shall be completed by a licensed structural engineer or architect and comply with all aspects of Civil Code Section 5551, including the inspector submitting a report to the board providing the physical condition and remaining useful life of the load-bearing components and associated waterproofing systems and the Board taking preventative measures and arranging repairs as required by law. If the Inspection Report indicates that remedial work is recommended to ensure the safe use or functioning of such item, the Board shall send notice to the Owner along with a copy of the Inspection Report. The Owner of such Condominium shall have sixty (60) days to complete the recommended remedial work at Owner's cost from the date of the notice unless designated an emergency. Upon completion of any work, the Owner shall provide proof satisfactory to the Board that the remedial work has been completed.

ARTICLE 14. INSURANCE

14.1. MASTER INSURANCE POLICY

Master Insurance: Each Building is separate and not attached to the adjacent Building(s), and shall be insured by the individual Owners; however, the Association shall maintain one common insurance policy ("Master Insurance Policy") for casualty coverage of all of the Association Property and Improvements, together with liability coverage for the Exterior Areas of the Property (collectively, the "Master Insurance Areas"). Specifically, the Association shall acquire and maintain the following insurance policies:

14.1.1. PROPERTY / FIRE INSURANCE

(a) A master or blanket policy of fire and casualty (property) insurance in an amount as near as possible equal to the full replacement value of the Association Property and Master Insurance Areas including Improvements thereon; all fixtures, machinery and equipment permanently affixed to the Association Property, exterior lighting fixtures; exterior signs; foundations and personal property owned or maintained by the Association. If possible, coverage should be written with an "Agreed Amount Endorsement" (or similar endorsement that waives any co-insurance penalty) and should contain affording automatic increases in coverage values for inflation. If available and applicable, construction code coverage should be included.

(b) This insurance shall be maintained for the benefit of the Association and, as "additional insureds," Declarant, for so long as Declarant is the Owner of a Unit, the Owners and their First Mortgagees, as their interests may appear as named insured, subject, however, to any loss payment requirements set forth in this Declaration.

(c) **Unit Area Exclusions:** the master policy of fire and casualty/property insurance covering the Master Insurance Area **is not intended** to and shall not cover the Building or Improvements located within the Unit except as described herein; specifically, such Master Insurance Coverage shall not cover the Dwelling, or its interiors (including appliances, cabinets, flooring surfaces added atop sub-floors, such as carpeting and hard-floor surfaces, interior wall surfaces [e.g. wall- paper, wood paneling and similar wall surface improvements], finish plumbing including plumbing fixtures, finish electric including interior lights, lighting fixtures).

14.1.2. LIABILITY INSURANCE

(a) The Association shall obtain and maintain a policy(ies) insuring the Association and its agents, and, as "additional insureds," Declarant, as long as Declarant is the Owner of a Unit, the Owners and Occupants and their respective Invitees against any liability for bodily injury, death and property damage arising from the ownership and/or Maintenance or use of the Association Property and Association Maintenance Areas and the performance by the Association and the Owners of their duties under this Declaration and any real or personal property owned or maintained by the Association, including non-owned and hired automobiles and liability for property of others, and such other risks as are customarily covered with respect to similar real estate developments in the area of the Project, with a "Severability of Interest Endorsement" (or equivalent) coverage which would preclude the company from denying the claim of an Owner because of the negligent acts of the Association or another Owner.

(b) Coverage should include all claims for death, personal injury and property damage arising out of a single occurrence protection, liability for non-owned and hired automobile, liability for property of others and, if applicable: garage-keeper's liability, host liquor liability and such other risks as shall customarily be covered with respect to improvements similar in construction, location and use.

(c) Limits of liability under the insurance shall not be less than the minimum amounts required by Civil Code §5800 and §5805. The limits and coverage shall be reviewed at least annually by the Owners and increased or decreased in their mutual discretion.

14.1.3. WAIVER OF SUBROGATION

The Association shall waive all claims against the Owners for any damage to the Master Insurance Area (including without limitation, any loss of use of such property), except to the extent that such damage is not covered by the property insurance required by this Declaration to be maintained by the Association or the property insurance actually maintained by the Association (whichever is greater), and such damage is caused by the gross negligence or willful misconduct of an Owner. All rights of subrogation between the Association's insurer and the Owners are waived. The insurance policies obtained by the Association shall include a waiver of all subrogation rights of the Association's insurer against Owners; provided, however, that any failure to obtain such a waiver from the insurer shall not defeat or impair the foregoing waiver between the Association and the Owners set forth herein. If an Owner is liable for damage under this Section, the Association may, after Notice and Hearing, levy a Reimbursement Assessment equal to the cost of repairing the damage, and the increase, if any, in insurance premiums directly attributable to such damage.

14.1.4. DISHONEST ACTS; FIDELITY BOND

The Association shall maintain such insurance covering directors, officers and employees of the Association and employees of any manager or managing agent, or administrator, whether or not any such persons are compensated for their services, against dishonest acts on their part, or in lieu thereof, a fidelity bond, naming the Association as obligee, written in an amount equal to at least the estimated maximum of funds, including reserves in the custody of the Association or a management agent at any given time during the term of the fidelity bond. However, the bond shall not be less than a sum equal to three (3) months aggregate Regular Assessments, including reserve funds, against all Units then subject to assessment.

14.1.5. DIRECTORS' AND OFFICERS' INSURANCE

Civil Code §5800 provides for a partial limitation on the liability of a tenant of a Unit, or an Owner of not more than two (2) Units in a Condominium Project, who is a volunteer officer or director of the Association, provided that certain requirements, as set forth in said Civil Code, are satisfied. The requirements include that general liability insurance and insurance covering individual liability of officers and directors for negligent acts or omissions be carried by the Association in specified amounts.

The Association shall maintain general liability insurance and insurance covering individual liability of officers and directors for negligent acts or omissions, the minimum coverage of which shall be not less than \$500,000 Dollars for all claims arising out of a single occurrence, or such other minimum amount which meets the requirements of Civil Code §§5800.

(a) The Association's liability coverage policy for the directors and officers of the Association that lists all of the following:

(b) The name of the insurer;

(c) The limits of the insurance.

The foregoing notwithstanding, the Board shall, as soon as reasonably practical, notify the Members by first-class mail if any of the insurance policies have been canceled and not immediately replaced. If the Board renews any of the policies a new policy is issued to replace an insurance policy of the Association, and where there is no lapse in coverage, the Board shall notify the Members of that fact in the next available mailing to all Members pursuant to Corporations Code §5016, or any successor statute thereto.

To the extent that the information to be disclosed pursuant to this Section is specified in the insurance policy declaration page, the Board may meet the requirements of this Section by making copies of that page and distributing it to all Members.

14.1.6. WORKERS COMPENSATION INSURANCE

Worker's compensation insurance covering any employees of the Association to the extent required by law.

14.1.7. EARTHQUAKE, FLOOD, TSUNAMI AND OTHER COVERAGE

The Association shall have the authority, but not the obligation, to obtain earthquake, flood, tsunami, and such other insurance coverage for the insured property as the Board or Owners, acting as the Association, deem advisable or necessary. Any such insurance coverage provided shall be in an amount recommended by one or more reputable insurance brokers or consultants. The Association must have the prior approval of one hundred percent (100%) of the Members of the Association before choosing to cancel or not renew any existing earthquake insurance policy for the insured property.

In the event any insurance policy, or any endorsement or provision thereof, covering the Master Insurance Areas is for any reason not available, then the Association and/or the respective Owner, as the case may be, shall obtain such other or substitute policy or endorsement as may be available, which provides, as nearly as possible, the coverages described above. The Association and the respective Owners shall have a duty to notify the other Owner and the Association, as the case may be, of any material adverse changes in insurance coverage.

14.1.8. FNMA; FHLMC

The Association shall maintain such insurance coverage as may be specifically requested by VA, FNMA or FHLMC so long as the VA, FNMA or FHLMC, respectively, holds a Mortgage on or owns any Condominium.

14.1.9. ADDITIONAL INSURED; ADEQUACY OF INSURANCE

The insurance policies shall name as insured the Association, the Owners, the Declarant, as long as Declarant is the Owner of any Condominium and/or has any rights under this Declaration, any Association manager, and all Mortgagees as their respective interests may appear, and may contain a loss payable endorsement in favor of the Trustee (as defined below). The Board, acting as the Association, shall review the adequacy of the Master Insurance Policy as least once every year. The review shall include an estimate of the replacement cost of all Master Insurance Area Improvements without respect to depreciation. The Board shall adjust and modify the policies to provide coverage and protection that is customarily carried by and reasonably available to prudent owners of similar property in the area in which the Project is situated.

**14.1.10. INSURANCE AND CANCELLATION NOTICES;
ADDITIONAL INSURANCE PROVISIONS AND LIMITATIONS**

Copies of all Association insurance policies (or certificates thereof showing the premiums thereon to have been paid) shall be retained by the Association and be open for inspection by Owners at any reasonable times. All insurance policies shall provide that they shall not be cancelable by the insurer or substantially modified, without first giving at least thirty (30) days' prior notice in writing to the Association; provided, however, ten (10) days prior written notice shall be required if the cancellation is for

non-payment of premiums. Owners and their respective First Mortgagees may file written requests with the insurance carrier for receipt of such notices. All property and liability insurance policies shall be subject to the following provisions and limitations:

(a) The named insured under any such policies shall be the Association or its authorized representative, including any trustee with whom the Association may enter into any insurance Trust Agreement, or any successor trustee, each of which shall be herein elsewhere referred to as the "Insurance Trustee" who shall have exclusive authority to negotiate losses under said policies

(b) Policies shall provide that coverage shall not be prejudiced by [a] any act or neglect of the Owners which is not within the control of the Association [b] failure of the Association to comply with any warranty or condition with regard to any portion of the Project over which the Association has no control and [c] making a cash settlement, such option shall not be exercisable without the prior written approval of the Association or which are in conflict with the provisions of any Insurance Trust Agreement which the Association may be a party or any requirement of law.

In accordance with §5810 of the Civil Code, the Association shall, as soon as reasonably possible, provide individual notices pursuant to section §4040 to all members if any policy described in the Budget report has lapsed, been cancelled, (and are not immediately renewed, restored or replaced), or if a significant change or reduction in coverage occurs. If the Association receives a Notice of Non-renewal of a policy in the Budget report pursuant to §5300 of the Civil Code, then the Association will immediately notify its members if replacement coverage will not be in place upon termination of the lapsing or non-renewed policy.

14.1.11. BOARD'S AUTHORITY TO REVISE INSURANCE COVERAGE

Subject to the provisions herein, the Board shall have the power and right to deviate from the insurance requirements contained in this ARTICLE in any manner that they, in their discretion, consider to be in the best interests of the Owners and their respective interests in the Property or if mandated Insurance is unavailable. If the Board elects to materially reduce the coverage from the coverage required in this ARTICLE, the Board shall give notice to the Owners of such reduction in coverage and the reasons therefor at least 60 days prior to the effective date of the reduction.

14.1.12. BOARD'S AUTHORITY RE: LOSS; TRUSTEE; ADJUSTMENT OF LOSSES

If the Master Insurance Area or any portion thereof is damaged or destroyed ("Affected Area"), the Board shall, within sixty (60) days of the date of such damage (or, or as soon thereafter as may be practicable, given the nature of the damage), ascertain the cost of restoring such Affected Area by obtaining fixed price bids from at least two (2) duly licensed contractors, which bids shall include the obligation of the contractor to obtain a performance bond, if the Board deems that such bond is necessary or appropriate. The Board is authorized to negotiate and agree on the value and extent of any loss under the Master Insurance Policy carried by the Association, including, but not limited to, the right and authority to compromise and settle any claim or enforce any claim by legal action or otherwise and to execute releases in favor of any insurer; provided, however, the Board shall give notice to the Owner(s) ("Affected Owner(s)") of any Unit(s) which is directly affected by any such loss ("Affected Loss") and shall confer and obtain approval with such Affected Owner(s) during and prior to, in each instance, negotiating and agreeing upon any value and extent of such loss and/or compromising, settling or enforcing any claim ("Affected Action"). The foregoing notwithstanding, in the event an Affected Owner refuses to confer with the Board or unreasonably refuses to approve an Affected Action, the effect of which shall negatively affect the value of the Units of the non-Affected Owners, the Board shall approve such Affected Action as it deems will best benefit both the Affected Owner and non-Affected Owners. Any Dispute with respect to the foregoing shall be conducted as an "Exigent Matter" pursuant to Article 22 herein.

EACH OWNER, BY ACCEPTANCE OF A DEED OR OTHER CONVEYANCE TO SUCH OWNER'S UNIT:

A. ASSOCIATION; TRUSTEE

Hereby agrees that all insurance proceeds payable under Sections 14.1.1 and 14.1.2 above, shall be paid to the Association or, at the direction of the Board, to a trustee (the "Trustee") appointed by the

Board, to be held and expended for the benefit of:

- (1) the Affected Owner's(s') Unit(s) or the Affected Owner
- (2) the Affected Owner's(s') and/or their respective Mortgagees, and/or;
- (3) the non-Affected Owners and/or the Association.

as the circumstance(s) shall determine or as their respective interests shall appear, as determined by the Board in accordance with Applicable Law (**NOTE:** three types of beneficiaries are described above for the potential different circumstances by which insurance proceeds may arise. These may, but not be limited to, (a) the Affected Loss applies to one (1) Unit or one (1) Unit Owner only, (b) the Affected Loss applies to more than one (1) but less than all Units in the Property; (c) the extent or magnitude of Affected Loss, (d) whether the Affected Loss includes or consists only of the Association, etc.). The foregoing notwithstanding, no funds intended for the repair or replacement of Affected Loss Improvements within a Unit shall be used for any other purpose, other than as described herein and – with respect to the damage and destruction of Improvements within the Master Insurance Area – in accordance with the provisions of ARTICLE 15 herein.

B. ADJUSTMENT OF LOSSES

Irrevocably appoints the Association or its duly appointed Trustee described in Section A immediately above, as the Affected Owner's(s') attorney-in-fact for purposes of procuring, negotiating, accepting, compromising, releasing, settling, distributing and taking other related actions in connection with the Master Insurance Policy and any losses or claims related thereto, and agrees to be bound by the actions so taken as if the Owners had personally taken the action; subject to the rights of the Affected Owner(s) described in Section 14.1.13 above.

14.1.13. BOARD'S DUTY TO CONTRACT; RIGHT OF ASSIGNMENT; ASSIGNED AFFECTED OWNER

If repair or reconstruction is authorized as a result of damage or destruction, the Board or its duly appointed Trustee, shall have the duty to contract for such work in accordance with Section 15.1 hereafter. The foregoing notwithstanding, the Board shall have the express right to assign the obligation and duty to contract for such work to the Affected Owner of each Affected Unit; provided that any such Affected Owner agrees to accept such obligation and the Board deems each such Affected Owner capable thereof, such Affected Owner becoming an "Assigned Affected Owner." The Board shall have the express right to oversee any such work and to subject payment for such work to a "fund control" by an agent duly appointed by the Board for such purpose and appropriately license therefor in accordance with Applicable Law.

14.2. DUTY OF OWNERS TO INSURE THEIR UNIT AREA

It is the responsibility of each owner to provide insurance on the Unit, personal property and upon all other property and Improvements within the Unit for which the Association has not purchased insurance in accordance with the above provisions hereof. Nothing herein shall preclude the Owner from carrying any of the below described insurance at his or her sole cost and expense, for:

14.2.1. PROPERTY / FIRE INSURANCE

Property and fire insurance for any losses to the Owner's Unit, upgrades and to Personalty located within such Owner's Unit as described hereafter. Specifically, each owner shall obtain and maintain, at no expense to other Owners or to the Association, such fire, casualty, and liability coverage as (may be required by the Owner's Mortgagee), or if none, in sufficient amounts to replace the Unit Area in the event of a fire or casualty. The Association's Master Insurance Policy of fire and casualty insurance is intended to insure the Master Insurance Areas only and is specifically intended to exclude from its coverage the Unit and all Improvements and personal property therein.

14.2.2. LIABILITY INSURANCE

Liability insurance in such amounts as such Owner deems appropriate to cover its individual liability for damage to person or property occurring inside such Owner's Unit. Such policies shall not adversely affect or diminish any liability under any insurance obtained by or on behalf of the Association and duplicate copies of such other policies shall be deposited with the Board and/or the other

Owner upon request. If any loss intended to be covered by insurance carried by or on behalf of the Association shall occur and the proceeds payable thereunder shall be reduced by reason of insurance carried by any Owner, such Owner shall assign the proceeds of such insurance carried by him to the Association, to the extent to such reduction, for application by the Board to the same purposes as the reduced proceeds are to be applied. If any Owner violates this provision and, as a result, there is a diminution in insurance proceeds otherwise payable to the Association, the Owner will be liable to the Association to the extent of the diminution. Each Owner is responsible for integrating any personal insurance with the Association's insurance, to confirm that such Owner's Improvements and personal property will be protected in the event of a loss.

14.2.3 WAIVER OF SUBROGATION

Each Owner waives all claims against the Association for any damage to the real and personal property that such Owner is obligated under this Declaration to insure (including without limitation any loss of use of such property), except that an Owner may claim against the Association for property damage to the extent that the damage is caused by the gross negligence or willful misconduct of the Association or its managing agent. Any property insurance policy obtained by an Owner must contain a waiver of subrogation rights by the insurer consistent with this Section; provided, however, that the failure or inability of an Owner to obtain such a waiver from an insurer shall not defeat or impair the waivers between the Owners and the Association set forth herein. The waivers of claims and subrogation set forth in this Subsection apply only in favor of the Association and do not limit or waive, release or discharge any claims that an Owner (or its insurers) may have against any third party, including without limitation any contractor, service provider, agent, other Owner, or Invitee; provided, that such waivers shall also apply in favor of the Association's managing agent if and to the extent that the Association has similarly agreed in a written management agreement to a waiver of claims and subrogation against such managing agent.

14.3. LIABILITY FOR DAMAGE TO MASTER INSURANCE AREAS BY UNIT OWNER

In the event it is determined that damage to the Master Insurance Area within a Unit has been sustained by reason of the negligence of an Owner, such Owner ("*Liable Owner*") shall, except to the extent such damage is covered by insurance (regardless of whose insurance coverage it may be), be legally liable for such damage and such Liable Owner shall be obligated for the cost of restoring such damaged Master Insurance Area to its original condition in accordance with the provisions set forth below.

14.3.1 INDEMNITY

(a) Each Owner (the "Indemnifying Owner") who acquires title to a Unit by deed or other conveyance, acknowledges and agrees that he or she shall for himself and his Invitees, subject to Section 14.4(b) below, indemnify the other Unit Owners and hold such other Owners harmless from and to defend such other Owners against any claim arising as a result (directly or indirectly) of or in connection with (i) any accident, injury, loss, or damage, to any person or loss or damage to property occurring on (or resulting from acts committed on) the Indemnifying Owner's Condominium, or (ii) use of the Indemnifying Owner's Condominium by the Indemnifying Owner or his or her Invitees.

(b) Notwithstanding anything to the contrary above, (i) no Person shall be entitled to indemnification for any damage arising from such Person's gross negligence or willful misconduct or the gross negligence or willful misconduct of such Person's Invitees and (ii) each Owner, for himself or herself and his or her Invitees, waives any right of recovery against the Adjacent Owner and his or her Invitee for any loss, damage, or injury to the extent the loss, damage or injury is actually covered by insurance.

ARTICLE 15. DAMAGE AND DESTRUCTION

15.1. MASTER INSURANCE AREA (ASSOCIATION PROPERTY)

15.1.1. **Duty to Rebuild** If the Master Insurance Area or portions thereof within the Units is destroyed or damaged by fire or other casualty as a result of a loss or claim, then the Board shall

be authorized to have prepared the necessary documents to effect such reconstruction as promptly as practical. The Property shall be reconstructed or rebuilt substantially in accordance with the Condominium Plan and the original construction plans if they are available, unless changes recommended by the Architectural Committee have been approved in writing by sixty-seven percent (67%) of the Owners and by the Beneficiaries of fifty-one percent (51%) of first Mortgages upon the Condominiums. If the amount available from the proceeds of such insurance policies for such restoration and repair is at least eighty-five percent (85%) of the estimated cost of restoration and repair, a Special Assessment shall be levied by the Board of Directors to provide the necessary funds for such reconstruction, over and above the amount of any insurance proceeds available for such purpose. If the amount available from the proceeds of such insurance policies for such restoration and repair is less than eighty-five percent (85%) of the estimated cost of restoration and repair, the Board may levy a Special Assessment and proceed with the restoration and repair only if both of the following conditions ("Conditions to Reconstruction") have first been satisfied: (a) the levy of a Special Assessment to pay the costs of restoration and repair of the Property is approved by the affirmative vote or written consent of sixty-seven percent (67%) of the Owners and by the written consent of the Beneficiaries of fifty-one percent (51%) of the first Mortgages on the Condominiums in the Project; and (b) within six (6) months after the date on which the destruction occurred, the Board Records a certificate of the resolution authorizing the restoration and repair ("Reconstruction Certificate"). If either of the Conditions to Special Assessment does not occur following a destruction for which insurance proceeds available for restoration and repair are less than eighty-five percent (85%) of the estimated cost of restoration and repair, it shall be conclusively presumed that the Owners have determined not to proceed with restoration and repair and not to allow the Board to levy a Reconstruction Assessment, in which case the Owners may proceed as provided in this Section below.

15.1.2. Sale of Property and Right to Partition. No Owner shall have the right to partition of his interest in the Condominium and there shall be no judicial partition of the Project, or any part thereof, except as provided in Section 4610 of the California Civil Code as amended or in any successor statute. For purposes of Subsection 4 of said Section 4610 partition may occur only if all of the following conditions are satisfied: (a) either or both of the Conditions to Reconstruction described above have failed to occur; and (b) within six (6) months after the date on which destruction occurred restoration or repair has not actually commenced; and (c) the Owners of sixty-seven percent (67%) of the Condominiums in the Project approve the partition by vote or written consent. In such event, the Association, acting through a majority of the Board, shall prepare, execute and Record, as promptly as practical, a certificate stating that a majority of the Board may properly exercise an irrevocable power of attorney to sell the Project for the benefit of the Owners, and such other documents and instruments as may be necessary for the Association to consummate the sale of the Property at the highest and best price obtainable, either in its damaged condition, or after damaged structures have been razed. Such certificate shall be conclusive evidence of such authority for any Person relying thereon in good faith. The net proceeds of such sale and the proceeds of any insurance carried by the Association shall be divided proportionately among the Owners, such proportions to be determined in accordance with the relative appraised fair market valuation of the Condominiums as of a date immediately prior to such destruction (or condemnation), expressed as percentages, and computed by dividing such appraised valuation of each Condominium by the total of such appraised valuations of all Condominiums in the Project. The Board is hereby authorized to hire one (1) or more appraisers for such purpose and the cost of such appraisals shall be a Common Expense of the Association. Notwithstanding the foregoing, the balance then due on any valid encumbrance of record shall be first paid in order of priority before the distribution of any proceeds to an Owner whose Condominium is so encumbered. Nothing herein shall be deemed to prevent partition of a cotenancy in any Condominium. Except as provided above, each Owner and the successors of each Owner whether by deed, gift, devise, or by operation of law, for their own benefit and for the Units and for the benefit of all other Owners, specifically waive and abandon all rights, interests and causes of action for a judicial partition of the tenancy in common ownership of the Project and do further covenant that no action for such judicial partition shall be instituted, prosecuted or reduced to judgment.

15.2. DAMAGE OR DESTRUCTION TO A UNIT

If there is damage or destruction to the Unit, the Owner thereof shall, at its own cost and expense, perform repair and restoration. The Owner shall be entitled to the benefit of any Master Insurance Proceeds to the extent it covers the damage or destruction of elements of the Unit, if any, and

which are the obligation of the Owner to repair as provided in this Declaration. With the exception of any casualty or damage insured against by the Association pursuant to Section 14.1 herein, the Restoration of any damage to a Unit, including without limitation all fixtures, cabinets and improvements therein, together with all interior paint, wall coverings and floor coverings, shall be made by and at the individual expense of the Owner of the Unit so damaged; provided, however, that nothing contained in this Section shall be construed as a waiver of claims that the Owner of a damaged Unit may have against another Owner who caused the damage. In the event of a determination to rebuild the damaged or destroyed Association Property after partial or total destruction, as provided in this ARTICLE 15, such interior restoration shall be completed as promptly as practical and in a lawful and workmanlike manner, and, to the extent required under the Architectural Standards, in accordance with plans approved by the Board.

15.3. ASSOCIATION REPRESENTS OWNERS REGARDING ASSOCIATION PROPERTY.

The Association is hereby designated to represent each Owner with respect to proceedings, negotiations, settlements or agreements pertaining to condemnation, destruction or repair of the Association Property, and any proceeds from settlement shall be payable to the Association for the benefit of the Owners and their Mortgagees and are to be used as set forth in this Declaration. Each Owner hereby grants the Association a power of attorney to so represent each Owner. Any condemnation proceeds that are wholly due to severance damages to a particular Separate Interest shall belong to the Owner or Mortgagee of that Separate Interest, as their respective interests then appear.

ARTICLE 16. CONDEMNATION

Generally, in the event of a taking by eminent domain of all or any part of a Unit, the award shall be disbursed to the Owner of said Unit subject to the rights of the Owner's Mortgagees. If the taking is for all of a Unit, the Unit Owner, after acceptance of the award therefor, and the Unit's Mortgagee, shall be divested of all interest in the Property. In such event, said Owner shall grant his remaining interest in the Common Area that may be appurtenant to such Owner's Unit to the other Owners owning a Fractional Interest in the same Association Property or Common Area, such grant to be in proportion to the Fractional Interest in the such Areas then owned by each.

16.1 TAKINGS

(a) If (i) there is a taking of a portion of one or more Units such that the intended use of the Units as residential dwellings is not substantially and adversely affected, and (ii) restoration of such Units can be accomplished at a cost less than or equal to the sum of (A) the amount of the condemnation awards for such takings plus (B) any amounts the Owners of the taken Units wish to contribute to restoration plus (C) an amount less than or equal to five percent (5%) of the Budgeted gross expenses of the Association for that Fiscal Year (collectively, the "Allowable Cost"), then the Board shall contract for such restoration and levy a Reconstruction Assessment in an amount equal to the Allowable Cost minus the amount of the condemnation awards and Owners' contributions, and the condemnation awards, Owners' contributions and Reconstruction Assessment shall be applied to such restoration. If the restoration is accomplished at a cost less than the amount of the condemnation awards, then that portion of the condemnation awards in excess of the restoration costs shall be paid to the Owners of the partially taken Units in proportion to the decreases in the fair market values of their Condominiums; provided, however, that such awards shall first be applied to the balance then due on any Mortgages encumbering such Owners' Condominiums, in order of priority.

(b) Minor Takings Exceeding Limits. If (i) there is a taking of a portion of one or more Units such that the intended use of the Units as residential dwellings is not substantially and adversely affected, and (ii) restoration cannot be accomplished at a cost less than or equal to the Allowable Cost, then the Board shall call a Special Meeting of the Members. If more than fifty percent (50%) of the Members are represented at such Special Meeting, either in person or by proxy, and a majority of the votes cast at such Special Meeting are in favor of levying a Assessment in an amount equal to the restoration costs minus the sum of the amount of the condemnation awards and the amounts the Owners of the taken Units wish to contribute to such restoration, then the Board shall contract for such restoration and levy a

Reconstruction Assessment, and the condemnation awards Owners' contributions and Reconstruction Assessment shall be applied to such restoration.

(c) Major Takings. If the requisite approval is not obtained at the Special Meeting referred to in Section 11.5(b), or if there is a taking of a portion of one or more Units such that the Units are not capable of being restored such that the intended use of the Units as residential dwellings is not substantially and adversely affected, then the award in condemnation shall be paid to the Owners of the taken Units; provided, however, that such award shall first be applied to the balance then due on any Mortgages encumbering such Owner's Condominium, in order of priority. The Board shall have the remaining portions of the taken Units razed. The remaining portions of the taken Units and appurtenant Exclusive Use Common Areas shall become part of the Property, and the Owners of such taken Units, by acceptance of the award allotted to them in taking proceedings, hereby relinquish (i) to the Association such remaining portions of the taken Units, and (ii) to the other Owners, on the basis of their relative ownership of the Common Area therein, such Owners' undivided interest in the Common Area. Each Owner relinquishing his interests pursuant to this Section shall, at the request of the Board and at the expense of the Association, execute and acknowledge such deeds and other instruments which the Board deems necessary or convenient to evidence such relinquishment. Each Owner of a taken Unit or Residence shall not be liable for assessments under this Declaration which accrue on or after the date such Owner accepts his condemnation award.

16.2 PORTIONS OF AWARDS IN CONDEMNATION NOT COMPENSATORY FOR REAL PROPERTY VALUE.

Those portions of awards in condemnation which do not directly compensate Owners for takings of real property (e.g., awards for takings of personal property, relocation expenses, moving expenses, or other allowances of a similar nature intended to facilitate relocation) shall be paid to the Owners whose personal property is taken, or whose relocation is intended to be facilitated.

16.3. NOTICE TO OWNERS AND MORTGAGEES.

The Board, upon learning of any taking affecting a material portion of the Property, or any threat thereof, shall promptly notify all Owners and Beneficiaries, insurers and guarantors of Mortgages on Condominiums in the Project. The Board, upon learning of any taking affecting a Unit, or any threat thereof, shall promptly notify any Beneficiary, insurer or guarantor of a Mortgage encumbering such Unit.

ARTICLE 17. RIGHTS OF LENDERS

17.1. GENERAL

No breach of any of the covenants, conditions and restrictions herein contained, nor the enforcement of any lien provisions herein, shall render invalid the lien of any First Mortgage on any part of the Project or on any Condominium made in good faith and for value, but all of said covenants, conditions and restrictions shall be binding upon and effective against any Owner whose title is derived through foreclosure or trustee's sale, or otherwise. Any provision within the Governing Documents to the contrary notwithstanding, First Mortgagees shall have the rights expressly provided in this Article. A Mortgagee who receives a written request to approve amendments to any governing document (including additions) who does not deliver or mail to the requesting party a negative response within sixty (60) days, shall be deemed to have approved such request provided that such written request was delivered by certified mail or registered mail, with "return receipt" requested. Such written request shall be deemed properly given if deposited in the United States mail, postage prepaid, and addressed to the Mortgagee at its address appearing of record in the first Mortgage (or assignment thereof, if applicable) unless such Mortgagee has previously notified the Association in writing of a different address for purposes of notices under this Declaration or the Bylaws

17.2. NO RIGHT OF FIRST REFUSAL

This Declaration neither contains nor shall be amended to contain any provision creating a "right of first refusal" to the Association before a Condominium can be sold. Should any such rights nevertheless be created in the future, such rights shall not impair the rights of any first mortgagee to: (a) foreclose or take title to a Condominium pursuant to the remedies provided in the mortgage, (b)

accept a deed (or assignment) in lieu of foreclosure in the event of a default by a mortgagor, or (c) sell or lease a Condominium acquired by the Mortgagee.

17.3. UNPAID COMMON EXPENSES OR ASSESSMENTS.

17.3.1. NON-VA, NON-FHA MORTGAGES

With respect to any non-VA or non-FHA First Mortgage, in the event this Declaration provides for a lien of assessment, any such lien of assessment, including interest and costs (including attorneys' fees), shall be subordinate to the lien of any previously recorded First Mortgage upon one or more Units. The sale or transfer of any Unit shall not affect the assessment lien. However, the sale or transfer of any Unit pursuant to judicial or nonjudicial foreclosure of a First Mortgage shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer, excepting such assessments which became due for the six (6) months prior to such sale. No sale or transfer shall relieve such Unit from liens for any assessments thereafter becoming due. When the Mortgagee of a First Mortgage of record or other purchaser of a Unit obtains title pursuant to a judicial or nonjudicial foreclosure of the First Mortgage, such Person, its successors and assigns, shall not be liable for the share of the Common Expenses or assessments by the Association chargeable to such Unit which became due prior to the acquisition of title to such Unit by such Person, excepting such assessments which became due for the six (6) months prior to such acquisition. Such remaining unpaid share of Common Expenses or assessments shall be deemed to be Common Expenses collectible from all of the Owners of the Condominiums including such Person, its successors and assigns.

17.3.2. VA, FHA MORTGAGES

With respect to any VA or FHA First Mortgage, in the event this Declaration provides for a lien of assessment, any such lien of assessment, including interest and costs (including attorneys' fees), shall be subordinate to the lien of any previously recorded First Mortgage upon one or more Units. The sale or transfer of any Unit shall not affect the assessment lien. However, the sale or transfer of any Unit pursuant to judicial or nonjudicial foreclosure of a First Mortgage shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Unit from liens for any assessments thereafter becoming due. When the Mortgagee of a First Mortgage of record or other purchaser of a Unit obtains title pursuant to a judicial or nonjudicial foreclosure of the First Mortgage, such Person, its successors and assigns, shall not be liable for the share of the Common Expenses or assessments by the Association chargeable to such Unit which became due prior to the acquisition of title to such Unit by such Person. Such unpaid share of Common Expenses or assessments shall be deemed to be Common Expenses collectible from all of the Owners of the Condominiums including such Person, its successors and assigns.

17.4. PRIORITY OF PROCEEDS OR AWARD DISTRIBUTION

Any other provision herein contained to the contrary notwithstanding, no provision of this Declaration or any other Governing Document shall give a Condominium Owner, or any other party, priority over any rights of the First Mortgagee of a Condominium pursuant to its Mortgage in the case of a distribution to such Condominium Owner of insurance proceeds or condemnation awards for losses to or a taking of the Common Area.

17.5. NOTIFICATION TO ELIGIBLE MORTGAGEE HOLDER

Any Eligible Mortgage Holder will be entitled to timely written notice of:

- (a) Any condemnation loss or any casualty loss which affects a material portion of the Project or the Condominium insured or guaranteed by such Eligible Mortgage Holder;
- (b) Any default in the performance by an Owner of any obligation under the Governing Documents not cured within sixty (60) days;
- (c) Any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the Association; and
- (d) Any proposed action which would require the consent of a specified percentage of Eligible Mortgage Holders as required by the Governing Documents.

17.6. INSPECTION OF GOVERNING DOCUMENTS, BOOKS AND RECORDS

The Association shall make available to Eligible Mortgage Holders current copies of the Governing Documents and the books, records and financial statements of the Association. "Available" means available for inspection and copying, upon request, during normal business hours or under other reasonable circumstances.

17.7. NON-CURABLE BREACH

Any Mortgagee who acquires title to a Condominium by foreclosure or by deed-in-lieu of foreclosure or assignment-in-lieu of foreclosure shall not be obligated to cure any breach of this Declaration that is non-curable or of a type that is not practical or feasible to cure. A "breach", as used herein, shall not apply to any lien of or obligation for Assessments owed to the Association which became due prior to the acquisition of title by deed or assignment in lieu of foreclosure.

17.8. LOAN TO FACILITATE

Any First Mortgage given to secure a loan to facilitate the resale of a Condominium after acquisition by foreclosure or by a deed-in-lieu of foreclosure or by an assignment-in-lieu of foreclosure shall be deemed to be a loan made in good faith and for value and entitled to all of the rights and protections of this Article.

17.9. DOCUMENTS TO BE MADE AVAILABLE

The Association shall make available to First Mortgagees and to holders, insurers or guarantors of any First Mortgage, current copies of the Governing Documents, and the books, records and financial statements of the Association. "Available" means available for inspection, upon request, during normal business hours or under other reasonable circumstances. Eligible Mortgage Holders who represent at least fifty-one percent (51%) or more of the Condominiums subject to a Mortgage shall be entitled to have an audited statement for the immediately preceding Fiscal Year prepared at their own expense, if one is not otherwise available. Any financial statement so requested shall be furnished within a reasonable time following the request.

17.10. MORTGAGEES FURNISHING INFORMATION

Any Mortgagee shall have the right without liability to furnish information to the Board concerning the status of any Mortgage.

17.11. FINANCIAL STATEMENT

The Association, at its expense, shall prepare a financial statement for the immediately preceding Fiscal Year and furnish the same within one hundred twenty (120) days after written request from any Eligible Mortgage Holder or Eligible Insurer or Guarantor.

17.12. TERMINATION WITHOUT SUBSTANTIAL DESTRUCTION

Neither the Association nor Owners may elect to terminate the legal status of the Project for reasons other than substantial destruction or condemnation of the Project without the written consent of Eligible Mortgage Holders who represent at least sixty-seven percent (67%) of the votes of the mortgaged Condominiums.

ARTICLE 18. AMENDMENTS

18.1. PRIOR TO FIRST CLOSE OF ESCROW

Prior to the first Close of Escrow, Declarant may amend this Declaration by filing an Amendment with the Office of the County Recorder's Office provided that if the Project has been approved by the FHA and/or VA, Declarant shall obtain their prior consent if the Amendment is a Material Amendment as defined herein.

18.2. AFTER FIRST CLOSE OF ESCROW

Except as may be in accordance with the provisions of Civil Code §§4260, 4270, 4275 and 5115(e) or any amendment or successor statute thereto, during the period of time after the first Close of Escrow and prior to conversion of the Class B membership in the Association to Class A membership, this

Declaration may be amended at any time and from time to time by the vote or written assent of sixty-seven percent (67%) of the total voting power of each class of Members of the Association. After conversion of the Class B membership in the Association to Class A membership, this Declaration may be amended at any time and from time to time by the vote or written assent of (a) *sixty-seven percent (67%)* of the total voting power of the Association, and (b) *sixty-seven percent (67%)* of the voting power of the Members of the Association other than Declarant. However, the percentage of voting power necessary to amend a specific clause or provision shall not be less than the prescribed percentage of affirmative votes required for action to be taken under that clause. Any such amendment shall become effective upon the recording with the County Recorder of a Certificate of Amendment signed and acknowledged by and Officer of the Association or by the Incorporator of the Association, in the event that no Board of Directors has yet been elected to establish officers of the Association, certifying that such votes or written consent have been obtained. For the purposes of recording such instrument, the Officer or Incorporator of the Association are hereby granted an irrevocable power of attorney to act for and on behalf of each and every Owner in certifying and executing and recording said amendment with the County Recorder. No material amendment may be made to this Declaration without the additional prior written consent of Eligible Mortgage Holders who represent at least fifty-one percent (51%) of the votes of Units which are subject to Mortgages held by such Eligible Mortgage Holders. "*Material amendment*" shall mean any amendment to provisions of this Declaration that establish, provide for, govern or regulate any of the following:

- (a) Voting rights;
- (b) Increases in Assessments that raise the previously assessed amount by more than 25%, Assessment liens, or the priority of Assessment liens;
- (c) Reduction in reserves for Maintenance of the Common Area
- (d) Responsibility for maintenance and repairs;
- (e) Reallocation of interests in the Project, or rights to their use;
- (f) Redefinition of the boundaries of any Unit;
- (g) Convertibility of Units into Common Area or vice versa;
- (h) Expansion or contraction of the Project, or the addition, annexation or withdrawal of property to or from the Project;
- (i) Insurance or fidelity bond coverage; (j) Leasing of Dwellings;
- (k) Imposition of any restrictions on an Owner's right to sell or transfer his or her Dwelling;
- (l) Any decision by the Board to establish self-management when professional management had been required previously by the Governing Documents or by an Eligible Mortgage Holder;
- (m) The restoration or repair of the Project (after hazard damage or partial condemnation) in a manner other than that specified in the Governing Documents;
- (n) Any action to terminate the legal status of the Project after substantial destruction or condemnation occurs, or for other reasons
- (o) Any provisions that expressly benefit Mortgage Holders, insurers or guarantors; or
- (p) Any provision of a material adverse nature to mortgagees.

Any Eligible Mortgage Holder who receives a written request to consent to additions or amendments requiring consent under this provision who does not deliver or post to the requesting party a negative response within sixty (60) days after such receipt shall be deemed to have consented to such request, provided that notice was delivered by certified or registered mail, with a "return receipt" requested. The foregoing, however, shall not apply to the VA or FHA.

18.3. AMENDMENTS FOR MANIFEST ERRORS, AMBIGUITY AND/OR CHANGES IN LAW

Each Owner by acceptance of conveyance of title to a Condominium and each Mortgagee

by acceptance of a Mortgage or Deed of Trust secured by a Condominium, hereby agrees and consents to the amendment of this Declaration, the Condominium Plan, the Bylaws and any other Governing Document (including any amendments respectively thereto) and the subordination of their respective interests in the Property for the purpose(s) of correcting manifest and technical errors, omissions or clarifications and/or to effect compliance of one or more provisions of this Declaration or other Governing Document with such amendments, repeals and/or additions made to statutory law, whereby the provisions contained in this Declaration or any other Governing Document are in conflict therewith. The foregoing notwithstanding, to the extent that the provisions set forth in this Declaration are intended to comply with the provisions of the Common Interest Development Act as set forth at Civil Code §4000 et seq. ("CID Act"), and any other statutory law, upon any changes to the CID Act or other statutory law relating to such provisions of this Declaration, the Board shall comply with such provisions of the CID Act and statutory law and the Board shall have the right to amend this Declaration or any other Governing Document as a result of the changes to the CID Act and other Applicable Law without any vote of the Members. Any such amendment may be executed by the President or Vice-President and Secretary or Assistant Secretary ("Officer(s)") or the Incorporator of the Association (and, in the case of the Condominium Plan only, the Declarant), each of whom is hereby granted an irrevocable power of attorney to act for and on behalf of each and every Owner and Mortgagee in certifying and executing and recording any such correctional, clarification addition or statutory law compliance amendment instrument with the County Recorder, each of which such amendments shall become effective upon its Recordation.

18.4. SUPPLEMENTAL DECLARATION

The Incorporator, Declarant, or the Association may record a Supplemental Declaration, or similar instrument containing such complementary additions and modifications of the CC&RS contained in this Declaration as are not inconsistent with the plan of this Declaration. In no event, however, shall any such Supplemental Declaration revoke or add to the covenants established by this Declaration, discriminate between Owners within the Project, change the general common plan created by this Declaration, or affect the provisions hereof or thereof as covenants running with the land or equitable servitudes. The foregoing notwithstanding, so long as Declarant owns at least one Unit in the Project, the Recordation by the Association of a Supplemental Declaration shall require the written approval of Declarant prior to Recordation of a Supplemental Declaration.

18.5. APPROVAL BY FHA AND VA

So long as there is a Class B membership, and provided that the Project has been approved by the FHA and/or VA, the following shall require the prior approval of FHA and/or VA: annexation of additional properties, de-annexation, mergers and consolidations, any special assessments and any amendment of this Declaration. A draft of any amendment to this Declaration should be submitted to the VA for its approval prior to its approval by the membership of the Association.

18.6. APPROVAL BY CITY

Amendment of section 11.11.3 of this Declaration or any Supplemental Declaration shall require the written approval of the City of Solana Beach.

ARTICLE 19. CC&RS: TERM

These CC&RS shall run with and bind the Property and shall inure to the benefit of and be enforceable by the Association or any Member, their respective legal representatives, heirs, successors and assigns, for a term of sixty (60) years from the date this Declaration is Recorded, after which time said CC&RS shall be automatically extended for successive periods of ten (10) years each, unless an instrument, signed by sixty-seven percent (67%) of the then Members has been recorded, at least one (1) year prior to the end of any such period in the manner required for a conveyance of real property, in which it is agreed that this Declaration shall terminate at the end of the then applicable term.

ARTICLE 20.

ENFORCEMENT OF GOVERNING DOCUMENTS

By accepting deed or other form of conveyance to a Unit, each Owner hereby agrees to the conditions, covenants, restrictions, protocols and provisions contained in this ARTICLE.

The following dispute resolution procedures are implemented for the Community with the intent to avoid costly and potentially lengthy traditional court proceedings, and have been submitted as part of the Public Report application.

20.1. ENFORCEMENT OF GOVERNING DOCUMENTS; NON-WAIVER

Except for the enforcement of the following: (a) delinquent Assessments as described in ARTICLE 10; (b) provisions relating to Architectural Control and Standards and the Operating Rules, unless the Association refuses or is unable to effectuate such enforcement, in which case any Owner who otherwise has "standing" shall have the right to undertake such enforcement; (c) disputes which do not involve an amount in controversy that is subject to the Small Claims Act (Civil Procedure §§116.110, *et seq.*), or (d) actions subject to the Calderon Act Civil Code section 6000 *et seq.*; and (e) actions subject to the Defect Law (Civil Code §895, Civil Code §§910 TO 938), the Board, the Association, the Declarant and any Owner may enforce the Governing Documents as described in this Article, subject to Civil Code §5900 *et seq.* and §5925 *et seq.* Each Owner has a right of action against the Association for the Association's failure to comply with the Governing Documents. Each remedy provided for in this Declaration is cumulative and not exclusive or exhaustive. The failure of the Association, Declarant or any Owner to enforce any of the CC&RS herein shall in no event be deemed a waiver of the right to do so thereafter.

20.1.1. VIOLATIONS IDENTIFIED BY THE ASSOCIATION

If the Board or its delegated committee determines that there is a violation of the Governing Documents, then the Board shall give written notice to the responsible Owner identifying (a) the condition or violation complained of, and (b) the length of time the Owner has to remedy the violation including, if applicable, the length of time the Owner has to submit *plans* to the Board or its delegated committee and the length of time the Owner has to complete the work proposed in the plans submitted to the Board or its delegated committee. If an Owner ("Defaulting Owner") does not remedy the violation or perform corrective action within the allotted time, the Board may:

(a) remedy such condition or violation complained of, and any costs therefor shall be charged to the Defaulting Owner;

(b) seek injunctive relief to require the Defaulting Owner to remedy the violation or perform the corrective action;

(c) seek after Notice and Hearing compensation for damages arising or resulting from the failure of the Defaulting Owner to remedy the violation or to perform the corrective action; and/or

(d) seek after Notice and Hearing to consider or impose a penalty or temporary suspension of Member rights upon the Defaulting Owner in the Bylaws. Any penalties imposed may only be assessed pursuant to Civil Code §§5658, 5725 and 5850;

(e) direct the officers of the Association to Record a "Notice of Noncompliance" (if allowed by Applicable Law) against a Condominium owned by any Owner who has violated any provision of this Declaration. The notice shall include a legal description of the Condominium and shall specify the provision of this Declaration that was violated, the violation committed, and the steps required to remedy the noncompliance. Once the noncompliance is remedied or the non-complying Owner has taken such other steps as reasonably required by the Board, the Board shall direct the officers of the Association to Record a notice that the noncompliance has been remedied

With respect to foregoing Sections (a) through (e): (i) any cost or charge imposed shall be assessed against the Defaulting Owner as a Reimbursement Assessment; (ii) any penalty imposed shall be assessed as a Compliance Assessment. The foregoing may be collected pursuant to the Non-Lien Assessment procedures of Section 10.24 hereinabove.

20.1.2. VIOLATIONS IDENTIFIED BY AN OWNER

If an Owner alleges that another Person is violating the Governing Documents (other than nonpayment of any Assessment), the complaining Owner must first submit the matter to the Board for Notice and Hearing before the complaining Owner may resort to alternative dispute resolution, as required by Civil Code §§ 5925 – 5965. The Parties may by mutual agreement determine the form of alternative dispute resolution to be utilized under the foregoing Civil Code provisions; provided, however, in the event the Parties cannot agree upon a form of alternative dispute resolution, the Parties shall submit the Dispute to the "Mediation" procedures of Section 21.5 hereinafter and, absent a resolution pursuant to Mediation, the Dispute shall then be submitted to "Arbitration" under Section 21.6 herein.

20.1.3. LEGAL PROCEEDINGS

Failure to comply with any of the terms of the Governing Documents by any Person is grounds for relief which may include an action to recover damages, injunctive relief, foreclosure of any lien, or any combination thereof; however, the procedures established in Civil Code §5900 and §§5925 *et seq.* must first be followed, if they apply.

20.1.4. LIMIT ON EXPENDITURES

(a) The Association shall not incur litigation expenses, including attorneys' fees, or borrow money to fund litigation, where the Association initiates legal proceedings or is joined as a plaintiff in legal proceedings, unless the Association first obtains the consent of a majority of the Voting Power (excluding the Voting Power of any Owner who would be a defendant in such proceedings) and, if applicable, complies with the requirements of Civil Code §§5900, 5980 and 5925 *et seq.*

(b) The foregoing approval is not necessary if the legal proceedings are initiated (i) to enforce the use restrictions contained in ARTICLE 11 (ii) to enforce the Architectural and landscaping control provisions contained in ARTICLE 12, (iii) to collect any unpaid Assessments levied pursuant to the Governing Documents, (iv) for a claim, other than a Defect Claim, or a Dispute (defined in Section 21.4(b) herein) the total value of which is less than Five Hundred Thousand Dollars (\$500,000), or (v) as a cross-complaint in litigation to which the Association is already a party. If the Association decides to use or transfer Reserve Funds or borrow funds to pay for any litigation, the Association must notify the Owners of the decision by US Mail. Such notice shall provide an explanation of why the litigation is being initiated or defended, why Operating Funds cannot be used, how and when the Reserve Funds will be replaced or the loan will be repaid, and a proposed budget for the litigation. The notice must state that the Owners have a right to review an accounting for the litigation which will be available at the Association's office. The accounting shall be updated monthly. If the Association action to incur litigation expenses or borrow money to fund litigation concerns a Defect Claim, then the voting requirements of Section 20.1.4(a) must be met.

20.2. PROCEDURE FOR NOTICE AND DELIVERY BY PARTIES

Anything herein to contrary notwithstanding set forth in Section 20.1 above, in enforcing any action under the Governing Documents for injunctive relief, declaratory relief and/or monetary damages (excluding actions in Small Claims Court), the parties shall comply with the notice and delivery requirements of Civil Code §§4040 and 4050.

ARTICLE 21. DECLARANT-RELATED DISPUTE

21.1. NOTICE OF ACTIONS AGAINST DECLARANT, INCLUDING BOND ENFORCEMENT

21.1.1 NOTICE: Subject to the provisions of Section 21.3, to the extent applicable, the Association shall comply with the notice provisions of Civil Code §6150 and §§910 through 938 (and the 2-10 HBW Warranty issued to Owner, as applicable) prior to the filing of any civil action by the Association against the Declarant or other developer of the Project for either alleged damage to the Project that the Association is obligated to maintain or repair, or alleged damage to any other portion of the Project that arises out of, or is integrally related to, such damage to the Common Maintenance Area the Project that the Association is obligated to maintain or repair. Such notice shall specify all of the matters set forth in Civil Code §6150 and/or §§910 through 938, as applicable.

21.1.2 ENFORCEMENT OF DECLARANT'S BOND OBLIGATIONS In the event that Declarant has not completed Common Area Improvements prior to issuance of a Public Report and the Association is an obligee under a bond or other arrangement to secure his performance ("Bond"), then the Board shall formally consider enforcing the Board with respect to any Improvement which has not been completed within 60 days of the date required in the Bond Planned Construction Statement (or within 30 days of any ranted extension); in the event that the Board fails to act or elects not to initiate enforcement, then a special meeting may be called between 35 and 45 days after the Board's request for a special meeting signed by members representing at least 5% of the total voting power of the Association. All members except the Declarant may vote in such meeting, and the decision of a majority of such members shall be final and implemented by the Board.

21.2. WARRANTY CLAIMS AND DISPUTES

The enforcement and resolution of any claim and/or dispute by any Owner or the Association with respect to any "limited warranty" or "maintenance program" provided by Declarant (including any affiliated general contractor of Declarant as described in Civil Code §911) ("Warranty Claims") shall be governed and resolved solely by the dispute resolution procedures herein (unless otherwise provided in a "limited warranty" or "maintenance program" such as a 2-10 HBW Warranty received by Owner at purchase). Regardless, Declarant has elected to adopt the standards and procedures set forth in the California Civil Code commencing at Section 895 et. seq. (the "Code"). Declarant has notified Buyer that it intends to follow the pre-litigation procedures in the Code commencing at Section 910, *et. seq.* In the event Buyer makes a Claim within the purview of the Code, Declarant and Buyer agree that the pre-litigation procedures within the Code, as adopted by Builder, shall control the claim process. In the event the pre-litigation procedures do not result in resolution of Buyer's claim and Buyer pursues a further action, Buyer and Builder acknowledge the applicability of, and shall be bound by the Arbitration Agreement contained herein (or in a HBW Limited Warranty Booklet, the terms of which shall control the arbitration process, if any; in such case, Buyer and Builder shall be limited to seeking redress within the specific terms of the 2-10 HBW Arbitration provisions.)

21.3. CONSTRUCTION DEFECT DISPUTES PER CIVIL CODE §895 et seq.; NON-ADVERSARIAL PROCEDURES (CIVIL CODE §§ 910 TO 938 ("Defect Law"))

Any claims or disputes for construction defects pursuant to Civil Code §895, et. seq., which are not Warranty Claims which arise during the first year after first purchase, shall be referred to as "Construction Defect Claims." Construction Defect Claims shall be subject to the non-adversarial procedures set forth in Civil Code §§910 through 938 ("Non-Adversarial Procedures") prior to the initiation of any mediation, arbitration or other proceeding. These procedures impact the legal rights of Owners with respect to the Property. If the Non-Adversarial Procedures provided in Civil Code §§910 through 938 fail to resolve any Construction Defect Claims, such Construction Defect Claims shall be resolved in accordance with the procedures set forth In Section 21.4 hereafter. According to the terms of the Civil Code, the Non-Adversarial Procedures will not apply if Declarant does not or cannot comply with the requirements set forth therein if a claim arises, in which case the Construction Dispute provisions shall be used, as provided below.

21.4. CONSTRUCTION DISPUTES

The following words will have the following meanings for purposes of this Section 21.4:

(a) "**Affiliated Contractor**" shall mean and refer to each general contractor and contractor who, as of the time of sale of the portion of the Project that is the subject of a Dispute: (i) is in the business of building, developing or constructing the Project for public purchase; and (ii) is a partner, member of, subsidiary of, or otherwise similarly affiliated with Declarant,

(b) "**Construction Dispute**" shall mean and refer to any dispute between an Owner or the Association and Declarant or between an Owner or the Association and any employee, agent, partner, contractor, subcontractor or material supplier of Declarant which dispute relates to the use or condition of the Project or any improvements to the Project. Construction Disputes include, but are not limited to, disputes regarding boundaries, surveys, soils conditions, grading, design, specifications, construction, installation of improvements or disputes which allege breach of implied or express

warranties as to the condition of the Project.

(c) **"Construction Party"; "Development Party"** shall mean and refer to Declarant or any director, officer, partner, employee, subcontractor or agent of Declarant or any Affiliated Contractor.

(d) **"Claimant"** refers to any party (including any Owner or the Association) who intends to make a claim for Construction Dispute against a Construction Party.

21.4.1. DISPUTE NOTIFICATION AND RESOLUTION PROCEDURE

Any Construction Dispute shall be subject to the following provisions of:

(i) an initial "right to inspect and corrective action," followed by mediation ("Mediation"), and, thereafter, binding arbitration ("Arbitration") governed by the Federal Arbitration Act (9 U.S.C. §1-16) ("FAA").

21.4.2. CORRECTIVE ACTION

A. NOTICE

Any Claimant with a claim against a Construction Party shall notify the Construction Party in writing of the claim, which writing shall describe the nature of the claim and the proposed remedy (the "Claim Notice"); in addition, and if applicable, the Claimant shall follow the terms of the 2-10 HBW booklet for reporting a claim.

B. RIGHT TO INSPECT AND RIGHT TO CORRECTIVE ACTION

Within a reasonable period after receipt of the Claim Notice, which period shall not exceed sixty (60) days, each Construction Party and the Claimant shall meet at mutually-acceptable place within the Property to discuss the claim. At such meeting or at such other mutually-agreeable time, each Construction Party and its/their representatives shall have full access to the property that is subject to the claim for the purposes of inspecting the same. The parties shall negotiate in good faith in an attempt to resolve the claim. If a Construction Party elects to take any corrective action, the Construction Party and its representatives and agents shall be provided full access to the property subject to the claim to take and complete corrective action.

C. CIVIL CODE §§ 6150 AND §§6000 *ET SEQ*

Nothing contained herein shall be deemed a waiver or limitation of the provisions of Civil Code §6150. If the claim is subject to the provisions of Civil Code §§6000 *et seq.* as it may be amended from time to time, compliance with the procedures of Civil Code §§6000 (b), (d) and (e) shall satisfy the requirements of Sections A and B above.

If the Parties cannot resolve the Construction Dispute pursuant to the procedures described in Section 21.4.2 above, (including, if applicable, Civil Code §§6000 *et seq.* procedures) the matter shall be submitted to Mediation as provided in Section 21.5 hereafter

21.5. MEDIATION

If the parties cannot resolve the Construction Dispute pursuant to the procedures described in Section 21.4.2 above, (including, if applicable, Civil Code §§6000 *et seq.*), then the matter shall be resolved either pursuant to the terms of the 2-10 HBW Warranty procedures, if applicable, or as described below, if not covered by such 2-10 HBW Warranty:

(a) Mediation shall be conducted pursuant to procedures adopted by the adopted by the American Arbitration Association or any successor thereto or to any other entity offering mediation services that is acceptable to the parties. The Declarant/Development Party shall advance the fees necessary to initiate the mediation. No person shall serve as a mediator in any Construction Dispute in which the person has any financial or personal interest in the result of the mediation, except by the written consent of all parties. Prior to accepting any appointment, the prospective mediator shall disclose any circumstances likely to create a presumption of bias or to prevent a prompt commencement of the mediation process.

(b) Within ten (10) days of the selection of the mediator, each party shall submit a brief memorandum setting forth its position with regard to the issues that need to be resolved. The

mediator shall have the right to schedule a pre-mediation conference and all parties shall attend unless otherwise agreed. The mediation shall be commenced within ten (10) days following the submittal of the memoranda and shall be concluded within four (4) days from the commencement of the mediation unless the parties mutually agree to extend the mediation period. The mediation shall be held in the county in which the Project is located or such other place as is mutually acceptable to the parties.

(c) The mediator has discretion to conduct the mediation in the manner in which the mediator believes is most appropriate for reaching a settlement of the Construction Dispute. The mediator is authorized to conduct joint and separate meetings with the parties and to make oral and written recommendations for settlement. Whenever necessary, the mediator may also obtain expert advice concerning technical aspects of the Construction Dispute, provided the parties agree and assume the expenses of obtaining such advice. The mediator does not have the authority to impose a settlement on the parties.

(d) Prior to the commencement of the mediation session, the mediator and all parties to the mediation shall execute an agreement pursuant to Evidence Code §1152.5(e) or successor statute in order to exclude the use of any testimony or evidence produced at the mediation in any subsequent Construction Dispute resolution forum, including, but not limited to, court proceedings, reference proceedings or arbitration hearings. Pursuant to Evidence Code §1152.5(a), the agreement shall specifically state that evidence of anything said or of any admission made in the course of the mediation is not admissible evidence, and disclosure of any such evidence shall not be compelled in any civil action in which, pursuant to law, testimony can be compelled to be given. Unless the document provides otherwise, no document prepared for the purpose of, or in the course of, or pursuant to, the mediation, or copy thereof, is admissible in evidence; and disclosure of any such document shall not be compelled in any civil action in which, pursuant to law, testimony can be compelled to be given.

(e) Persons other than the parties, the representatives and the mediator may attend mediation sessions only with the permission of the parties and the consent of the mediator. Confidential information disclosed to a mediator by the parties or by witnesses in the course of the mediation shall not be divulged by the mediator. All records, reports, or other documents received by the mediator while serving in such capacity shall be confidential. There shall be no stenographic record of the mediation process.

(f) The expenses of witnesses for either side shall be paid by the party producing such witnesses. All other expenses of the mediation, including required traveling and other expenses of the mediator, and the expenses of any witnesses, or the cost of any proofs or expert advice produced at the direct request of the mediator, shall be borne as the parties may agree and if they cannot agree, then they shall be paid as determined by the mediator. Each Owner covenants that each shall forbear from commencing any litigation against the Construction Party without complying with the procedures described in this Section.

21.6. ARBITRATION

Subject to the provisions of Section 21.2, if the parties cannot resolve the Construction Dispute pursuant to the procedures described in Section 21.5 above, the matter shall be submitted and resolved exclusively in San Diego County through Arbitration, pursuant to the below stated terms, and within timeframes and procedures required by Real Estate Regulation 2791.

21.6.1 Arbitration Agreement.

The Declarant, the Association and all Owners agree that any claim arising from or related to the sale of any Unit or the Common Elements, or to any defect in or to any Unit or any real property on which such Unit is situated, or which is part of the Common Elements and/or Association Property, including without limitation, any claim of breach of contract, negligent or intentional misrepresentation or nondisclosure in the inducement, execution or performance of any contract, including this Arbitration Agreement, any alleged statutory violation, and any claim of bodily

injury, shall be settled by arbitration.

Any dispute concerning the interpretation or enforceability of this Arbitration Agreement, including without limitation, its revocability or voidability for any cause, the scope of arbitratable issues, and any defense based upon waiver or estoppel, shall be decided by the arbitrator. The decision of the arbitrator shall be final and binding and may be entered as a judgment in any court of competent jurisdiction.

This Arbitration Agreement shall inure to the benefit of, and be enforceable by, Declarant's subcontractors, agents, vendors, suppliers, design professionals, insurers and any other person alleged to be liable for any defect in or to any Unit or the Association Property; and shall be binding upon all family members and tenants of all Owners. Any party shall be entitled to recover reasonable attorney's fees and costs incurred in enforcing this Arbitration Agreement.

The arbitration shall be conducted by the American Arbitration Association, by Construction Arbitration Services, Inc., or by DeMars & Associates, Ltd., pursuant to their applicable arbitration rules not inconsistent with this Arbitration Agreement if available. The choice of arbitration service shall be that of the claimant. All administrative fees of the arbitration service and fees of the arbitrator shall be borne equally by the parties to the arbitration, subject to the discretion of the arbitrator to reallocate such fees in the interests of justice, with the Declarant advancing fees necessary to initiate the dispute resolution if required by law.

The parties expressly agree that this Declaration and this Arbitration Agreement involve and concern interstate commerce and are governed by the provisions of the Federal Arbitration Act (9 U.S.C. § 1, et seq.) to the exclusion of any different or inconsistent state or local law, ordinance or judicial rule; and to the extent that any state or local law, ordinance or judicial rule shall be inconsistent with any provision of the rules of the arbitration service under which the arbitration proceeding shall be conducted, the latter rules shall govern the conduct of the proceeding. California Code of Civil Procedure section 1281.2, subd. (c) shall have no application to this Arbitration Agreement.

No participation by any party in any judicial proceeding involving a matter which is arbitrable under this Arbitration Agreement shall be deemed a waiver of the right of such party to enforce this Arbitration Agreement.

If any provision of this Arbitration Agreement shall be determined by the arbitrator or by any court to be unenforceable or to have been waived, the remaining provisions shall be deemed to be severable therefrom and

enforceable according to their terms.

21.6.2 Limitation Upon Amendments

The Declarant, the Association and all Owners hereby acknowledge and agree that no amendment of this Declaration shall modify, alter or delete any portion of the Arbitration Agreement in this Declaration without the written consent of the Declarant attached to and recorded with such amendment, regardless of whether Declarant continues to maintain an ownership interest in any Unit or membership in the Association.

21.6.3 Binding Upon Successors and Assigns

The Declarant, the Association and all Owners hereby acknowledge and agree that, by virtue of the recording of this Declaration, this Arbitration Agreement shall run with the title to the real property subject to this Declaration, and shall be binding on all persons having any right, title or interest in all or any portion of the real property subject to this Declaration, their respective heirs, legal representatives, successors, successors- in-title, and assigns, and shall be for the benefit of the Declarant and all Owners of the property subject to this Declaration, regardless of whether Declarant continues to maintain an ownership interest in any Unit or membership in the Association.

IF ANY PARTY REFUSES TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, SUCH PARTY MAY BE COMPELLED TO ARBITRATE UNDER THE FEDERAL ARBITRATION ACT AND THE CALIFORNIA ARBITRATION ACT, TO THE EXTENT THE CALIFORNIA ARBITRATION ACT IS CONSISTENT WITH THE FEDERAL ARBITRATION ACT.

21.6.4. FEDERAL ARBITRATION ACT

The Parties acknowledge that because many of the materials and products incorporated into the home are manufactured in other states, the purchase of a Condominium evidences a transaction involving interstate commerce, and the Federal Arbitration Act (9 U.S.C. §§1, *et seq.*) now in effect and as it may be hereafter amended will govern the interpretation and enforcement of the arbitration provisions in this Article.

21.6.5. FINAL AND BINDING AWARD

The decision of the arbitrator shall be final and binding. A petition to confirm, vacate, modify or correct an award may be filed in any court of competent jurisdiction in the county in which the Property is located, but the award may be vacated, modified or corrected only as permitted by the Federal Arbitration Act.

21.6.6. SEVERABILITY

If the arbitrator or any court determines that any provision of this Article is unenforceable for any reason, that provision shall be severed, and proceedings agreed to in this Article shall be conducted under the remaining enforceable terms of this Article,

21.6.7. APPLICATION; CONFLICT

This Section shall apply only with respect to Disputes in which either: (a) Declarant or any director, officer, partner, employee, subcontractor or agent of Declarant or an Affiliated Contractor is a party, or (b) the Association or any director, officer, partner, employee, subcontractor or agent of the Association is a party. In the event of a conflict between this Section and

any other alternative dispute resolution procedures, this Section shall prevail.

21.6.8. THIRD-PARTY BENEFICIARY: AFFILIATED CONTRACTOR

The Parties intend and agree that any entity that falls within the definition of "Affiliated Contractor" is an intended third-party beneficiary of the provisions of this Article.

21.7. EXCEPTIONS TO DISPUTE RESOLUTION PROVISIONS; STATUTES OF LIMITATION

Nothing in this ARTICLE 21 shall be considered to toll, stay, waive, reduce or extend any applicable statute of limitations and benefits thereof or any equitable defense by any Party; provided, however, that the Parties shall be entitled to commence a legal action which in the good faith determination of any Party is necessary to preserve the Parties' respective rights under any applicable statute of limitations, provided that a Party shall take no further steps in prosecuting the action until it has complied with the procedures described in this ARTICLE 21. Notwithstanding any other provision of this Declaration, this Article may not be amended without the prior written consent of Declarant.

21.8. SURVIVAL; SUCCESSORS AND ASSIGNS

The rights and obligations of the Parties pursuant to this ARTICLE 21 shall survive the Close of Escrow. This ARTICLE 21 and the rights, duties and obligations of the Parties shall be binding upon and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the respective Parties.

ARTICLE 22. EXCEPTIONS TO MEDIATION AND ARBITRATION; MISCELLANEOUS PROVISIONS REGARDING ENFORCEMENT AND LEGAL ACTION

22.1. EXCEPTIONS TO MEDIATION AND ARBITRATION

The resolution or determination of the following issues and matters are exempt from the requirements of ARTICLE 20 and ARTICLE 21:

(a) a judicial or non-judicial foreclosure or other action or proceeding to enforce a deed of trust, mortgage or installment land sale contract as defined in Civil Code §2985.

(b) an unlawful detainer action.

(c) the filing or enforcement of a mechanic's lien.

(d) any matter that is within the jurisdiction of a probate, small claims or bankruptcy court.

(e) **Specific Procedure:** An alternative or required enforcement procedure described by a particular clause or Section within this Declaration, or within the first 10 year of sales of a Unit, within the 2-10 HBW Warranty Policy purchased by Declarant for the benefit of the Owner, a copy of which was delivered at purchase and transferrable to subsequent Owners pursuant to its terms.

(f) **Escrow-Related Matter:** Any dispute arising with a prospective purchaser which concerns or affects the *close of escrow* or matters concerning the close of escrow for the purchase of any Residential Unit.

(g) An **Exigent Matter**, which shall mean and refer to only any of the following: (i) an Emergency, (ii) any matter relating to the abatement of a nuisance, (iii) any enforcement procedure contained in a particular clause or section within this Declaration which is declared to be an Exigent Matter; or, (iv) an Owner's breach of payment of Common Expenses.

22.1.1. REMEDY OR RESOLUTION OF A NON-EMERGENCY EXIGENT MATTER.

A Party (the "Claiming Party") who seeks to make a claim with respect to any non-Emergency Exigent Matter shall – following not less than ten (10) days' prior written notice to

the Party (the "Responding Party") against whom such Claiming Party alleges a breach or default constituting an Exigent Matter – have the right to:

(a) Seek injunctive relief to require the Responding Party to perform a specific Exigent Matter (e.g. duty or obligation);

(b) Seek compensation for damages arising or resulting from the failure of the Responding Party to perform an Exigent Matter;

22.1.2. REMEDY OR RESOLUTION OF AN EMERGENCY/EXIGENT MATTER.

In the case of an Emergency, the Party who seeks to remedy an Emergency (the "Claiming Party") shall have the right to:

(a) Cause such action to be performed as may be deemed necessary to abate or remedy any such Emergency, in which event all sums expended by the Claiming Party in causing such abatement or remedy to be performed shall become a demand obligation owed by the other Party (the "Responding Party") to the Claiming Party, shall bear interest at the lesser of ten percent (10%) per annum or the maximum non-usurious rate permitted by law from the date expended by the Claiming Party until repaid by the Responding Party, and shall be subject to collection by suit in any court of competent jurisdiction; or

(b) Exercise all rights or remedies otherwise available at law, in equity or by statute; all rights and remedies shall be cumulative and not exclusive. In any legal or equitable proceeding for the enforcement of any of the duties or obligations of this Section, or for damages of the breach of any such duties or obligations, the losing Party shall pay the attorneys' fees and courts costs of the prevailing Party.

22.2. MISCELLANEOUS PROVISIONS: ENFORCEMENT AND LEGAL ACTION

22.2.1. FAILURE TO ENFORCE

Failure by any Owner, including Declarant, to enforce any provisions of this Declaration shall in no event be deemed a waiver of the right to do so thereafter.

22.2.2. VIOLATION OF LAW

Any violation of any state, municipal or local law, ordinance or regulation pertaining to the ownership, occupation or use of any Unit within the Project is hereby declared to be a violation of this Declaration and subject to the enforcement procedures herein set forth.

22.2.3. GOVERNING LAW

This Declaration shall be governed by and construed under the laws of the State of California and the County.

ARTICLE 23. GENERAL PROVISIONS

23.1. SEVERABILITY

Should any provision in this Declaration be void or become invalid or unenforceable in law or equity by judgment of court order, the remaining provisions hereof shall be and remain in full force and effect.

23.2. ANNEXATION

Upon approval in writing of the Association, pursuant to sixty-seven percent (67%) majority of the voting power of its Members, excluding the voting power of the Declarant, the Owner of any property who desires that it be added to the scheme of this Declaration and be subjected to the jurisdiction of the Association, may file of record a Declaration of Annexation, which shall extend the scheme of this Declaration to such property. After conversion of the Class B membership in the Association to Class A membership, the action herein requiring membership approval shall require the vote or written consent of (a) sixty-seven percent (67%) of the voting power of Members of the Association, and (b) sixty-seven percent (67%) or more of the voting power of Members of the Association

other than Declarant.

23.3. INCORPORATOR

The Incorporator shall have the right to do all things necessary and proper to perfect the organization of the Association, in a manner consistent with this Declaration, including, but not limited to adopting or amending the Bylaws, supplementing or amending this Declaration, the Condominium Plan, any other Governing Document, including any respective amendment of any Governing Document, and taking any other action with respect to the Association not prohibited by Applicable Law.

23.4. NOTICE; DEMAND; DOCUMENT DELIVERY

Except as may otherwise be prescribed in a particular clause or Section within this Declaration or by Applicable Law which specifies a particular method of service or delivery, in each instance in which notice, demand or a document is to be given or delivered ("Notice") to the Owner of a Unit, the same shall be served in one or more of the following methods:

23.4.1. PERSONAL SERVICE

By personal service to the Owner or to any one or more co-Owners of the Unit; to any general partner of a partnership which is the Owner of Record of the Unit; to the manager of a limited liability company which is the Owner of Record of the Unit; and/or to any officer or agent for service of process of a corporation which is the Owner of Record of the Unit, shall be deemed delivered to such Owner, co-Owners, partnership, limited liability company or corporation, as the case may be. Service and/or delivery by personal service shall be deemed completed at the time of such service or delivery.

23.4.2. SERVICE BY U.S. POSTAL SERVICE

By First Class U.S. Mail or by Express Mail, deposited in a post office, mailbox, subpost office, substation or mail chute or other like facility regularly maintained by the United States Postal Service, in a sealed envelope, with proper postage paid, addressed:

(a) **TO OWNER:** To the Owner or Co-Owners of the Unit at the most recent address furnished by such Owner to the Secretary of the Board, or, if no such address shall have been furnished then to the street (or Post Office Box) address of such Unit;

(b) **TO THE ASSOCIATION:** To the Association at its principal office address (or to such other address as the Association may from time to time designate in writing to the Owners).

Service and/or delivery by: (i) First Class U.S. Mail shall be deemed completed three (3) days after deposit; and, (ii) Express Mail shall be deemed completed one (1) day after deposit.

23.4.3. E-MAIL; FACSIMILE

Service by E-mail or facsimile, provided that the recipient has previously agreed by a duly signed writing to such method of delivery. If service is delivered by e-mail or facsimile, delivery shall be deemed complete twenty-four (24) hours after the time of transmission.

23.4.4. OTHER METHOD

Any other method of delivery, provided that the recipient has agreed to such other method of delivery by a duly signed writing.

The foregoing notwithstanding, a notice, demand or document may be included in or delivered with a billing statement, newsletter or other document that is delivered by one of the methods provided above.

23.4.5. NOTICE TO OCCUPANTS

Notice and/or demand and completion thereof to an Occupant, shall be served in the same manner as described herein for service to an Owner.

23.5. CIVIL CODE §4525

The Owner of a Condominium shall, as soon as practicable before transfer of title or execution of a real property sales contract therefor, as defined in Civil Code §2985, provide copies of the

Governing Documents and such disclosures and certificates as may be required by Civil Code §4525, or any successor statute or law. The Association shall, if requested by said Owner, provide copies of the same to such Owner within ten (10) days of the mailing or delivery of the request, in the same manner as prescribed in **Section 23.4** above for delivery of Notices.

23.6. NOTIFICATION OF SALE OR CONVEYANCE

Concurrently with the consummation of the sale or other conveyance of any Unit where the transferee becomes an Owner of the Unit, within five (5) business days thereafter, the transferee shall notify the Association in writing of such sale or conveyance. Such notification shall set forth the name of the transferee and his Mortgagee and transferor, the common address of the Unit purchased by the transferee, the transferee's and the Mortgagee's mailing address, and the date of sale or conveyance. Before the receipt of such notification, any and all communications required or permitted to be given by the Association, the Board, the Board's delegated committee or the Association's manager shall be deemed to be duly made and given to the transferee if duly and timely made and given to the transferee's transferor. Mailing addresses may be changed at any time upon written notification to the Association. Notices shall be deemed given and given in accordance with the provisions of the Section herein entitled "*Notice.*"

23.7. EASEMENTS RESERVED AND GRANTED

Any easements referred to in this Declaration shall be deemed reserved or granted, or both reserved and granted, by reference to this Declaration in a deed to any Unit.

23.8. AMENDMENTS: DOCUMENTS AND/OR APPLICABLE LAWS

Reference in this Declaration and the other Governing Documents to any Applicable Law or to the Documents, individually or collectively, shall also include any amendment respectively thereof.

23.9. GOVERNING DOCUMENTS

In the event of a conflict between this Declaration and any other Governing Document, the provisions of this Declaration shall control.

23.10. SINGULAR INCLUDES PLURAL

Whenever the context of this Declaration requires same, the singular shall include the plural and the masculine shall include the feminine.

23.11. LIBERAL CONSTRUCTION

The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development of a residential community and for the maintenance of the Project. The titles or headings of the Articles or Sections of this Declaration have been inserted for convenience only and shall not be considered or referred to in resolving questions or interpretation or construction.

23.12. DECLARANT EXEMPTION.

Declarant is undertaking the work of construction of Units and Buildings/Dwellings therein and incidental improvements upon the Property. The completion of that work and the sale, rental and other disposal of said Unit and the Dwellings thereon is essential to the establishment and welfare of the Project Property as a residential community. In order that said work may be completed and said Project Property be established as a fully occupied residential community as rapidly as possible, nothing in this Declaration shall be understood or construed to:

(a) Prevent Declarant, its contractors or subcontractors from doing on the Project Property whatever, in the opinion of the Declarant, is reasonably necessary or advisable in connection with the completion of said work; or

(b) Prevent Declarant or its representatives from erecting, constructing and maintaining on any part or parts of the Project Property such structures as may be reasonable and necessary for the conduct of its business of completing said work and establishing said Project Property as a residential community and disposing of the same in parcels by sale, lease or otherwise; or

(c) Prevent Declarant from conducting on any part of the Project Property its business of completing said work, and of establishing a plan of Unit ownership and of disposing of said Units by sale, lease or otherwise; or

(d) Prevent Declarant from maintaining such sign or signs on any of the Units or Common Area as may be necessary for the sale, lease or disposition thereof; provided, however, that the maintenance of any such sign shall not unreasonably interfere with the use by any Owner of his Unit.

The rights of Declarant provided in said paragraphs (a) through (d) above may be exercised during the period of time commencing when the Units are first sold or offered for sale to the public and ending (i) when all the Condominiums in the Project are sold and conveyed by Declarant to separate Owners; or, (ii) three (3) years following the date of conveyance of the first Unit in the Project, whichever shall first occur.

Declarant, in exercising his rights under this Section shall make reasonable efforts to avoid disturbing the use and enjoyment of completed and occupied Dwellings, while completing any work necessary in the Project.

So long as Declarant, its successors and assigns owns one or more of the Units established and described herein, Declarant, its successors and assigns shall be subject to the provisions of this Declaration.

Draft

IN WITNESS WHEREOF, the undersigned, being Declarant herein, has executed this instrument
this _____ day of _____, 20__.

Declarant

**Granados Avenue Partners, LLC,
a California limited liability company**

**by: J Squared Development LLC
a California limited liability company**

**by: _____
Jeff M. Wagner
Managing Member**

Draft

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

On _____, 20____, before me, _____, a notary public

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

(seal)

Signature of Notary Public

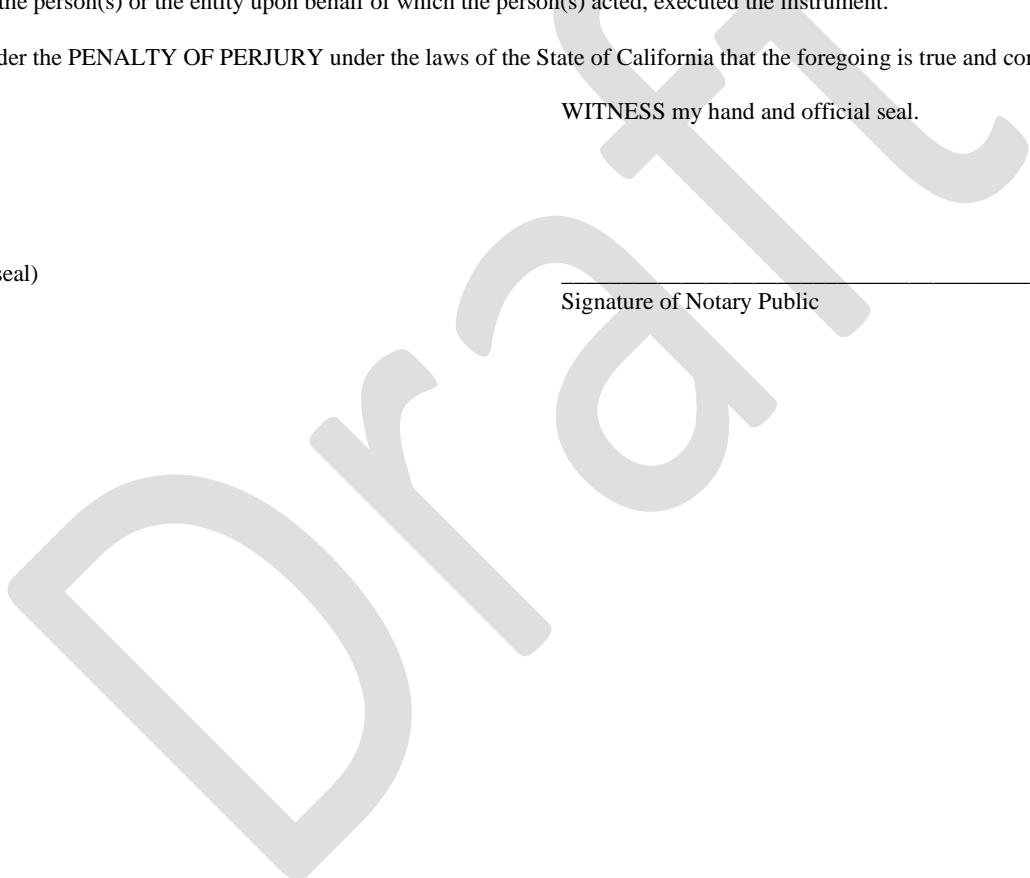


EXHIBIT "A" – LEGAL DESCRIPTION

Draft

SUBORDINATION AGREEMENT

Growers Holdings Inc., a Panamanian Company, holder of the beneficial interest in that certain Note originally secured by Deed of Trust dated September 13, 2016 and recorded in the official records September 22, 2016 as Document No. 2016-0502862 affecting that certain property more particularly described in said Deed of Trust.

Does hereby subordinate its interest in said Note and Deed of Trust to that certain **Declaration of Covenants, Conditions and Restrictions for 127 - 129 N. GRANADOS**” executed by Granados Avenue Partners, LLC, a California limited liability company, affecting said property, which Declaration of Restrictions are recorded concurrently herewith.

DATED this _____ day of _____, 20____.

**Western Alliance Bank,
An Arizona corporation**

**By: Scott Pritchard
Its:**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

Civil Code §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

On _____, 20____, before me, _____, a notary public

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

(seal)

Signature of Notary Public



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 14, 2021
ORIGINATING DEPT: Community Development Department
SUBJECT: Adoption of 6th Cycle Housing Element

BACKGROUND:

All California municipalities are required by Article 10.6 of the Government Code (Sections 65580-65590) to adopt a Housing Element as part of their General Plan. Distinct from the other General Plan elements, the Housing Element is subject to detailed statutory requirements and mandatory review by the California Department of Housing and Community Development (HCD). On October 28, 2020, the City Council authorized release of the draft Housing Element to HCD for review and comment. The City's draft Housing Element was received by HCD on December 16, 2020 and a conference call between HCD staff, Kimley-Horn and Associates staff, and City Staff occurred on January 21, 2021 and received written comments from HCD staff on February 16, 2021. HCD requested modifications, which were subsequently resubmitted to HCD on March 10 and 23, 2021.

The next step in the process is for Council to adopt the Housing Element and send it back to HCD for final certification. The due date to submit an adopted Housing Element to HCD for all cities within San Diego County for certification is April 15, 2021. This item is before Council to review and discuss the changes requested by HCD, consider adoption of the Housing Element (Attachment 1) and if adopted, approve submittal of the document to the California Department of Housing and Community Development for certification.

DISCUSSION:

Housing element law, enacted in 1969, mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that, in order for the private market to adequately

COUNCIL ACTION:

address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development.

A major component of the Housing Element is the Regional Housing Needs Assessment (RHNA). HCD prepares a RHNA for each Council of Government (COG) in the state, which identifies projected housing units needed for all economic segments based on Department of Finance (DOF) population estimates. The San Diego Association of Governments (SANDAG) is the COG for the San Diego region and allocates to the 18 cities, and the unincorporated area of the County, a share of housing needs totaling the RHNA for each income category. Each local government must then demonstrate that it has planned to accommodate all of its regional housing needs allocation in its Housing Element. For the eight-year projection period, which spans from April 15, 2021 to April 14, 2029, Solana Beach's RHNA is 875 housing units.

It is important to note that the RHNA is a number that is provided for planning purposes. It is not a quota of housing that must be produced – the City just has to show that it can accommodate these units and that its regulations are not overly restrictive to prevent them from being built. Programs in the Housing Element are intended to encourage and facilitate the development, improvement, maintenance, and preservation of housing. However, the actual number of units built during the planning period will depend on market conditions and funding availability.

The following items are required to be included in the Housing Element:

- A housing needs assessment that identifies and analyzes the City's demographic, economic, and household characteristics and housing needs in the community for all income levels.
- An analysis of existing assisted housing developments that are "at risk" of converting from low income to market rate during the next 8 years due to termination of subsidy contracts, mortgage prepayment, expiration of restrictions on use, etc.
- An inventory of land suitable for residential development including vacant sites and sites having potential for redevelopment and an analysis of the relationship of zoning and public facilities and services to these sites.
- An analysis of potential and actual governmental and non-governmental constraints upon the maintenance, improvement, or development of housing for all income levels.
- Efforts to remove governmental constraints that hinder the City from meeting its share of the regional housing need and from meeting the need for persons with disabilities, supportive housing, transitional housing, and emergency (homeless) shelters.
- Goals, policies, and quantified objectives related to the maintenance, preservation, improvement, and development of housing.
- An evaluation of the effectiveness of the previous Housing Element.

- Programs that assist in the development of housing for all income levels, remove governmental constraints to housing, promote equal housing opportunities, and preserve existing lower income housing developments “at risk” of converting to market rate. If the City were not able to identify adequate sites to meet the RHNA goals, then the Housing Element would also be required to include a program to rezone sites to meet the need. Since adequate sites have been identified, there is no need for a rezoning program.
- The programs must include a schedule of actions with a timeline for implementation such that there will be beneficial impacts of the programs within the planning period. The programs must also identify the agencies/officials responsible for the implementation.
- A description of the means by which consistency will be achieved between the Housing Element and other General Plan Elements.
- A description of the efforts to achieve public participation of all economic segments of the community in the preparation and adoption of the housing element.

The last Housing Element for the 2013-2021 planning period was adopted in 2013. Since then, there have been a number of new laws and regulations that apply to this next update. The Draft Housing Element has been revised to comply with these new laws and regulations. It has also been reworded, re-organized, and updated with the most current information available.

Public Participation

A number of opportunities were provided for public involvement and input throughout this process. The City and its consultant held public meetings and public workshops, conducted a Citywide community survey, and maintained a General Plan Update website, which allowed the public to keep up to date on the process and submit online comments. Also, the draft document was released for public review from October 22nd through November 23rd, 2020. The final 6th Cycle Housing Element Update with HCD-requested revisions was posted on the City’s website, also allowing for additional public input and comment.

On April 5, 2021 the City received a letter and subsequent email from YIMBY Law that outlined concerns including, but not limited to, the City’s public outreach efforts, likelihood of housing development, ADU production and affordability, affirmatively furthering fair housing development, and development constraints. A copy of the letter is attached to this staff report. These comments have been carefully reviewed and, after due consideration, staff believes that the 6th Cycle Housing Element Update has thoroughly and comprehensively addressed analyses of existing demographics and housing constraints and developed policies and programs that adequately address State Law requirements. Additionally, the City has been working closely with HCD staff to address HCD comments to garner State certification of the City’s 6th Cycle Housing Element Update.

HCD Comments and Requested Revisions

Since receipt of HCD's comment letter on February 16, 2021, Staff and the City's consultant, Kimley-Horn Associates, have been making edits to sections of the City's Draft 6th Cycle Housing Element. The following is a summary of the comments received from HCD:

Section 3 – Housing Needs, Resources and Constraints

- Additional analysis and documentation of household characteristics, including an estimate of number of units in need of rehabilitation and replacement and include programs as appropriate.
- Affirmatively further fair housing in accordance with state law and include an assessment of fair housing in the jurisdiction including the following components:
 - Summary of fair housing issues in the jurisdiction
 - Analysis of federal, state and local data
 - An assessment of factors for fair housing issues
 - Identification of City fair housing priorities and goals
 - Strategies and action to implement fair housing priorities and goals
- Inventory of land suitable and available for residential development
 - Inventory to describe existing uses on sites inventory
 - Suitability of non-vacant sites to demonstrate the potential for redevelopment
 - Indicate policies or incentives to encourage and facilitate lot consolidation of small sites
 - Additional analysis that support realistic capacity assumptions for residential development in commercial zones
 - Demonstrate sufficient capacity of infrastructure (water and sewer)
 - Demonstrate zoning for variety of housing types (employee housing, emergency shelters, permanent supportive housing)
- Additional analysis of potential government constraints
 - Land use controls (density, building height, parking)
 - Reasonable accommodation for persons with disabilities
- Additional analysis of nongovernmental constraints
 - Length of time between approval for housing development and building permit issuance
- Special housing needs analysis
 - Quantify number of persons with developmental disabilities
 - Include responsive programs

Section 4 – Housing Programs

- Identify actions that facilitate housing development for all income levels and housing types
 - Provide additional information in sites inventory
 - Clarify and revise Accessory Dwelling Unit (ADU) potential development assumptions

- Provide programs to incentivize and promote ADUs and ADU affordability
- Programs that further special needs housing (farmworkers, persons with disability, homelessness)
- Programs to conserve and improve existing affordable housing stock
- Promote and affirmatively further fair housing
- Quantify objectives for rehabilitation and conservation of housing
- Identify the number of low- and moderate-income dwelling units that have been replaced, demolished, and/or converted since 1982

On March 24, 2021 staff shared HCD comments and the proposed changes to the Draft 6th Cycle Housing Element. The following is a summary of the proposed changes including those discussed on March 24th:

- Added language regarding “Employee Housing” and added a program that would update the Solana Beach Municipal Code (SBMC) to define employee housing consistent with the State Health and Safety Code (Program 1M)
- Added a “Group Residential” development parking analysis of surrounding jurisdictions
- Provided additional information and analysis regarding “Emergency Shelters”
- Added program to amend SBMC that would include “Transitional” and “Supportive” housing in use matrix (Program 1L)
- Added program to remove possible constraint regarding “reasonable accommodations” in the SBMC (Program 4F)
- Added Project Timing (Table 3-11) analysis
- Added water and wastewater capacity information
- Provided additional analysis regarding small site adequacy to meet RHNA (Table 3-15)
- Revised estimated annual ADU production from 19 to 16 ADUs per year
- Provided additional analysis regarding development of non-vacant sites (Table 3-17)
- Added analysis regarding Fair Housing including regional figures and indicators
- Added analysis and evaluation of Previous Housing Element
- Added Program 1O to pursue outside funding opportunities for lower- and moderate-income households
- Added a sample development project in the General Commercial Zone that analyzed possible development under current development standards
- Provided examples of four small, mixed-use infill development projects on non-vacant parcels
- Created additional housing needs analysis and tables comparing City statistics to County and the State
- Added programs to comply with SB 1035 (Safety Element) and SB 1000 (Environmental Justice)
- Added programs to explore amendments to the City’s Zoning Ordinance that may encourage ADU development in certain overlay zones

Upon adoption of the 6th Cycle Housing Element by City Council, the document will be submitted to HCD for certification.

CEQA COMPLIANCE STATEMENT:

The proposed Project is exempt under State CEQA Guidelines §15061(b)(3) common sense exemption, because the Project involves policies, programs, and actions to meet the City's RHNA allocation that either would not cause a significant effect on the environment or were previously analyzed adequately in the Solana Beach General Plan EIR (SCH No. 1987071508). Given their nature and scope, the proposed Housing Element Update programs and policies would not result in physical environmental impacts. Additionally, the Housing Element Update does not grant any development entitlements or authorize development beyond what is allowed under the City's current General Plan and Zoning Code (Municipal Code Title 17). Future housing development pursuant to the Housing Element Update would be subject to compliance with the established regulatory framework, namely federal, state, regional, and local (i.e., General Plan policies, Municipal Code, Standard Conditions) regulations. Moreover, future housing development pursuant to the Housing Element Update would be subject to further discretionary review or approval by the City, including environmental review under CEQA. Based on these factors, it can be seen with certainty that there is no possibility that the proposed 2021-2029 Housing Element Update would have a significant effect on the environment; therefore, the 2021-2029 Housing Element is exempt from CEQA under the common sense exemption.

The City's consultant, Kimley-Horn Associates, has prepared a Technical Memorandum and a Policy and Program Analysis in support of the findings for exemption. Those documents are included as Attachments to the staff report (Attachments 4, 5 & 6).

FISCAL IMPACT:

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

WORKPLAN:

ITEM A.1 – Community Character, Land Use & Planning

OPTIONS:

- Approve Staff recommendation to adopt the 6th Cycle Housing Element and submit the document to the California Department of Housing and Community Development for certification.
- Deny Staff recommendation and provide alternative direction.



City of Solana Beach Housing Element 2021-2029

ATTACHMENT 1

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City of Solana Beach
 2021-2029 Housing Element Update

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Introduction

Section 1: Introduction

A. Role of the Housing Element

The Housing Element is one of the seven state mandated elements included in the City of Solana Beach's General Plan. The purpose of the Housing Element is to identify and plan for the City's existing and projected housing needs; it contains a detailed outline and work program of the City's goals, policies, quantified objectives, and programs for the preservation, improvement, and development of housing for a sustainable future. Each eight-year planning cycle, the City is allocated a specific number of housing units called the Regional Housing Needs Allocation (RHNA). The RHNA quantifies current and future housing growth within a City. Through research and analysis, the Housing Element identifies available candidate housing sites and establishes the City's official housing policies and programs to accommodate Solana Beach's Regional Housing Need Assessment (RHNA) goals as determined by the San Diego Association of Governments (SANDAG).

B. State Policy and Authorization

1. Background

As a mandated Element of the Solana Beach General Plan, the Housing Element must meet all requirements of existing state law. Goals, programs and policies, and quantified objectives developed within the Housing Element are consistent with state law and are implemented within a designated timeline to ensure the City accomplishes the identified actions as well as maintains compliance with state law. The California Department of Housing and Community Development (HCD) reviews each Housing Element for substantial compliance with state law, HCD's review and certification is required before a local government can adopt its housing element as part of its overall General Plan

2. State Requirements

California State Housing Element Law (California Government Code Article 10.6 and Section 65588) establishes the requirements for the Housing Element. Each local government in the state must adopt a Housing Element and review and revise it no less than once every eight years.

The California Legislature identifies overall housing goals for the state to ensure every resident has access to housing and a suitable living environment; section 65588 of the California Government Code states the following Housing Element goals:

- a. The availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order.
- b. The early attainment of this goal requires cooperative participation of government and the private sector in an effort to expand housing opportunities and accommodate the housing needs of Californians in all economic levels.
- c. The provisions of housing affordable to low- and moderate-income households requires the cooperation of all levels of the government.
- d. Local and State governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for housing needs of all economic segments of the community. The Legislature recognizes that in carrying out this responsibility, each local government also has the responsibility to consider economic, environmental, and fiscal factors and community goals set forth in the general plan and to cooperate with other local governments and the state in addressing regional housing needs.

Table 1-1 summarizes State Housing Element requirements and identifies the location in this document where these requirements are addressed.

Table 1-1: Housing Element Requirements		
Housing Element Requirement(s)	Gov. Code Section	Reference in Housing Element
Analysis of employment trends.	Section 65583.a	Section 2-B
Projection and quantification of existing and projected housing needs for all income groups.	Section 65583.a	Section 3-E
Analysis and documentation of the City’s housing characteristics, including cost for housing compared to ability to pay, overcrowding, and housing condition.	Section 65583.a	Section 2-D
An inventory of land suitable for residential development including vacant sites and sites having redevelopment potential.	Section 65583.a	Appendix B
Analysis of existing and potential governmental constraints upon the maintenance, improvement or development of housing for all income levels.	Section 65583.a	Section 3-B
Analysis of existing and potential nongovernmental (private sector) constraints upon maintenance, improvement or development of housing for all income levels.	Section 65583.a	Section 3-A
Analysis concerning the needs of the homeless.	Section 65583.a	Section 2-E.7
Analysis of special housing needs: handicapped, elderly, large families, farm workers, and female-headed households.	Section 65583.a	Section 2-E
Analysis of opportunities for energy conservation with respect to residential development.	Section 65583.a	Section 3-F.5-7
Identification of Publicly Assisted Housing Developments.	Section 65583.a	Section 3-E
Identification of Units at Risk of Conversion to Market Rate Housing.	Section 65583.a	Section 3-E
Identification of the City’s goal relative to the maintenance, improvement, and development of housing.	Section 65583.a	Section 4-B
Analysis of quantified objectives and policies relative to the maintenance, improvement, and development of housing.	Section 65583.b	Section 4-C
Identification of adequate sites that will be made available through appropriate action with required public services and facilities for a variety of housing types for all income levels.	Section 65583.c(1)	Appendix B
Identification of strategies to assist in the development of adequate housing to meet the needs of low and moderate-income households.	Section 65583.c(2)	Section 3-E.3
Description of the Public Participation Program in the formulation of Housing Element Goals, Policies, and Programs.	Section 65583.d	Appendix C
Description of the Regional Housing Needs Assessment (RHNA) prepared by the San Diego Association of Governments.	Section 65583.e	Section 3-E
Analysis of Fair Housing, including Affirmatively Furthering Fair Housing.	Section 8899.50	Section 3-G

Housing Element Requirement(s)	Gov. Code Section	Reference in Housing Element
Review of the effectiveness of the past Element, including the City’s accomplishments during the previous planning period.	Section 65583.f	Appendix A
Source: State of California, Department of Housing and Community Development.		

The City of Solana Beach’s current Housing Element was last amended in 2014 for the 5th cycle for the 2014 to 2021 planning period; the 6th Cycle Housing Element will plan for the 2021-2029 planning period. Multiple amendments have been made to State Housing Element law since the adoption of the current Housing Element. These amendments change the required analysis, reporting and type of policies that must be contained in the City’s 2021-2029 Housing Element. The contents of this Housing Element comply with these amendments to State housing law and all other federal, State and local requirements.

3. Regional Housing Needs Assessment (RHNA)

California’s RHNA is a methodology for determining future housing need within the state, by income category, and is based on growth in population, households, and employment. The statewide RHNA is determined under the administration of HCD. The quantified housing need is then allocated among the State’s 18 Metropolitan Planning Organizations (MPOs), in the City of Solana Beach’s case, this agency is SANDAG.

In accordance with Section 65583 of the California Government Code, SANDAG then delegates a “fair share” of housing need to its member jurisdictions. The RHNA allocation is then divided amongst four income categories, which are benchmarked on the County of San Diego’s median income for a family of four. Table 1-2 below identifies the four income categories by which the City’s RHNA allocation is divided.

Income Category	Percent of Median Family Income (MFI)
Very Low Income	0-50% MFI
Low Income	51-80% MFI
Moderate Income	81-120% MFI
Above Moderate Income	>120% MFI

For the 2021-2029 planning period the City of Solana Beach is allocated a total of 875 units, including:

- 316 units affordable to very low-income households
- 159 units affordable to low-income
- 160 units affordable to moderate-income
- 240 units affordable to above-moderate income

4. Relationship to Other General Plan Elements

The Housing Element is one Element (Chapter) of the Solana Beach General Plan. The goals, policies, actions, and programs described in the Housing Element relate to and are consistent with the other Elements of the Solana Beach General Plan. The City’s Housing Element focuses on programs and policies that support the preservation, improvement, and development of housing to meet the existing and projected future needs of its population.

The Housing Element relates to development policies contained in the Land Use Element, which designates the proposed general distribution, general location, and extent of the uses of the land for housing, business, industry, open space, and other uses. The Land Use Element also includes the standards of housing density (dwelling units per acre) and building intensity (Floor Area Ratio) established for various land use designations identified in the plan. By

designating areas for residential development, the General Plan identifies limits on densities and types of housing units constructed in the City. The Land Use Element identifies lands designated for a range of commercial and office uses creating employment opportunities for various income groups. The presence and potential for job growth affects the current and future demand for local housing at the various income levels in the City.

The Circulation Element of the General Plan also relates to the Housing Element. The Circulation Element is intended to better balance the needs of all roadway users by making enhancements to existing circulation facilities to establish a comprehensive multi-modal system that facilitates more walking, cycling, and transit use. Consequently, the Housing Element must include policies and incentives that consider the types of infrastructure essential for residential housing units in addition to mitigating the effects of growth in the City.

The Housing Element has been reviewed for consistency with the City's other General Plan components, and the policies and programs in this Element are consistent with the policy direction contained in other parts of the General Plan. As portions of the City's General Plan may be amended in the future, the Housing Element will be reviewed to ensure internal consistency is maintained.

5. Public Participation

Section 65583 of the Government Code states that, "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A discussion of citizen participation is provided below.

As part of the 6th Cycle Housing Element Update process, the City of Solana Beach has conducted extensive public outreach activities beginning in 2019. Participation was encouraged through a variety of activities and tools in order to engage multiple segments of the Solana Beach community. During the first stage of outreach a comprehensive Housing Element Update webpage was created on the City's website, an in-person workshop was held at City Hall, and flyers and factsheets were provided to the community in print and available on the Housing Element webpage. The second round of outreach built upon the participation in the first round and included informational flyers available in Spanish and English, a virtual workshop where Spanish translation was available but not requested, an online survey to gather additional input, and opportunities to review the draft documents. Outreach activities and events are described in detail below. All information relating to the project is available on the Housing Element Update website page located on the City's website and the page is updated regularly to include new information as it becomes available.

Outreach for the 6th Cycle Housing Element to the Solana Beach community, includes the following actions:

Community Workshop#1 - The City of Solana Beach conducted a Community Workshop at City Hall on Thursday, March 5, 2020. The purpose of the meeting was to provide information on the Housing Element update process and to gather input and ideas from the public that will shape the goals, policies and programs in the Housing Element. The workshop included a PowerPoint presentation as well as an interactive feedback session to answer the following questions:

- What are the biggest challenges to housing in Solana Beach?
- What types of programs or assistance could the City provide to facilitate housing?
- What other opportunities or ideas do you have to address Housing issues in Solana Beach?

There were a number of common themes expressed by participants during the workshop. These themes ranged from challenges relating to the high cost of land and limited remaining undeveloped areas within the City to participants wanting to see an emphasis on accessory dwelling units and mixed-use development. The comments provide great insight into the areas of opportunity that are addressed within the Housing Element. Appendix C contains a summary of all public comments regarding the Housing Element received by the City during the update process.

Community Workshop #2 – The City conducted a second community workshop on October 15, 2020 virtually, using Zoom; Spanish translation was available for the workshop but was not requested. The workshop was advertised through flyers in both English and Spanish and on the City’ Housing Element Update webpage. The workshop is available for viewing at <https://www.ci.solana-beach.ca.us/housingelement>. During the workshop, participants were provided with an overview of the current status of the update process, information on previous outreach efforts, and information on each section of the Draft Housing Element. The workshop also directed participants to take an online housing survey and to provide comments on the Public Review Draft.

As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

Online Community Survey – On October 15, 2020 the City of Solana Beach launched an online community survey to gather additional feedback regarding the Housing Element Update. Participants were asked to consider potential policies and programs to include in the Housing Element, as well as potential housing types and opportunities for housing in the City. The survey also solicited feedback regarding potential barriers to housing access and constraints to the development of housing.

City Council Study Session – On October 28, 2020, the City held a City Council Study Session. During the study session, the project team provided a presentation to the Solana Beach City Council with an overview of the Public Review Draft Housing Element and Housing Element update process to date. Community members had the opportunity to give public comments and several were received by the City.

Community Workshop #3 – On November 12, 2020, the City hosted a third community workshop.

Project Website – The City made diligent efforts to be transparent with the community regarding the Housing Element Update process, including the creation of a centralized source for all information.

Fact Sheets – In an effort to inform the public of the Housing Element Update process and the different components, the City created a fact sheet that provided information on the process, timeline, the City’s local RHNA allocation, and different methods for obtaining more information. This fact sheet was translated into Spanish as well.

6. Data Sources

The data used for the completion of this Housing Element comes from a variety of sources. These include, but are not limited to:

- 2000 and 2010 Census
- American Community Survey
- Regional Analysis of Impediments to Fair Housing (AI)
- Regional Forecast by the San Diego Association of Governments (SANDAG), 2019
- Point-in-Time Homeless Census by the Regional Task Force on the Homeless, 2019
- Home Mortgage Disclosure Act (HMDA) lending data
- California Department of Economic Development
- California Employment Development Division Occupational Wage data, 2019
- Department of Housing and Urban Development, Comprehensive Housing Affordability Strategy (CHAS), 2012-2016
- San Diego Apartment Association Survey, 2019

The data sources represent the best data available at the time this Housing Element Update was prepared. The original source documents contain the assumptions and methods used to compile the data.

7. Housing Element Organization

This Housing Element represents the City's policy program for the 2021-2029 6th Planning Period. The Housing Element is comprised of the following Chapters:

Chapter 1: Introduction contains a summary of the content, organization and statutory considerations of the Housing Element;

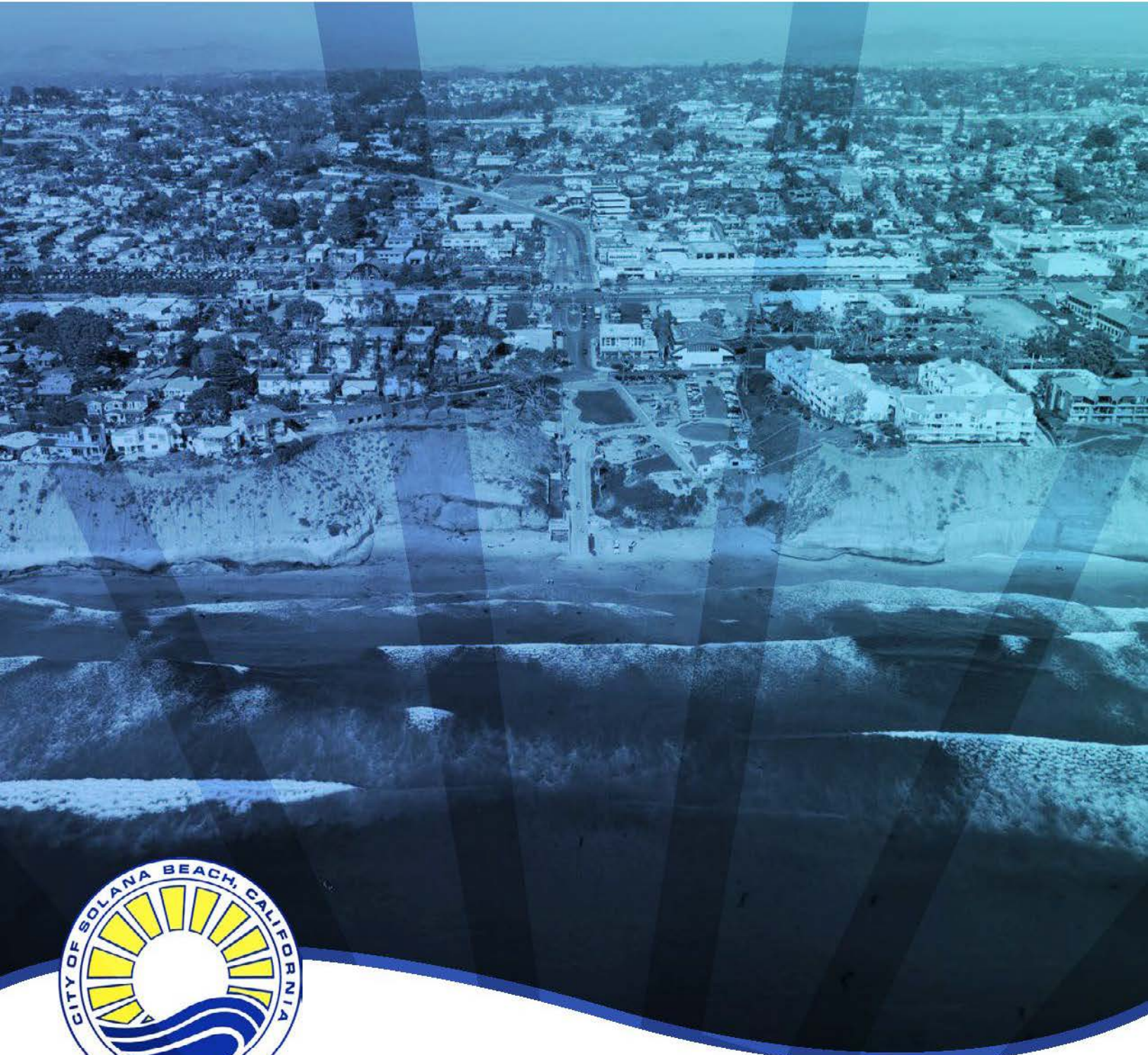
Chapter 2: Community Profile contains an analysis of the City's population, household and employment base, and characteristics of the housing stock;

Chapter 3: Housing Constraints and Resources examine governmental and non-governmental constraints on the production, maintenance, and affordability of housing and provides a summary of housing resources, including sites identification, funding and financial considerations, and an analysis of fair housing;

Chapter 4: Housing Policy Plan addresses Solana Beach's identified housing needs, including housing goals, policies and programs.

Appendices provides various appendices with supplementary background resources including:

- **Appendix A** – Review of Past Performance of 5th Cycle Housing Element Programs
- **Appendix B** – Adequate Sites Analysis
- **Appendix C** – Community Engagement Summary
- **Appendix D** – Glossary of Housing Terms



Community Profile

Section 2: Community Profile

This Community Profile for the City of Solana Beach provides an overview of the City’s housing and population conditions. The Community Profile lays the foundation for the Housing Element’s policies by describing and assessing the factors and characteristics that contribute to the supply and demand for housing in Solana Beach. Specifically, the Community Profile describes the community’s population, employment, economic, and household characteristics. Special Needs groups and housing stock characteristics are also described.

The data used for this community profile has been collected using the most current available from the San Diego County Association of Governments (SANDAG), 2010 U.S. Census, 2013-2017 American Community Survey, the California Department of Finance, the California Employment Development Department, the California Department of Education and other currently available real estate market data.

A. Population Characteristics

The characteristics of Solana Beach inform the planning process and help establish policies for current and future needs of the City. Population characteristics affect current and future housing demand in the City. Population growth, age composition, and race/ethnicity influence the type and extent of housing needed and the ability of the local population to afford housing costs. The following section describes and analyzes the various population characteristics and local trends that affect housing needs.

1. Population Growth

Solana Beach is a small coastal community in the San Diego Region, with an estimate population of 13,367 residents. The 2010 American Census reported that from 2000 to 2010 Solana Beach’s population declined by about one percent. Compared to surrounding cities, the one percent population decline is modest relative to Del Mar’s 14 percent decline and Carlsbad’s 66 percent increase in population in those ten years. SANDAG’s Regional Growth Forecast data (Table 2-1) shows Solana Beach is projected to grow fourteen percent from 2010 through 2050, from 12,867 to 14,870. The increase in population compares closely to neighboring jurisdiction, which are projected to grow from ten to sixteen percent through 2050.

Jurisdictions	Population						Percent Change	
	2000 Actual	2010 Actual	2012 Projected	2020 Projected	2035 Projected	2050 Projected	2000 - 2010	2012- 2050
Oceanside*	161,029	167,086	169,319	177,840	188,597	189,377	3.8%	12%
Carlsbad*	78,247	105,328	107,674	118,450	124,351	124,518	34.6%	16%
Encinitas*	58,014	59,518	60,346	62,908	65,264	66,670	2.6%	10%
Solana Beach*	12,979	12,867	13,000	13,367	14,207	14,870	-0.9%	14%
Del Mar	4,389	4,161	4,194	4,399	4,672	4,732	-5.2%	13%
San Diego City	1,223,400	1,307,402	1,321,315	1,453,267	1,665,609	1,777,936	6.9%	35%
San Diego County	2,813,833	3,095,313	3,143,429	3,435,713	3,853,698	4,068,759	10.0%	29%

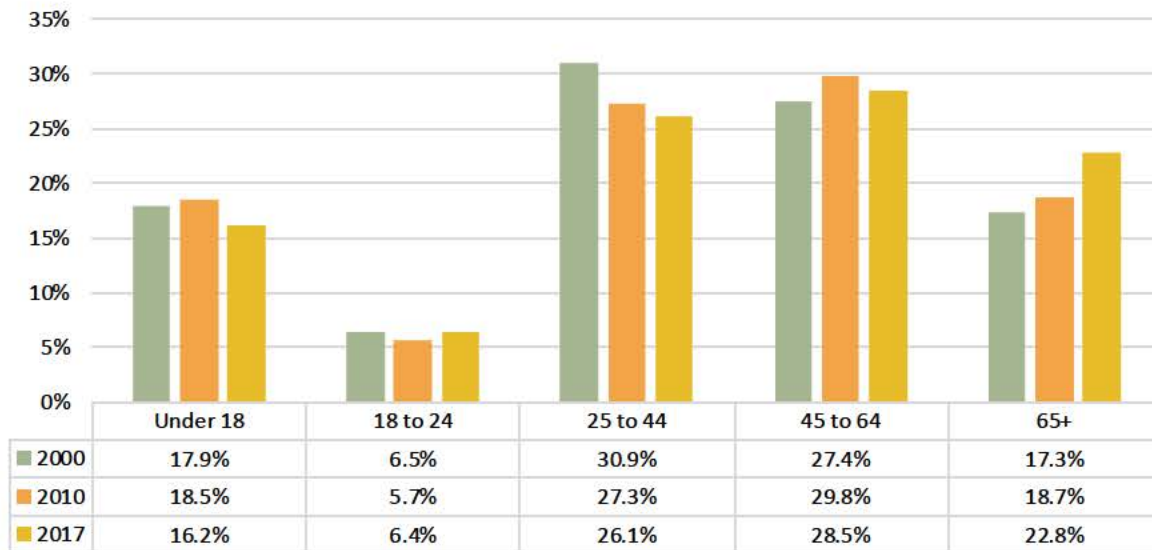
Represents an estimate from the SANDAG 2050 Regional Growth Forecast.
*North coastal cities in San Diego County.
Sources: Bureau of the Census (2000-2010) and SANDAG Regional Growth Forecast Update (2013).

2. Age Characteristics

The age composition of a community is an important factor in evaluating housing needs because housing demand within the market is often determined by the preferences of certain age groups. Conventionally, young adults and seniors tend to favor apartments, low to moderate-cost condominiums, and smaller or more affordable single-family units because they tend to live on smaller or fixed incomes and have smaller families. While the middle-aged demographic, persons between 35-years and 65-years, makes up a major portion of buyers, as well as the market for moderate to high cost apartments and condominiums because they generally have higher incomes and larger families. As population moves through different stages of life, housing is required to accommodate new or adjusted needs. In order to produce a well-balanced and healthy community, where needs are met, it is essential that a community be provided with appropriate housing to accommodate needs of all ages.

As shown in Figure 2-1, in 2017, majority of Solana Beach’s population (54.6 percent) falls into middle age, 25 years to 64 years, category. The data in Figure one shows a slightly reduced middle age population, from 58.3 percent in 2000 to 54.6 percent in 2017, a 6.3 percent change. The data also shows an increasing population of 65 years or over from seventeen percent to about 23 percent, a 31.7 percent increase. Figure 1 also exemplifies a decline in population under the age 18 from 17.9 percent to 16.2 percent. An aging population in a community is important to note because of the changing or additional needs in housing costs, accessibility and accommodations that an aging population may require.

Figure 2-1: Age Distribution in Solana Beach (2000 – 2017)



Source: United States Census Bureau, 2000 and 2010 and American community Survey, 5-Year Estimates, 2017.

The data in Table 2-2 compares the age distribution of Solana Beach to San Diego County and surrounding jurisdictions. According the American Community Survey 2017 estimates, the Solana Beach population of 65+ is approximately 10% higher than San Diego County. However, an older population is not abnormal in North County when comparing age demographics to surrounding communities. In Del Mar, 25 percent of the population is age 65 years and over, the highest percentage in the North County region; in Oceanside, Carlsbad and Encinitas the population 65 years and over is above fifteen percent, higher than the County and City of San Diego of about twelve percent. In Solana Beach, the population under the age of 18 is lower than the county by about seven percent. The population of people age 18 to 24 is 5.3 percent lower than the County.

Jurisdiction	Under 5	5 to 17	18 to 24	25 to 44	45 to 64	65 years +
Oceanside	6.4%	15.0%	10.1%	28.1%	25.2%	15.1%
Carlsbad	6.0%	17.4%	6.4%	24.3%	29.8%	16.0%
Encinitas	5.5%	15.0%	5.7%	26.5%	30.4%	16.9%
Solana Beach	3.9%	12.4%	6.4%	26.1%	28.5%	22.8%
Del Mar	1.7%	10.3%	1.3%	25.0%	36.2%	25.6%
San Diego	6.3%	14.2%	11.7%	32.6%	23.3%	12.0%
San Diego County	6.5%	15.7%	10.9%	29.5%	24.5%	12.9%

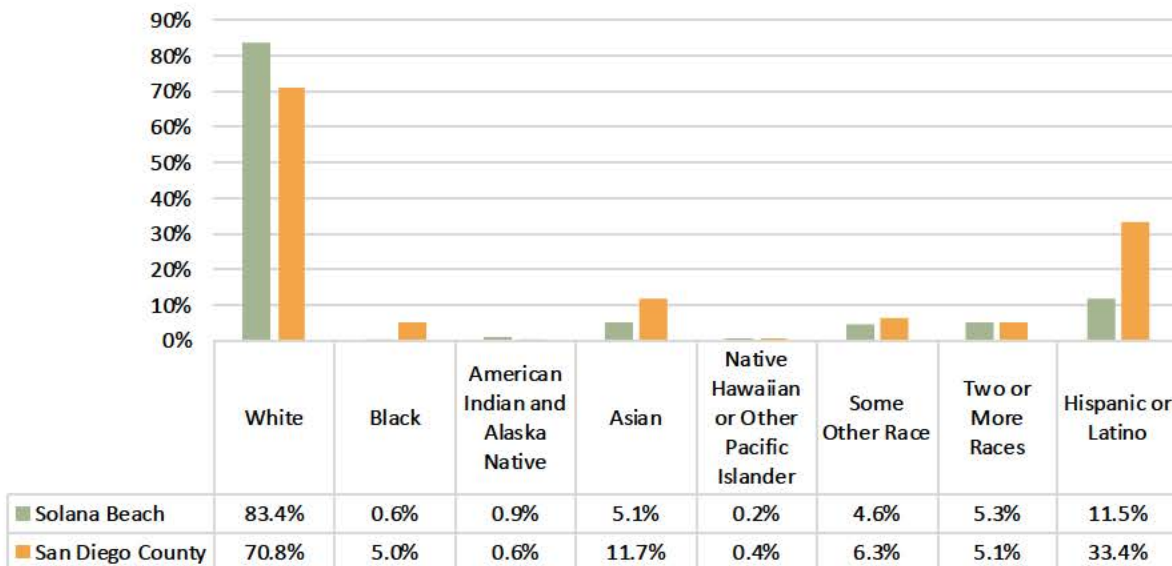
Source: American Community Survey, 5-Year Estimates, 2017.

3. Race/Ethnicity Characteristics

Racial and ethnic composition of a community is important to understand and analyze the implications for housing to the extent that different racial and ethnic groups have different household characteristics, income levels, and cultural backgrounds which may affect their housing needs, housing choice and housing types.

The American Community Survey data (shown in Table 2-3) reports Solana Beach’s White population to be 12.6 percent higher than San Diego County. The City of Solana Beach’s demographics (shown in Figure 2-2) show a significantly smaller percentage of residents who are Black compared to the County of San Diego (0.6 percent compared to five percent). Similarly, the percentage of the population within Solana Beach who is Asian is less than half of the overall County’s percentage of the population who is Asian (5.1 percent compared to 11.7 percent). Both the Native Hawaiian/Other Pacific Islander and American Indian/Alaska Native populations are each below one percent of the total population (0.4 and 0.6 percent respectively). Of San Diego’s total population, 33.4 reported Hispanic or Latino, nearly triple the 11.5 percent who reported Hispanic or Latino in Solana Beach. Overall, Solana Beach’s White population is a higher percentage than the County’s, with less overall diversity than the County.

Figure 2-2: Racial Ethnic Composition (2017)



Source: American Community Survey, 5-Year Estimates, 2017.

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In addition to comparing Solana Beach’s demographics to the County of San Diego, the data in **Table 2-4** tracks the racial and ethnic demographics over the course of about 20 years, from 2000 to 2017. The American Community Survey data reports the racial and ethnic composition of Solana Beach from 2000 to 2017, showing the trends and changes in the City. The data shows that Solana Beach’s population has been primarily White between 2000 and 2017, however, the White population has shown a modest decline by about four percent overall. While the Black population percentage remains virtually unchanged, under one percent of the total population from 2000 to 2017, the Asian population increased from 3.5 percent in 2000 to 5.1 percent in 2017. Of Solana Beach’s total population in 2000, about fifteen percent identified as Hispanic or Latino, whereas in 2017 the Hispanic or Latino population decreased to 11.5 percent in 2017.

Race/Ethnicity	2000	2010	2017	Percent Change 2000 to 2010	Percent Change 2010 to 2017
White	87.0%	85.8%	83.4%	-1.4%	-2.8%
Black	0.5%	0.5%	0.6%	0.0%	20.0%
American Indian and Alaska Native	0.4%	0.5%	0.9%	25.0%	80.0%
Asian	3.5%	4.0%	5.1%	14.3%	27.5%
Native Hawaiian or Other Pacific Islander	0.1%	0.1%	0.0%	0.0%	-100.0%
Some Other Race	5.6%	5.7%	4.6%	1.8%	-19.3%
Two or More Races	2.9%	3.4%	5.3%	17.2%	55.9%
Hispanic or Latino	14.8%	15.9%	11.5%	7.4%	-27.7%

Source: United States Census Bureau, 2000 and 2010 and American Community Survey, 5-Year Estimates, 2017.

The racial and ethnic composition of a population may affect housing needs because of cultural preferences associated with different racial/ethnic groups. Cultural influences may reflect preference for a specific type of housing; additionally, race and ethnicity tend to correlate with other characteristics such as location choices, mobility, and income. In Solana Beach, most of the population is white, and poverty primarily affects the City’s Black and American Indian or Alaskan Native residents, with 17.3 percent and twenty percent living below the poverty level respectively (Shown in **Figure 2-6**). Race and ethnicity as they correlate with income and poverty, are important in recognizing housing needs trends and housing availability.

B. Economic Characteristics

Reporting and analyzing economic characteristics of a community is an important component of the Housing Element because the data provides valuable insight of the community’s ability to access the housing market as well as financial restraints consistent with housing needs and accommodations. Incomes associated with different types of employment and the number of workers in a household affect housing affordability and choice. Therefore, to consider a healthy balance between jobs and housing, it is important to consider the employment characteristics of a community. Local employment growth is linked to local housing demand, and the reverse being true when employment contracts.

1. Employment and Wage Scale

For a City to achieve a healthy balance between jobs and housing, it is important to consider employment, wage and occupational characteristics and growth changes. Based on the SANDAG Sub-regional Growth Forecast (Table 2-5), San Diego County can expect a 17.6 percent employment growth from 2020 to 2050. Solana Beach is expected to grow 18.7 percent between 2010 and 2050, but only about 8 percent from 2020 to 2050. Though the job growth in San Diego County (34.4 percent) outpaces Solana Beach, nearby counties are shown to experience similar growth rates. Solana Beach’s neighbor to the North, Encinitas, is shown to experience a 15.2 percent job growth from 2010 to 2050. Del Mar, to the south, projects a significantly lower job growth rate (6.6 percent).

Jurisdiction	2010	2020	2050	% Change 2010-2050	Numeric Change 2010-2050
Carlsbad	64,956	77,431	85,718	32.0%	20,762
Del Mar	4,431	4,542	4,725	6.6%	294
Encinitas	25,643	27,276	29,542	15.2%	3,899
Oceanside	41,142	48,208	54,091	31.5%	12,949
Solana Beach	7,417	8,156	8,802	18.7%	1,385
San Diego County	1,421,941	1,624,124	1,911,405	34.4%	489,464

Source: SANDAG Series 13 Subregional Growth Forecast, 2013.

Table 2-5 shows Solana Beach to generate a total of 1,385 jobs between 2010 and 2050, an 18.7 percent increase overall, higher than the neighboring Cities, with similar demographics and populations, of Del Mar and Encinitas. The 2010 to 2050 employment growth of 18.7 percent in Solana Beach is slightly higher to its population growth (15.5 percent 2010 to 2050 population growth) shown in Table 1. In 2035, Solana Beach is projected to have 19.4 jobs per developed employment acre, which total 8,536 jobs available for a projected population of 11,809 (persons 18 years or over). In 2050, there are a projected 8,802 jobs available for a projected 12,247 persons over the age of 18.

Analyzing the employment by sector in a city is important in understanding growth changes, income and wages, and access to different types of housing, as well as, what housing needs maybe be present. Solana Beach is a moderate to high income community (see Table 2-11), which may be attributed to the high percent of persons in the professional, scientific, management, and administrative services Industries, an estimated 21.7 percent in 2010 and 23.6 percent in 2017. The data in Table 2-6 shows a large increase (211.4%) in agriculture, forestry, fishing and hunting, and mining from 2010 to 2017, as well as a in retail (104.5%). The data also reports a fifty percent decrease in public administration roles, and a twenty percent drop in the arts, entertainment, recreation and hospitality sectors. Education, healthcare and social services as well as professional, scientific, management and administration make up majority of the positions in Solana beach in 2017 (39.5 percent combined).

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Industry Sector	2010		2017		Percent Change 2010-2017
	# of people employed	% of City Employment	# of people employed	% of City Employment	
Agriculture, forestry, fishing and hunting, and mining	35	0.5%	109	1.5%	211.4%
Construction	359	5.5%	364	5.1%	1.4%
Manufacturing	365	5.6%	454	6.3%	24.4%
Wholesale trade	254	3.9%	232	3.2%	-8.7%
Retail trade	396	6.1%	810	11.3%	104.5%
Transportation and warehousing, and utilities	111	1.7%	202	2.8%	82.0%
Information	327	5.0%	201	2.8%	-38.5%
Finance and insurance, and real estate and rental leasing	644	9.9%	761	10.6%	18.2%
Professional, scientific, management, and administrative services	1,409	21.7%	1,689	23.6%	19.9%
Education services, health care, and social assistance	1,108	17.1%	1,140	15.9%	2.9%
Arts, entertainment, recreation, accommodation, and food services	963	14.8%	767	10.7%	-20.4%
Other services (except public administration)	279	4.3%	309	4.3%	10.8%
Public Administration	236	3.6%	117	1.6%	-50.4%
Total	6,486	100%	7,155	100%	10.3%

Source: American Community Survey, 5-Year Estimates, 2010 and 2017.

In addition to reporting and analyzing employment sector trends, analyzing the unemployment rate is essential to understanding current housing affordability and needs, as well as projected needs. According to the American Community Survey Data, (Table 2-7) Solana Beach experienced just below a four percent unemployment rate in 2017, the lowest unemployment rate in the North County region. The data reports San Diego County to have about a seven percent unemployment rate in 2017, and surrounding jurisdictions to have unemployment rates ranging from 3.9 in Del Mar to 6.6 percent in Oceanside.

Jurisdiction	Unemployment rate*
Oceanside	6.6%
Carlsbad	5.2%
Encinitas	4.9%
Solana Beach	3.8%
Del Mar	3.9%
San Diego	7.0%
San Diego County	7.1%

*Population 16 years and over
Source: American Community Survey, 5-Year Estimates, 2017.

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Table 2-8 displays average annual wage data for occupations compiled by the California Employment Development Department (EDD) for the San Diego Metropolitan Statistical Area in 2019. Professional and health services occupations, including managers, doctors, attorneys, architects, and engineers were among the highest paying professions in the region. In addition to the traditionally higher paying occupations, computer and mathematical occupations averaged over \$100,000 in the County, and making careers in tech higher paying than healthcare, architecture and engineering occupations. Education and financial occupations generally offer high to moderate pay scales while the food preparation and retail sales offer lower wages. Compared to County statistics, the City of Solana Beach’s residents benefitted from higher paying jobs and a lower unemployment rate. According to the data in Table 6, majority of Solana Beach’s residents maintain mid to high level paying occupations.

Table 2-8: Mean Salary by Occupation in San Diego County	
Occupation	Salary
Management	\$131,550
Legal	\$125,772
Healthcare Practitioners and Technical	\$97,702
Architecture and Engineering	\$98,760
Computer and Mathematical	\$101,629
Life, Physical and Social Sciences	\$86,073
Business and Financial Operations	\$80,510
Education, Training and Library	\$66,335
Arts, Design, Entertainment, Sports and Media	\$61,635
Construction and Extraction	\$58,011
Protective Services	\$58,798
Community and Social Service	\$57,077
Installation, Maintenance and Repair	\$53,025
Sales	\$43,543
Office and Administration Support	\$43,266
Production	\$42,499
Transportation and Material Moving	\$38,450
Healthcare Support	\$38,858
Building, Grounds Cleaning, and Maintenance	\$33,718
Personal Care and Service	\$31,530
Farming, Fishing and Forestry	\$32,872
Food Preparation and Serving Related	\$26,380

Source: California Employment Development Division, Occupational Wage data, 2019.

C. Household Characteristics

A household is considered all persons who occupy a housing unit, as defined by the Census; this may include single persons living alone, families related through marriage, blood or adoption, domestic partnerships and unrelated individuals living together. Not all housing is considered a housing unit including, nursing facilities, residential care facilities, dormitories, and other group living, as well as, the persons living with them are not considered a household.

Information on household characteristics assists understanding growth and determining the housing needs of a community. Income and affordability are best measured at the household level, as well as the special needs of certain groups, such as large families, single parent households, or low and extremely low-income households. For example, if a City has a prominent aging population, who are homeowners but live on fixed incomes, it may consider implementing a home beautification assistance program.

2. Household Type and Size

According to the American Community Survey 2017, there were 1,111,739 total households in San Diego County. Of those households, 5,744—less than one percent— were in Solana Beach. Compared to surrounding jurisdictions, Solana Beach is one of the smallest communities, being only larger than Del Mar, which has 2,157 households. The data in **Table 2-9** breaks down characteristics the total households of Solana Beach and its surrounding communities. Nearly half of all the Households in Solana Beach were married-couple families, similar to both the County and nearby jurisdictions. Just under six percent of the households were female headed with no husband present, about half of the eleven percent female headed households in San Diego County. The data also reports that 44.6 percent of all households reported non-family; an abnormally high number compared to 32.8 percent reported in the County and as low as 29.2 percent in Carlsbad to 41.8 percent in Del Mar, of nearby jurisdictions.

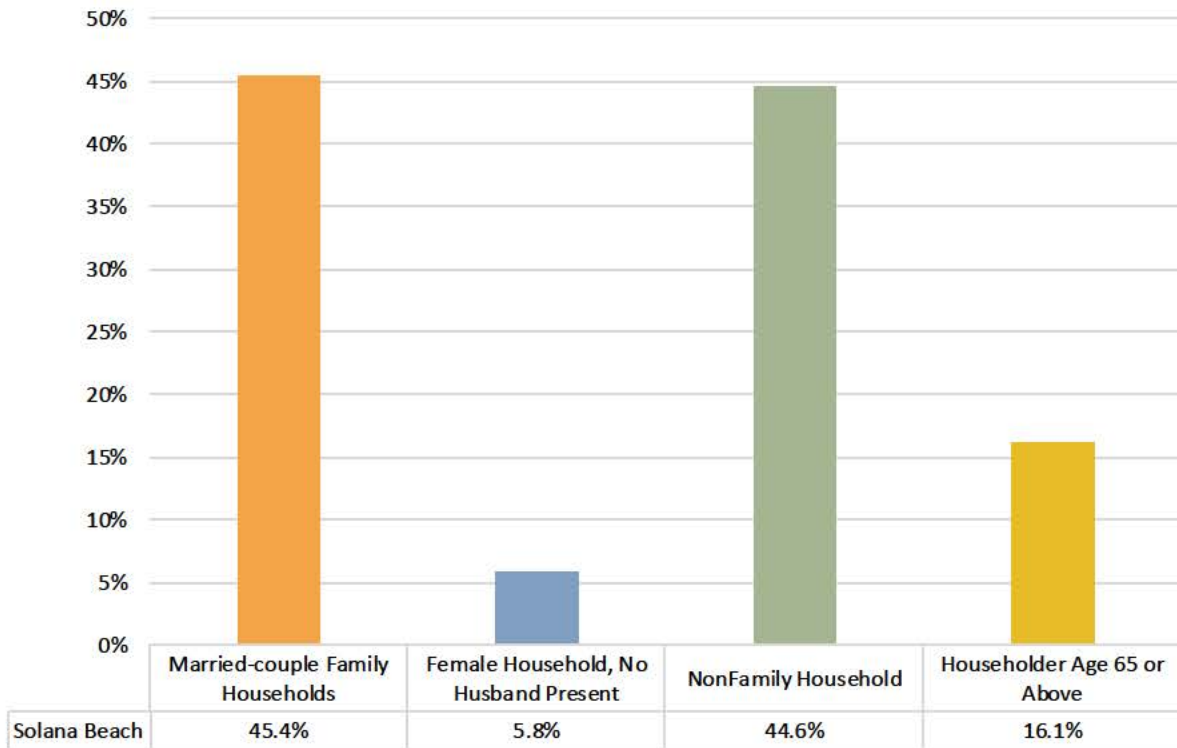
Jurisdiction	Married-couple Family Households	% of Total Households	Female Household, No Husband Present	% of Total Households	Non-Family Household	% of Total Households	Total Households
Oceanside	31,652	51.1%	7,115	11.5%	20,142	32.5%	61,978
Carlsbad	24,617	56.9%	4,576	10.6%	12,626	29.2%	43,281
Encinitas	13,026	53.6%	1,560	6.4%	8,698	35.8%	24,284
Solana Beach	2,608	45.4%	331	5.8%	2,559	44.6%	5,744
Del Mar	1,060	49.1%	75	3.5%	901	41.8%	2,157
San Diego	221,461	44.5%	56,305	11.3%	196,653	39.6%	497,189
San Diego County	556,665	50.1%	133,696	12.0%	364,949	32.8%	1,111,739

Source: American Community Survey, 5-Year Estimates, 2017.

Figure 2-3 displays the data in **Table 9**, with the addition of householder age 65 and above. Previously noted in **Figure 1**, Solana Beach has a growing population over the age of 65. In 2000, the population 65 years and over was 17.3 growing to 22.8 percent in 2017. A high percentage of persons over 65 years contributes to a higher percentage of Senior headed households. About sixteen percent of all households in Solana Beach are senior headed.

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Figure 2-3: Solana Beach Household Characteristics in Percent (2017)



Source: American Community Survey, 5-Year Estimates, 2017.

Table 2-10 shows that between 2000 and 2010, Solana Beach experienced a five percent decrease in total households and a 1.6 percent increase from 2010 to 2017. Overall Solana Beach has experienced a less than one percent decrease in total households from 2010 to 2017. The data shows that both the married-couple households and the female households with no husband present have slightly decreased from 2000 to 2017. However, the percentage of householders 65 years and over, or senior headed households, has steadily increased; jumping from 10.4 percent in 2000 to 11.5% in 2010 then increasing again to 16.1 percent in 2017.

	2000	Percent	2010	Percent	2017	Percent
Total Households	5,754	100.0%	5,650	100.0%	5,744	100.0%
Married-couple Family Households	2,723	47.3%	2,730	48.3%	2,608	45.4%
Female Household, No Husband Present	389	6.8%	360	6.4%	331	5.8%
Non-family Household	2,474	43.0%	2,367	41.9%	2,556	44.6%
Householder 65 Years and Over	599	10.4%	647	11.5%	--	16.1%

Source: American Community Survey, 5-Year Estimates, 2017.

Household size is an indicator of one source of population growth and an indicator of the character households, which represent the most basic unit of demand for housing. Although there can be more than one family in a housing unit, the measure of persons per household provides an indicator of the number of persons residing in a household

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organizing unit and the number of persons living in a housing unit. Average household size can be both a result and indicator of housing affordability and other household economic conditions.

Table 2-11 displays the average number of persons per household in North County San Diego as well as San Diego city and the County as a whole. The American Community Survey reports Solana Beach to have an average household size of 2.33 persons in 2017. The average household size of Solana Beach is smaller than the 2.87 average for the County. However, the average household size of surrounding communities is similar, ranging from 2.01 persons per households in Del Mar to 2.81 persons per household in Oceanside.

Jurisdiction	Average Persons per Household
Oceanside	2.81
Carlsbad	2.60
Encinitas	2.56
Solana Beach	2.33
Del Mar	2.01
San Diego	1.37
San Diego County	2.87

Source: American Community Survey, 5-Year Estimates, 2017.

3. Household Income

Household income is directly connected to affordability, as household income increases, it is more likely that the household can afford market rate housing units, larger units and/or pursue ownership opportunities. As household income decreases, households tend to pay a disproportionate amount of their income for housing. This may influence increased incidence of overcrowding and substandard living conditions.

The California State Department of Housing and Community Development (HCD) has identified the following income categories based on the HUD Area Median Family Income (HAMFI) of San Diego County;

- Extremely Low-income: households earning up to 30 percent of the HAMFI
- Very Low-income: households earning between 31 and 50 percent of the HAMFI
- Low-income: households earning between 51 percent and 80 percent of the HAMFI
- Moderate Income: households earning between 81 percent and 120 percent of the HAMFI
- Above Moderate Income: households earning over 120 percent of the HAMFI

Combined, the extremely low, very low, and low-income groups are referred to as lower income.¹ Comprehensive Housing Affordability Strategy (CHAS) estimates based on 2006-2016 American Community Survey (ACS) data used below. In 2017, approximately 76 percent of Solana Beach households earned moderate or above moderate incomes (Table 2-12), while 24 percent of households had incomes in the extremely low, very low, and low-income levels.

¹ Federal housing and community development programs typically assist households with incomes up to 80 percent of the HAMFI and use different terminology. For example, the Federal Community Development Block Grant (CDBG) program refers households with incomes between 51 and 80 percent HAMFI as moderate income (compared to low-income based on State definition).

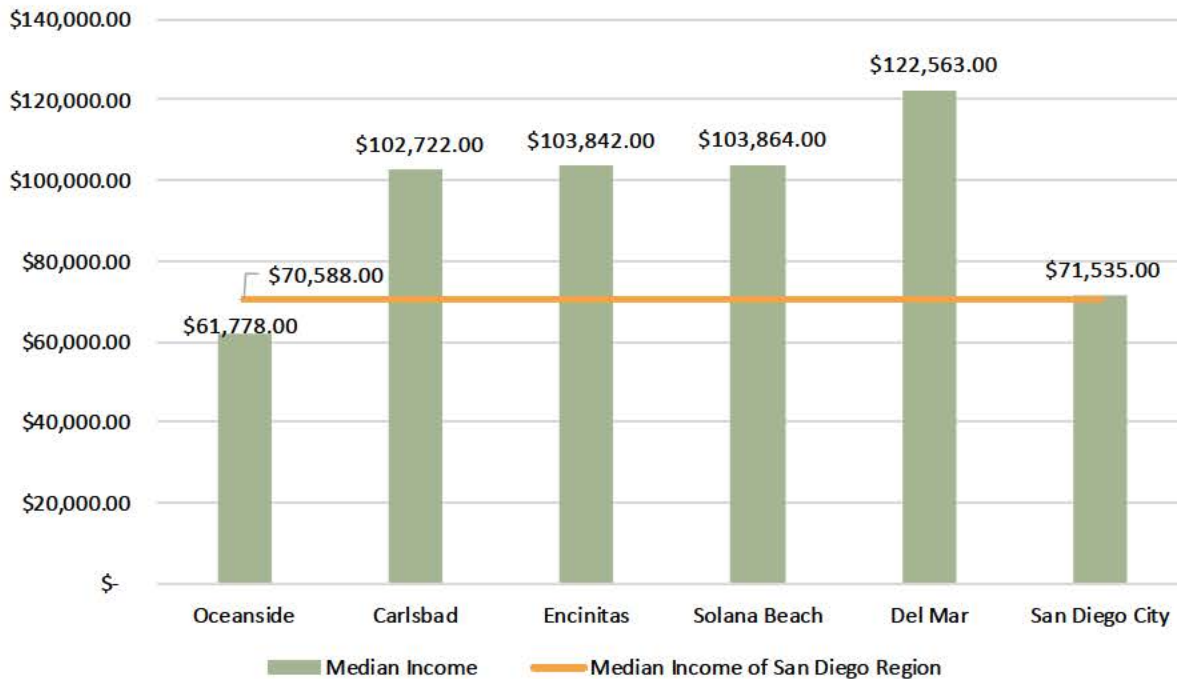
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Income Category (% of County AMFI)	Households	Percent
Extremely Low (30% HAMFI or less)	330	5.7%
Very Low (31 to 50% HAMFI)	355	6.2%
Low (51 to 80% HAMFI)	695	12.1%
Moderate or Above (over 80% HAMFI)	4,365	76%
Total	5,745	100%

Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), 2013-2017.

Household incomes in Solana Beach are significantly higher than the County, yet comparable to incomes in surrounding communities. The American Community Survey data reports that the median income in San Diego County was \$70,588 in 2017 (Figure 2-4). In the same year, Solana Beach reported an average income of \$103,864, similar to Encinitas’ median income of \$103,842 and Carlsbad’s median income of \$102,722. Solana Beach’s median income represents its high volume of professional residents in moderate to high paying jobs (Tables 6 and 8). The data in Table 2-13 shows that Solana Beach’s median reported income in 2017 was 32 percent higher than the County’s median income, a common trend in the North County region.

Figure 2-4: Median Household Income by City (2017)



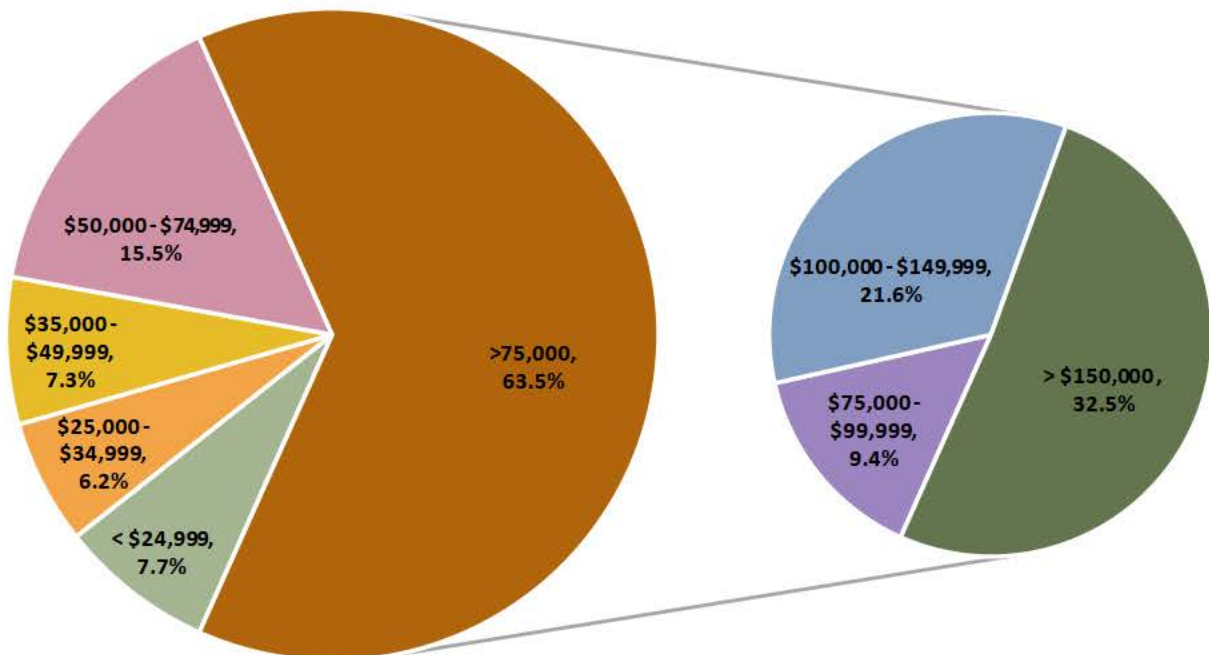
Source: American Community Survey, 5-Year Estimates, 2017.

Jurisdiction	Median Income	Percent Above/Below Regional Median
Oceanside	\$61,778	-14.3%
Carlsbad	\$102,722	31.3%
Encinitas	\$103,842	32.0%
Solana Beach	\$103,864	32.0%
Del Mar	\$122,563	42.4%
San Diego	\$71,535	1.3%
San Diego County	\$70,588	--

Source: American Community Survey, 5-Year Estimates, 2017.

The data displayed in Figure 2-5 shows the majority of households in Solana Beach (63.5 percent) had an income of \$75,000 or higher. Majority of residents made above \$100,000 per year in 2017, with 21.6 percent households making \$100,000 to \$149,999 and 32.5 percent of households making \$150,000 or more. On the other hand, just 7.7 percent of households made less than \$24,999 and 13.5 percent made \$25,000 to \$49,999. Overall, the majority of Solana Beach’s households have moderate to high incomes.

Figure 2-5: Solana Beach Income Breakdown by Category



Source: American Community Survey, 5-Year Estimates, 2017.

D. Housing Problems

The Comprehensive Housing Affordability Strategy (CHAS) developed by the Census Bureau for HUD provides detailed information on housing needs by income level for different types of households in Solana Beach. The most recent available CHAS data for Solana Beach was published in August 2019 and was based on 2006-2016 ACS data. Housing problems considered by CHAS included:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room);
- Housing cost burdens, including utilities, exceeding 30 percent of gross income; or
- Severe housing cost burdens, including utilities, exceeding 50 percent of gross income.

The types of problems in Solana Beach vary according to household income, type, and tenure (Table 2-14). These include:

- In general, owner-households had a lower level of housing problems (16 percent) than renter-households (22.6 percent).
- Approximately seven percent of owner households reported having a severe housing problem, whereas almost sixteen percent of renters reported a severe housing problem.
- Overall, 38.6 percent of all households reported at least one housing problem and 22.8 percent of all households reported at least one severe housing problem.

Housing Problem Overview*	Owner	Percent	Renter	Percent	Total	Percent
Household has at least 1 of 4 Housing Problems	920	16.0%	1,300	22.6%	2,220	38.6%
Household has none of 4 Housing Problems	2,385	41.5%	1,085	18.9%	3,470	60.3%
Cost Burden not available, no other problems	25	0.4%	40	0.7%	65	1.1%
Total	3,325	57.8%	2,425	42.2%	5,750	100%
Severe Housing Problem Overview**	Owner	Percent	Renter	Percent	Total	Percent
Household has at least 1 of 4 Severe Housing Problems	400	7.0%	910	15.8%	1,310	22.8%
Household has none of 4 Severe Housing Problems	2,900	50.4%	1,470	25.6%	4,370	76.0%
Cost Burden not available, no other problems	24	0.4%	40	0.7%	65	1.1%
Total	3,325	57.8%	2,425	42.2%	5,750	100%

* The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%.

** The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1.5 persons per room, and cost burden greater than 50%.

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2012-2016.

1. Overcrowding

A combination of low incomes and high housing costs forces households to live in overcrowded conditions. “Overcrowding” is generally defined as a housing unit occupied by more than one person per room in house (including living room and dining rooms, but excluding hallways, kitchen, and bathrooms). An overcrowded household results from either a lack of affordable housing (which forces more than one household to live together) and/or a lack of available housing units of adequate size. Overcrowding can indicate that a community does not have an adequate supply of affordable housing, especially for large families.

Overcrowded and severely overcrowded households can lead to neighborhood deterioration due to the intensive use of individual housing units leading to excessive wear and tear, and the potential cumulative overburdening of community infrastructure and service capacity. Furthermore, overcrowding in neighborhoods can lead to an overall decline in social cohesion and environmental quality. Such decline can often spread geographically and impact the quality of life and the economic value of property and the vitality of commerce within a city. The combination of lower incomes and high housing costs result in many households living in overcrowded housing conditions.

Tenure	Total	Overcrowded Housing Units (1.01-1.5 persons/room)	Percent	Severely Overcrowded Housing Units (>1.5 persons/room)	Percent
Owner Occupied	3,368	27	0.47%	0	0.0%
Renter Occupied	2,376	15	0.26%	28	0.49%
Total	5,744	42	0.73%	28	0.49%

Source: American Community Survey, 5-Year Estimates, 2017.

Because of Solana Beach’s demographic profile (older population, smaller household, higher income) overcrowding has not been a reported issue. According to the American Community Survey, shown in Table 2-15, less than one percent of owner-occupied households reported overcrowding (more than one person per room) and no owner-occupied households reported severe overcrowding (more than 1.5 persons per room). Of the renter-occupied households, less than one percent reported overcrowding or severe overcrowding. Only 1.2 percent of all households reported any kind of crowding, nearly five percent less than San Diego County. Additionally, overcrowding was less of an issue in Solana Beach than many of its neighbors, where Oceanside experienced 4.8 percent reported overcrowding and 3.4 percent in Encinitas. Overall, overcrowding in the North County area is reported as less of a problem than in San Diego County as a whole.

Jurisdiction	Total Overcrowded Units	Percent
Oceanside	2,997	4.8%
Carlsbad	892	2.1%
Encinitas	816	3.4%
Solana Beach	70	1.2%
Del Mar	0	0%
San Diego	31,411	6.3%
San Diego County	72,686	6.5%

Source: American Community Survey, 5-Year Estimates, 2017.

2. Overpayment (Cost Burden) In Relationship to Income

State and federal standards indicate that a household paying more than 30 percent of its income for housing is overpaying. Overpayment for housing can cause an imbalance on the remainder of a household's budget. Understanding and measuring overpayment for housing in a community is an indicator of the dynamics of demand and supply.

Per the Housing and Urban Development CHAS report, shown in Table 2-17, 3,189 households or about half of Solana Beach's households reported some type of overpayment. About 15 percent of owners experienced a cost burden over 30 percent and only about 6 percent of owners reported a cost burden of 50 percent or greater. The data in Table 17 show that renters were importantly affected by cost burden, where 20.4 percent reported a 30 percent or higher burden and 13.5 percent reported a 50 percent or high cost burden.

Table 2-17: Summary of Housing Overpayment

Income by Cost Burden*	Owner				Renter				Total Households with Cost Burden	% of Tot. HH
	Cost Burden > 30%	% of Tot. HH*	Cost Burden > 50%	% of Tot. HH	Cost Burden > 30%	% of Tot. HH	Cost Burden > 50%	% of Tot. HH		
Household Income is less-than or = 30%	65	1.1%	55	1.0%	255	4.4%	240	4.2%	615	10.7%
Household Income >30% to less-than or = 50% HAMFI	99	1.7%	95	1.7%	275	4.8%	250	4.3%	719	12.5%
Household Income >50% to less-than or = 80% HAMFI	135	2.3%	95	1.7%	355	6.2%	235	4.1%	820	14.3%
Household Income >80% to less-than or = 100% HAMFI	120	2.1%	50	0.9%	205	3.6%	35	0.6%	410	7.1%
Household Income >100% HAMFI	465	8.1%	60	1.0%	85	1.5%	15	0.3%	625	10.9%
Total	884	15.4%	355	6.2%	1,175	20.4%	775	13.5%	3,189	55.5%

*% of tot. HH = Percent of Total Households in Solana Beach

*Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.

Note: HAMFI = HUD Area Median Family Income, this is the median family income calculated by HUD for each jurisdiction, to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.

Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2012-2016.

E. Special Needs Groups

Certain households may have more difficulty in finding adequate and affordable housing due to special circumstances, therefore, it is important to understand the demographics of persons with special needs to recognize how it influences the housing needs within a community. Special needs populations include seniors, persons with disabilities, female-headed households, large households, and farm workers. In addition, many often have lower incomes because of their conditions. Table 2-18 displays the data for persons with special needs in Solana Beach.

Special Needs Groups	# of People or Households	Percent of Total Population/ Households
Senior Headed Households	1,067	18.6%
Households with Seniors (65 years and over)	2,190	38.1%
Seniors Living Alone	926	16.1%
Persons with Disabilities	861	6.5%
Large Households (5 or more persons per household)	197	3.4%
Single-Parent Households	267	4.6%
Single-Parent, Female Headed Households with Children (under 18 years)	119	2.1%
People Living in Poverty	656	4.9%
Farmworkers	109	0.8%
Homeless*	80	---
* Total number of people includes counts for Solana Beach and surrounding jurisdictions, including Del Mar, Encinitas and San Diego. Source: American Community Survey, 5-Year Estimates, 2017		

1. Seniors

The senior population, generally defined as those 65 years of age and over, has several concerns: limited and fixed incomes, high health care costs, transit dependency, and living alone. Specific housing needs of the senior population include affordable housing, supportive housing (such as intermediate care facilities), group homes, and other housing that includes a planned service component.

A limited income for many seniors, often makes it difficult to find affordable housing. Table 2-19 compares Solana Beach’s senior population to San Diego County and nearby cities. The data reports that in Solana Beach 22.8 percent of the population is age 65 or over, 3,040 persons. Among the senior population, 926 living alone, and 2,190 households have persons 65 years and over living in them (Table 2-18). Furthermore, about 18 percent of all households in Solana Beach were seniors headed households. In 2017, ACS reported 12.9 percent of San Diego County’s population to be age 65 or over, about half of Solana Beach’s Senior population. The North County Cities all report a higher senior population than the County, Del Mar’s being the highest at 25.6 percent. In addition to overpayment problems faced by seniors due to their relatively fixed incomes, many seniors are faced with various disabilities (Table 20).

Jurisdiction	Population Count	Percent
Oceanside	26,461	15.1%
Carlsbad	18,082	16.0%
Encinitas	10,582	16.9%
Solana Beach	3,040	22.7%
Del Mar	1,109	25.6%
San Diego	166,922	12.0%
San Diego County	425,217	12.9%

Source: American Community Survey, 5-Year Estimates, 2017.

Table 2-20 displays the tenure of Solana Beach and surrounding jurisdictions for residents 65 and over. There are currently more owner-occupied housing units than renter-occupied housing units in all the jurisdictions listed below. In Solana Beach, owner-occupied housing units make up 81% of all senior occupied housing units, with the remainder being renter-occupied units.

Jurisdiction	Owner-Occupied Housing Units	Renter-occupied Housing Units	Occupied Housing Unit
Del Mar	636	75	711
Encinitas	5,248	2,133	7,381
Solana Beach	1,627	375	2,002
San Diego	73,515	30,626	103,841
San Diego County	191,062	67,286	258,348

Source: American Community Survey, 5-Year Estimates, 2019

2. Persons with Physical and Developmental Disabilities

Physical and developmental disabilities can hinder access to traditionally designed housing units as well as potentially limit the ability to earn adequate income. Physical, mental, and/or developmental disabilities may deprive a person from earning income, restrict mobility, or make self-care difficult. Thus, persons with disabilities often have special housing needs related to limited earning capacity, a lack of accessible and affordable housing, and higher health costs associated with a disability. Additionally, some residents suffer from disabilities that require living in a supportive or institutional setting.

Although no current comparisons of disability with income, household size, or race/ethnicity are available, it is reasonable to assume that a substantial portion of persons with disabilities would have annual incomes within Federal and State income limits, especially those households not in the labor force. Furthermore, many lower income persons with disabilities are likely to require housing assistance and services. Housing needs for disabled persons are further compounded by design issues and location factors, which can often be costly. For example, special needs of households with wheelchair-bound or semi-ambulatory individuals may require ramps, holding bars, special bathroom designs, wider doorways, lower cabinets, elevators, and other interior and exterior design features.

Housing opportunities for persons with disabilities can be addressed through the provision of affordable, barrier-free housing. Rehabilitation assistance can be targeted toward renters and homeowners with disabilities for unit modification to improve accessibility.

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The 2017 ACS identifies six disability types: hearing disability, vision disability, cognitive disability, ambulatory disability, self-care disability and independent living disability. The Census and the ACS provide clarifying questions to determine persons with disabilities and differentiate disabilities within the population. The ACS defines a disability as a report of one of the six disabilities identified by the following questions:

- **Hearing Disability:** Is this person deaf or does he/she have serious difficulty hearing?
- **Visual Disability:** Is this person blind or do they have serious difficulty seeing even when wearing glasses?
- **Cognitive Difficulty:** Because of a physical, mental, or emotional condition, does this person have serious difficulty concentrating, remembering, or making decisions?
- **Ambulatory Difficulty:** Does this person have serious difficulty walking or climbing stairs?
- **In dependent Living Difficulty:** Because of a physical, mental, or emotional condition, does this person have difficulty doing errands alone such as visiting a doctor’s office or shopping?

According to the 2017 ACS, shown in Table 2-21, majority of persons in Solana Beach with a disability reported having an ambulatory disability (30.2 percent). Twenty-three percent of persons with a disability reported having independent living difficulties, which could be an effect of the generally older population of Solana Beach. The 2017 ACS data reports that 18.3 percent of persons with a disability had a cognitive difficulty and 17.6 percent had a hearing difficulty.

Among the persons with reported disabilities, 1,120 were 65 years and older, about 70 percent of reported disabilities. Only about five percent of documented disabilities were reported for persons under the age of eighteen, and a 24.6 percent were persons aged 18 to 64. Overall, of the total population in Solana Beach 6.5 percent are reported to have at least one disability (Table 2-18).

Disability Type	Under 18 with a Disability	18 to 64 with a Disability	65 years and Over with a Disability	Total	Percent of Population with Disability	Percent of Total Population
Population with a Hearing Difficulty	0	54	228	282	17.6%	2.1%
Population with a Vision Difficulty	5	17	34	56	3.5%	0.4%
Population with a Cognitive Difficulty	46	111	136	293	18.3%	2.2%
Population with an Ambulatory Difficulty	17	88	378	483	30.2%	3.6%
Population with a Self-care Difficulty	17	35	64	116	7.3%	0.9%
Population with an independent Living Difficulty	--	90	280	370	23.1%	2.8%
Total	85	395	1,120	1,600*	100.0%	--

*This number may double count as some persons report having one or more disabilities, therefore this total number differs from the total number of persons with a disability in Table 18.

Source: American Community Survey, 5-Year Estimates, 2017.

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Developmental Disabilities

State law requires that the Housing Element discuss the housing needs of persons with developmental disabilities. As defined by the Developmental Disabilities Assistance and Bill of Rights Act of 2000, a “developmental disability” is a severe, chronic disability of an individual that:

- Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas of major life activity: a) self-care; b) receptive and expressive language; c) learning; d) mobility; e) self-direction; f) capacity for independent living; or g) economic self-sufficiency; and
- Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

Many people with developmental disabilities can live and work independently within a conventional housing environment. Individuals with more severe developmental disabilities require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for persons with developmental disabilities is the transition from the person’s living situation as a child to an appropriate level of independence as an adult.

Solana Beach has approximately 21 individuals aged 0 – 17 and 29 individuals 18 years and older identified as having a developmental disability by the State Department of Developmental Services (DDS) in December 2020. This is a total of 50 individuals, which represents approximately 0.4% of the total population for the City. While the 21 individuals aged 0 – 17 likely live with family, it is important that housing for the 21 adults with developmental disabilities be planned for by the City. To address the needs of this population, the City has included **Program 4C** to accommodate the approval of group homes, ADA retrofit efforts, ADA compliance and/or other measures through the implementation of Title 24.

The San Diego Regional Center (SDRC) is a focal point in the community for persons with developmental disabilities living in San Diego and Imperial Counties. The SDRC provides community resources and services to residents with developmental disabilities by assisting in locating affordable housing opportunities, employment opportunities, and overall enhancing quality of individual’s daily living experiences through access to necessary services. The SDRC has five main Area Offices, with the Carlsbad (North County Office), being the closest to Solana Beach. The SDRC has a wide range of resources available both in person at their Area Offices as well as online at <http://sdrc.org/>. The SDRC does not post statistics relating to individuals assisted per jurisdiction, but does have an extensive list of service providers who they partner with to provide services to residents. The following service providers located within Solana Beach are listed on the 2021 SDRC Vendor List.

- Behavioral Autism Therapies, LLC
- Real Connections Child Development Institute
- Solana Beach Child Development Center
- MFG, Inc.
- Strength Collectives, LLC
- Evans, Amber Pawlowski
- Andrews Speech and Language
- At Play Occupational Therapy Services, Inc.
- Hartmann Barrett, Brooke
- Himstreet, Christine EST
- Kids on the Go Therapy
- Rise Physical Therapy
- Segal Speech and Language Therapy
- Strides Physical Therapy, Inc.
- College Nannies & Tutors #1
- Access to Success ILS
- Kelly-Danssaert, Joanne

3. Large Households

Large Households are defined as households consisting of five or more persons. Such households comprise special needs groups because many communities have a limited supply of adequately sized and affordable housing units. To save for other necessities such as food, clothing and medical care, it is common for lower income large households to reside in smaller units with inadequate number of bedrooms, which frequently results in overcrowding and can contribute to fast rates of deterioration.

Securing housing large enough to accommodate all members of a household is more challenging for renters, because multi-family rental units are typically smaller than single-family ownership units. While apartment complexes offering two and three bedrooms are common, apartments with four or more bedrooms are rare. It is more likely that a large family will experience overcrowding in comparison to smaller families. Additionally, throughout the region, larger single-family homes, whether to rent or own, are generally not affordable to most lower income households.

The 2017 ACS reported a small percentage of large households in Solana Beach. **Table 2-22** displays the data for large households, showing that under four percent of total households in Solana Beach were large households. Among large households in Solana Beach, majority were owner occupied, 177; while just twenty were renter occupied. Overall, Solana Beach has a small percentage of large households to accommodate.

Household Size	Owner	Percent	Renter	Percent	Total	Percent
5-Person Household	130	2.2%	9	0.1%	139	2.4%
6-person household	20	0.3%	10	0.2%	30	0.5%
7-or-more person Households	27	0.5%	1	0.01%	28	0.5%
Total	177	3.1%	20	0.3%	197	3.4%

Source: American Community Survey, 5-Year Estimates, 2017.

4. Single-Parent Households

Single-parent households often require special consideration and assistance due to their greater need for affordable and accessible day care, health care, and other supportive services. Many female-headed households with children are susceptible to having lower incomes than similar two-parent households. Single, female mothers often face social marginalization pressures that often limit their occupational choices and income earning potential, housing options and access to supportive services.

The data in **Table 2-23**, gathered from the 2017 ACS, shows that under five percent (267) of all households are single-parent households in Solana Beach. Of the 267 single parent households, 119 are reported female headed, no male present and 148 are male headed, no female present. Overall, the data shows that there are no single-parent households living in poverty.

	Single Parent-Male, No Female Present	Single Parent-Female, No Male Present	Single Parent Households Living in Poverty	Single Parent Households	Percent of Total Households
Solana Beach	148	119	0	267	4.6%

Source: American Community Survey, 5-Year Estimates, 2017.

5. Farmworkers

The Agricultural sector is one of the largest industry sectors in California and employs 422,430 persons as of 2019². Farm workers are traditionally defined as persons whose primary incomes are earned through seasonal agricultural work. Farm workers have special housing needs because they earn lower incomes than many other workers and move throughout the year from one harvest location to the next.

Data for farm and agriculture workers is compiled by county within California; the most recent available data comes from the Census of Agriculture, 2017 report produced by the United States Department of Agriculture, National Agricultural Statistics Services. According to the Hired Farm Labor – Workers and Payroll report, there were a total of 2,202 farms and 12,335 hired farm laborers in San Diego County in 2017. The data also identifies a total of 764 migrant farmworkers³. On average, farmworkers in the San Diego region earn about \$32,800 per year, this is about 46 percent of the San Diego County median income (See Figure 4 above), therefore, farmworkers are generally within the low-income household category. Currently, there are reported less than one percent of the population employed in agriculture, forestry, fishing and hunting, and mining occupations in Solana Beach. The City has several plant and tree nurseries and ornamental horticultural businesses which employ residents identified within the agricultural sector. The City's efforts to plan for future housing available to lower-income residents encompasses the current identified need for residents in the agricultural sector.

6. Extremely Low-income Households and Poverty Status

2012-2016 Comprehensive Housing Affordability Strategy (CHAS) data indicates there were approximately 700 low-income households and 445 very low-income households. Very low-income households are those households that earn 50 percent or less of the median family income (MFI) for San Diego County. Extremely low-income households are those households which earn less than 30 percent of the MFI. There are approximately 435 extremely low-income households in Solana Beach (renters and owners). **Table 2-24** below, includes data characterizing affordability and cost burden for various income groups.

² California Agriculture Employment Maps, California Employment Development Department, 2019.

³ United States Department of Agriculture, National Agricultural Statistics Services, *Census of Agriculture, California, 2017*.

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Table 2-24: Housing Problems for All Households by Tenure

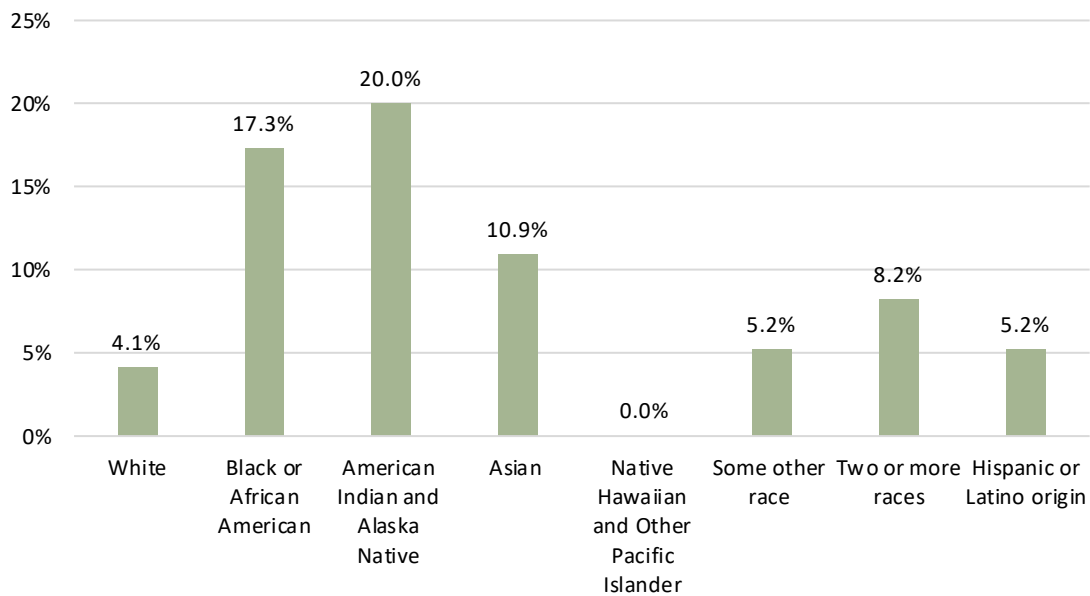
In come by Housing Problem	Owner		
	Household has at least 1 of 4 Housing Problems	Household has none of 4 Housing Problems	Cost Burden not available, no other Housing Problem
Household Income is less-than or = 30%	65	30	25
Household Income >30% to less-than or = 50% HAMFI	100	70	--
Household Income >50% to less-than or = 80% HAMFI	140	200	--
Household Income >80% to less-than or = 100% HAMFI	125	170	--
Household Income >100% HAMFI	490	1,915	--
Total	920	2,385	25
In come by Housing Problem	Renter		
	Household has at least 1 of 4 Housing Problems	Household has none of 4 Housing Problems	Cost Burden not available, no other Housing Problem
Household Income is less-than or = 30%	255	20	40
Household Income >30% to less-than or = 50% HAMFI	275	--	--
Household Income >50% to less-than or = 80% HAMFI	355	10	--
Household Income >80% to less-than or = 100% HAMFI	250	60	--
Household Income >100% HAMFI	165	995	--
Total	1,300	1,085	40
Total Households (Owner and Renter)	2,220	3,470	65

Source: Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) 2012-2016.
 * The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%.
 ** The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1.5 persons per room, and cost burden greater than 50%.
 Note: HAMFI = HUD Area Median Family Income, this is the median family income calculated by HUD for each jurisdiction, to determine Fair Market Rents (FMRs) and income limits for HUD programs. HAMFI will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made.

According to the 2017 ACS, 656 persons were reported to be living in poverty, about 4.9 percent of the population. Figure 2-6, displays the percent of persons living in poverty by race or ethnicity and Hispanic or Latino origin, based on own race/ethnicity.

The lowest percentage of people living in poverty was the population who identified as White, with just 4.1 percent of all persons who identified White living in poverty. American Indian and Alaska native was the highest percent of persons living in poverty at 20 percent of the total American Indian and Alaska native population living in poverty. Additionally, both the Black or African American and Asian populations were disproportionately affected by poverty as 17.3 percent of the Black or African American population in the City reported living in poverty and 10.9 percent of the Asian population in the City reported living in poverty. The Native Hawaiian and other Pacific Islander population shows no persons living in poverty; however, it should be noted that no people within Solana Beach reported their race/ethnicity as Native Hawaiian/other Pacific Islander.

Figure 2-6: Percent below Poverty Level, by Race and Hispanic or Latino Origin in Solana Beach



Source: American Community Survey, 5-Year Estimates, 2017.

7. Homeless

Throughout the country and the San Diego region, homelessness has become an increasingly important issue in light of the current economic conditions. Factors contributing to the rise in homelessness include increased unemployment and underemployment, a lack of housing affordable to lower and moderate-income persons (especially extremely low-income households), reductions in public subsidies to the poor, and the de-institutionalization of the mentally ill.

State law mandates that municipalities address the special needs of homeless persons within their jurisdictional boundaries. “Homelessness” as defined by the U.S. Department of Housing and Urban Development (HUD) has recently been updated, the following list the updated descriptions for homeless and the changes in the definition from HUD:

- People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided. The only significant change from existing practice is that people will be considered homeless if they are exiting an institution where they resided for up to 90 days (it was previously 30 days), and were in shelter or a place not meant for human habitation immediately prior to entering that institution.
- People who are losing their primary nighttime residence, which may include a motel or hotel or a doubled-up situation, within 14 days and lack resources or support networks to remain in housing. HUD had previously allowed people who were being displaced within 7 days to be considered homeless. The proposed regulation also describes specific documentation requirements for this category.
- Families with children or unaccompanied youth who are unstably housed and likely to continue in that state. This is a new category of homelessness, and it applies to families with children or unaccompanied youth who have not had a lease or ownership interest in a housing unit in the last 60 or more days, have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment.
- People who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain other permanent housing. This category is similar to the current practice regarding people who are fleeing domestic violence.

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This definition does not include persons living in substandard housing (unless it has been officially condemned); persons living in overcrowded housing (for example, doubled up with others), persons being discharged from mental health facilities (unless the person was homeless when entering and is considered to be homeless at discharge), or persons who may be at risk of homelessness (for example, living temporarily with family or friends.)

The Regional Task Force on the Homeless (RTFH) is San Diego County’s leading resource for information on issues of homelessness. The RTFH promotes a regional approach as the best solution to ending homelessness in San Diego County. RTFH compiles data from a physical Point-In-Time (PIT) count of sheltered (emergency and transitional) and street homeless persons. 2018 was the last year in which the San Diego County WeAllCount Annual Report identified Solana Beach separately from surrounding jurisdictions. In the 2018 count, the population of sheltered and unsheltered people experiencing homelessness in Solana Beach was none. The 2019 Count was conducted on January 25, 2019 and the results are shown in Table 2-25 Oceanside had the largest homeless population of the North County coastal cities. Solana Beach’s homeless population includes homeless persons in Encinitas, San Dieguito, and Del Mar.

Jurisdiction	Unsheltered	Sheltered	Total	% of County
Oceanside	242	166	408	5.4%
Carlsbad	94	53	147	1.9%
Solana Beach*	47	33	80	1.1%
San Diego	2,283	2,604	4,887	64.1%
San Diego County	3,971	3,648	7,619	100%

* Total number of people includes counts for Solana Beach and surrounding jurisdictions, including Del Mar, Encinitas and San Diego
Source: San Diego Regional Task Force on the Homeless (RTFH), WeAllCount Survey Results, 2019.

According to RTFH, the San Diego region’s homeless population can be divided into two general groups: (1) urban homeless, and (2) rural homeless, including farm workers and day laborers who primarily occupy the hillsides, canyons and fields of the northern regions of the County. It is important to recognize that homeless individuals may fall into more than one category (for example, a homeless individual may be a veteran and a substance abuser), making it difficult to accurately quantify and categorize the homeless. RTFH reports the San Diego Region has seen an increase in the average length of time people reside in emergency shelters. The report shows that over 40 percent of the people who exit shelter move on to stable living conditions, but 26 percent return to homelessness within two years.

The North County region of San Diego experiences a reduced amount of homelessness compared to San Diego City and the County as a whole (Table 2-24). The City of Solana Beach (including nearby cities) has the lowest count of homeless persons in the North County region, 47 unsheltered and 33 sheltered, a total of 80 homeless persons.

8. Students

The college student population in the area is another significant factor affecting housing demand. Solana Beach is located near the University of California, San Diego, San Diego State University, the University of San Diego, California State University at San Marcos, Point Loma Nazarene University, Palomar College, Mesa College and Mira Costa College. According to the 2013-2017 ACS, 696 persons, about 5.2 percent of Solana Beach’s population, were enrolled in college or graduate school, of total persons enrolled in college or graduate school 456 were females (65.5 percent). While many of the City’s college students reside with their parents, some students reside in Solana Beach in their own independent housing and a general lack of affordable housing is often a factor in a student’s decision to move elsewhere after graduation.

F. Housing Stock Characteristics

The characteristics of the housing stock, including growth, type, availability and tenure, age and condition, housing costs, and affordability are important in determining the housing needs for the community. This section details the housing stock characteristics of Solana Beach to identify how well the current housing stock meets the needs of its current and future residents.

1. Housing Growth

According to the 2017 ACS, between 2000 and 2010, the Solana Beach housing stock was estimated to grow from 6,456 to 6,540 units, a 1.3 percent growth shown in Table 25. From 2010 to 2017, Solana Beach experienced a 1.9 percent housing growth. The Overall housing growth in the Northern Coastal County areas has been limited; when compared to adjacent cities, Solana Beach experienced the lowest percent of housing growth as Carlsbad saw a 32 percent growth from 2000 to 2010 and another 5.5 percent increase in housing stock from 2010 to 2017. Additionally, smaller cities, such as Del Mar saw a 9.3 percent growth from 2010 to 2017.

Jurisdiction	2000	2010	2017	Percent Change 2000 to 2010	Percent Change 2010 to 2017
Oceanside	59,581	64,435	66,715	8.1%	3.5%
Carlsbad	33,798	44,673	47,119	32.2%	5.5%
Encinitas	23,843	25,740	26,321	8.0%	2.3%
Solana Beach	6,456	6,540	6,665	1.3%	1.9%
Del Mar	2,557	2,596	2,838	1.5%	9.3%
San Diego	469,689	516,033	533,973	9.9%	3.5%
San Diego County	1,040,149	1,164,786	1,195,868	12.0%	2.7%

Source: U.S. Census Bureau, 2000 and 2010 and American Community Survey, 5-Year Estimate, 2017.

2. Housing Type

Table 2-27 provides characterization of the housing stock in Solana Beach and San Diego County per the 2013-2017 American Community Survey. The 2013-2017 American Community Survey indicates that single-family detached homes are the predominant housing type in both Solana Beach and San Diego County. However, Solana Beach proves to provide a diverse assortment of housing. Single-family housing units make up about 45.7 percent of Solana Beach's housing stock and multi-family units make up 38.9 percent of the housing stock. Mobile homes make up under one percent of the total housing stock.

Jurisdiction	Single-Family Detached	Single-Family Attached	Multi-Family	Mobile Homes	Total Units
Solana Beach	3,051	992	2,596	26	6,665
San Diego County	613,113	112,939	426,053	42,614	1,195,868

Source: American Community Survey, 5-Year Estimates, 2017.

3. Housing Availability and Tenure

Housing tenure and vacancy rates generally influence the supply and cost of housing. Housing tenure defines if a unit is owner-occupied or renter-occupied. Tenure is an important market characteristic as it relates to the availability of housing product types and length of tenure. The tenure characteristics in a community can indicate several aspects of the housing market, such as affordability, household stability, and availability of unit types, among others. In many communities, tenure distribution generally correlates with household income, composition and age of the householder.

In 2017, Solana Beach’s occupied housing was nearly split evenly between owners and renters. Owners made up 58 percent of occupied housing units, majority in single-family detached housing (2,334). Just sixteen percent of single family detached units were occupied by renters, where nearly 80 percent of multi-family units were occupied by renters. All occupied mobile homes in the City were owner occupied.

	Single-Family Detached	Single-Family Attached	Multi-Family	Mobile Homes	Total Occupied Units
Owner Occupied	2,334	600	408	26	3,368
Renter Occupied	451	336	1,589	0	2,376
Total	2,785	936	1,997	26	5,744

Source: American Community Survey, 5-Year Estimates, 2017.

As shown in Table 2-29, owner-occupied households had a slightly higher average household size than renter-occupied households in 2017. The average owner-household size in 2017 was 2.41, whereas renter-occupied units average 2.21 persons per household. Additionally, overall household size is smaller than both the County’s average of 2.87 persons and the nearby jurisdictions ranging from 2.56 in Encinitas to 2.81 in Oceanside. The smaller household sizes could be due to the large number of seniors and senior headed households and smaller number of persons under 18 years in the City.

Jurisdiction	Owner Occupied Household Size	Renter Occupied Household Size	Average Household Size
Oceanside	2.73	2.91	2.81
Carlsbad	2.67	2.47	2.60
Encinitas	2.68	2.36	2.56
Solana Beach	2.41	2.21	2.33
Del Mar	2.19	1.80	2.01
San Diego	2.80	2.66	2.72
San Diego County	2.89	2.85	2.87

Source: American Community Survey, 5-Year Estimates, 2017.

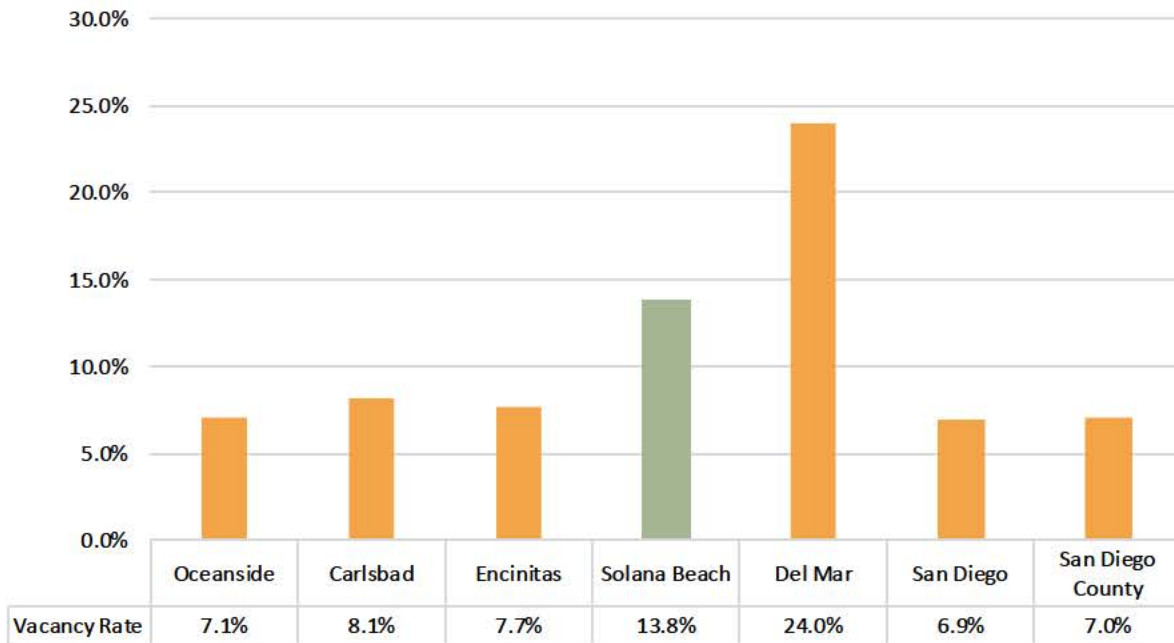
Vacancy rates are an important housing indicator because they indicate the degree of choice available. High vacancy rates usually indicate low demand and/or high supply conditions in the housing market. Too high of a vacancy rate can be difficult for owners trying to sell or rent. Low vacancy rates usually indicate high demand and/or low supply conditions in the housing market. Too low of a vacancy rate can force prices up making it more difficult for lower and

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moderate-income households to find housing. Vacancy rates of between two to three percent are usually considered healthy for single-family or ownership housing, and rates of five to six percent are usually considered healthy for multi-family or rental housing. However, vacancy rates are not the sole indicator of market conditions. They must be viewed in the context of all the characteristics of the local and regional market.

The data displayed in **Figure 2-7** shows that Solana Beach has a vacancy rate of 13.8 percent, lower than Del Mar’s 24 percent, but nearly double the County’s vacancy rate and higher than nearby jurisdictions.

Figure 2-7: Vacancy Rates by Jurisdiction



Source: American Community Survey, 5-Year Estimates, 2017.

Table 2-30 displays the breakdown of type of vacant units in Solana Beach. Seasonal, recreational and occasional use units have the highest count of vacancy at 681 units, meaning that many of the vacant homes in Solana Beach are primarily seasonal vacation homes. There were 45 rented but unoccupied units in 2017 and 16 sold but unoccupied units. In addition, there were zero units vacant for migrant workers and only 88 units available for sale and for rent combined in 2017.

Type of Housing	Estimate
For rent	88
Rented, not occupied	45
For sale only	0
Sold, not occupied	16
For seasonal, recreational or occasional use	681
For migrant workers	0
Other vacant	91
Total	921

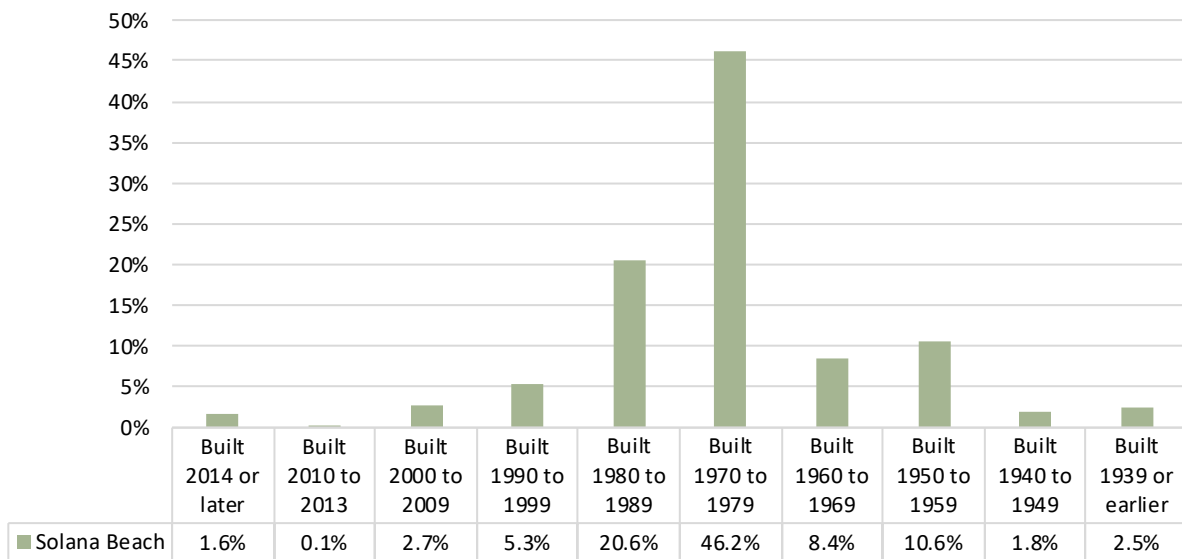
Source: American Community Survey, 5-Year Estimates, 2017.

4. Housing Age and Condition

Housing age can be an important indicator of housing condition within a community. For example, housing that is over 30 years old is typically in need of some major rehabilitation, such as a new roof, foundation, plumbing, etc. Many federal and state programs also use the age of housing as one factor in determining housing rehabilitation needs.

According to the data displayed in **Figure 2-8**, there was a housing stock boom from 1970 to 1978, with 46.2 percent of all housing built during this time. Between 1980 and 1989, a smaller number of homes were built but overall a large percentage of homes were built during the mid to late 20th century. Only about 4 percent units in Solana Beach built after 2000, and about 2 percent in 2014 or later. Typically, a large proportion of older housing would indicate that most of the City’s housing stock could require major rehabilitation. However, due to the City’s higher than average median household income and housing values, owner-occupied housing is better maintained than in many other jurisdictions. From 2019 to 2020 a total of 81 code enforcement reports were filed related to dilapidated properties, property maintenance, and/or substandard living conditions.

Figure 2-8: Housing Stock Age



Source: American Community Survey, 5-Year Estimates, 2017.

5. Housing Costs and Affordability

Housing costs reflect the supply and demand of housing in a community. This section summarizes the cost and affordability of the housing stock to Solana Beach’s residents.

Table 2-31 shows the median home value in Solana Beach was \$1,103,900 in 2017. Value is significantly lower than Del Mar’s median home value of \$2,000,000, Solana Beach’s median home value is 28% higher than Encinitas. Additionally, Solana Beach’s median home value is about 56 percent higher than the County’s median home value of \$484,900.

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Jurisdiction	Median Home Value
Oceanside	\$423,100
Carlsbad	\$713,600
Encinitas	\$862,300
Solana Beach	\$1,103,900
Del Mar	\$2,000,000
San Diego	\$523,600
San Diego County	\$484,900

Source: American Community Survey, 5-Year Estimates, 2017.

The primary source of information on rental costs in the San Diego region is the San Diego County Apartment Association (SDCAA). SDCAA conducts two surveys of rental properties per year. For the spring 2019 survey, 6,000 surveys were sent out to rental property owners and managers throughout San Diego County. Responses were received from 23,000 units. Although this survey sampled a broad variety of rental housing, it was not a scientific sampling.

Table 2-32 shows that in the fall of 2018, average monthly rents in Solana Beach ranged from \$2,043 for a one-bedroom apartment to \$2,770 for a three-bedroom apartment. In Spring of 2019, the average rent for a one-bedroom apartment increased from \$2,043 to \$2,099, and the rent for larger apartments increased moderately from \$2,391 for a two bedroom in 2018 to \$2,443 in 2019 and from \$2,770 to \$2,820 for a three bedroom. Average costs of rent in Spring of 2018 ranged from \$1,500 for a studio to \$2,712 for a three-bedroom.

Unit Type	Properties Surveyed	Spring 2019 Average Monthly Rent	Spring 2019 Average Rent/Sq. Foot	Fall 2018 Average Monthly Rent	Spring 2018 Average Monthly Rent
Studio	0/0	\$0	\$0.00	\$0	\$1,500
1 Bedroom	77/1	\$2,099	\$3.10	\$2,043	\$1,985
2 bedrooms	91/1	\$2,443	\$2.66	\$2,391	\$2,331
3+ Bedrooms	8/1	\$2,820	\$2.69	\$2,770	\$2,712

Source: Southern California Rental Housing Association, San Diego 2019 Vacancy and Rental Rate Survey, March 2019.

Housing affordability can be inferred by comparing the cost of renting or owning a home in the City with the maximum affordable housing costs for households at different income levels. Taken together, this information can generally show who can afford what size and type of housing and indicate the type of households most likely to experience overcrowding and overpayment.

The Federal Department of Housing and Urban Development (HUD) conducts annual household income surveys nationwide to determine a household's eligibility for federal housing assistance. Based on this survey, the California Department of Housing and Community Development (HCD) developed income limits, based on the HUD Area Median Family Income (HAMFI), which can be used to determine the maximum price that could be affordable to households in the upper range of their respective income category. Households in the lower end of each category can afford less

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by comparison than those at the upper end. The maximum affordable home and rental prices for residents in San Diego County are shown in Table 2-33.

The data shows the maximum amount that a household can pay for housing each month without incurring a cost burden (overpayment). This amount can be compared to current housing asking prices (**Table 2-31**) and market rental rates (**Table 2-32**) to determine what types of housing opportunities a household can afford.

Extremely Low-income Households

Extremely low-income households earn less than 30 percent of the County HAMFI – up to \$22,500 for a one-person household and up to \$34,700 for a five-person household in 2019. Extremely low-income households cannot afford market-rate rental or ownership housing in Solana Beach without assuming a substantial cost burden.

Very Low-income Households

Very low-income households earn between 31 percent and 50 percent of the County HAMFI – up to \$37,450 for a one-person household and up to \$57,800 for a five-person household in 2019. A very low-income household can generally afford homes priced between \$174,500 and \$269,500, adjusting for household size. A very low-income household at the maximum income limit can afford to pay approximately \$936 to \$1,445 in monthly rent, depending on household size. Given the high cost of housing in Solana Beach, persons or households of very low-income could not afford to rent or purchase a home in the City.

Low-income Households

Low-income households earn between 51 percent and 80 percent of the County's HAMFI - up to \$59,950 for a one-person household and up to \$92,450 for a five-person household in 2019. The affordable home price for a low-income household at the maximum income limit ranges from \$239,500 to \$430,750. Based on the asking prices of homes for sale in 2019 (Table 2-24), ownership housing would not be affordable to low-income households. A one-person low-income household could afford to pay up to \$1,499 in rent per month and a five-person low-income household could afford to pay as much as \$2,311. Low-income households in Solana Beach would not be able to find adequately sized affordable apartment units (Table 2-25).

Moderate income Households

Persons and households of moderate income earn between 81 percent and 120 percent of the County's HAMFI – up to \$111,850, depending on household size in 2019. The maximum affordable home price for a moderate-income household is \$338,000 for a one-person household and \$521,250 for a five-person family. Moderate income households in Solana Beach would not be able to purchase a home in the City. The maximum affordable rent payment for moderate income households is between \$1,813 and \$2,796 per month. Appropriately-sized market-rate rental housing is generally affordable to households in this income group.

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Table 2-33: Affordable Housing Costs (2019) San Diego County							
Annual Income	Affordable Monthly Housing Cost		Utilities Allowances, Taxes, and Insurance			Affordable Purchase Price	
	Rent	Sale	Rent	Sale	Taxes/Insurance		
Extremely Low-income (30% of HAMFI)							
1-Person	\$22,500	\$563	\$563	\$119	\$180	\$84	\$105,000
2-Person	\$25,700	\$643	\$643	\$152	\$220	\$96	\$120,000
3-Person	\$28,900	\$723	\$723	\$222	\$261	\$108	\$135,000
4-Person	\$32,100	\$803	\$803	\$237	\$323	\$120	\$149,750
5-Person	\$34,700	\$868	\$868	\$271	\$364	\$130	\$162,000
Very Low-income (50% of HAMFI)							
1-Person	\$37,450	\$936	\$936	\$119	\$180	\$140	\$174,500
2-Person	\$42,800	\$1,070	\$1,070	\$152	\$220	\$161	\$199,500
3-Person	\$48,150	\$1,204	\$1,204	\$222	\$261	\$180	\$224,500
4-Person	\$53,500	\$1,338	\$1,338	\$237	\$323	\$201	\$249,500
5-Person	\$57,800	\$1,445	\$1,445	\$271	\$364	\$217	\$269,500
Low-income (80% HAMFI)							
1-Person	\$59,950	\$1,499	\$1,499	\$119	\$180	\$225	\$279,500
2-Person	\$68,500	\$1,713	\$1,713	\$152	\$220	\$257	\$319,500
3-Person	\$77,050	\$1,926	\$1,926	\$222	\$261	\$289	\$359,000
4-Person	\$85,600	\$2,140	\$2,140	\$237	\$323	\$321	\$399,000
5-Person	\$92,450	\$2,311	\$2,311	\$271	\$364	\$347	\$430,750
Moderate Income (120% HAMFI)							
1-Person	\$72,500	\$1,813	\$1,813	\$119	\$180	\$272	\$338,000
2-Person	\$82,850	\$2,071	\$2,071	\$152	\$220	\$311	\$386,000
3-Person	\$93,200	\$2,330	\$2,330	\$222	\$261	\$350	\$434,000
4-Person	\$103,550	\$2,589	\$2,589	\$237	\$323	\$388	\$482,750
5-Person	\$111,850	\$2,796	\$2,796	\$271	\$364	\$419	\$521,250
<i>Source: San Diego Housing Commission, Allowances for Tenant-Furnished Utilities and Other Services Report and California Department of Housing and Community Development, 2019 Income Limits and Kimley Horn and Associates Assumptions: 2019 HCD income limits; 30% gross household income as affordable housing cost; 15% of monthly affordable cost for taxes and insurance; 10% down payment; and 4.5% interest rate for a 30-year fixed-rate mortgage loan. Utilities based on San Diego County Utility Allowance.</i>							



Constraints, Resources, and Fair Housing

Section 3: Housing Constraints, Resources and Fair Housing

A variety of constraints affect the provisions and opportunities for adequate housing in Solana Beach. Housing constraints consist of both governmental constraints, including but not limited to development standards and building codes, land use controls, and permitting processes; as well as, nongovernmental or market constraints, including but not limited to land costs, construction costs, and availability of finances. Combined, these factors create barriers to availability and affordability of new housing, especially for lower and moderate-income households.

A. Nongovernmental Constraints

Nongovernmental constraints largely affect the cost of housing in Solana Beach and can produce barriers to housing production and affordability. These constraints include the availability and cost of land for residential development, the demand for housing, financing and lending, construction costs, and the availability of labor, which can make it expensive for developers to build any housing, and especially affordable housing. The following highlights the primary market factors that affect the production of housing in Solana Beach.

1. Land Costs and Construction Costs

High land costs are a significant constraint to the development of affordable and middle-income housing in the City of Solana Beach. Land cost represents a significant cost component in residential development. There are significant fluctuations in land costs per square foot depending on location.

While the City contains numerous vacant properties, an April 20, 2020, web search revealed that less than 100 units were listed for sale, majority of the parcels zoned for single-family residence. Current housing data shows that the price of single-family residences ranged from \$889,000 for a three bed and two bath unit (1,072 sf) to \$2,545,000 for a three bed and 2 baths (2,124 sf). Beach front property with similar square is listed for as much as \$2,599,000 and homes with higher square footage reach \$4,200,000 and \$5,500,000. The limited supply and high cost of vacant land poses the largest constraint to the construction of affordable housing, especially affordable housing in Solana Beach. High land costs have a demonstrable effect on the cost of housing in Solana Beach, as the price of housing is directly related to the costs of acquiring land.

The cost of construction is another major factor in the price of housing. The International Code Council (ICC) provides estimates for the average cost of labor and materials for typical Type VA wood-frame housing. Estimates are based on “good-quality” construction, providing for materials and fixtures well above the minimum required by state and local building codes. In August 2019, the ICC estimated that the average per square-foot cost for good-quality housing in the San Diego region was approximately \$117 for multi-family housing and \$129 for single-family homes. Construction costs for custom homes and units with extra amenities, run even higher. Although construction costs are a significant portion of the overall development cost, they are consistent throughout the region and, especially when considering land costs, are not considered a major constraint to housing production in Solana Beach.

2. Availability Financing

The availability of financing in a community depends on a number of factors, including the type of lending institutions active in a community, lending practices, rates and fees charged, laws and regulations governing financial institutions,

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and equal access to such loans. Additionally, availability of financing affects a person’s ability to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications and the income, gender, and race of loan applicants. The primary concern in a review of lending activity is to determine whether home financing is available to residents of a community. The data presented in this section include the disposition of loan applications submitted to financial institutions for home purchase, home improvement, and refinancing in Solana Beach.

Table 3-1 below displays the disposition of loan applications for the county of San Diego, per the 2016 Home Mortgage Discloser Act report. Given the relatively high rate of approval for home purchase, improvement, and refinance loans, home financing is generally available and not considered to be a significant constraint to the provision and maintenance of housing in Solana Beach.

Table 3-1: Disposition of Loan Applications – San Diego County				
Applications by Loan Type	Total	Percent Approved	Percent Denied	Percent Other
Conventional Purchase	20,129	77.6%	5.2%	17.2%
Government-Backed Purchase ¹	6,721	72.8%	5.6%	21.5%
Home Improvement	1,875	78.0%	7.9%	14.2%
Refinancing	14,015	72.8%	7.3%	19.8%

Notes: Percent approved includes loans approved by the lenders whether or not they are accepted by the applicant
Percent Other includes loan applications that were either withdrawn or closed for incomplete information.
1. Government-backed loans include loans insured or guaranteed by the Federal Housing Administration (FHA), Veteran Administration (VA), and Farm Service Agency (FSA)/Rural Housing Services (RHS).
Source: HMDA data, 2017.

3. Economic Constraints

Market forces on the economy and the trickle-down effects on the construction industry can act as a barrier to housing construction and especially to affordable housing construction. It is estimated that housing price growth will continue in the City and the region for the foreseeable future. Moving into 2020, the economy was growing, California was seeing a 1.6 percent growth in jobs from 2019 and experiencing all-time lows for unemployment rates.

A 2020 California Association of Realtors (CAR) report found that homes on the market in San Diego County cost an average of \$670,000 in February 2020, a seven percent increase year to year change. According to the CAR First Time Buyer Housing Affordability Index, from 2018 to 2019 the median value of a home in San Diego County was \$556,750 with monthly payments (including taxes and insurance) of \$2,880, requiring an average qualifying income of \$86,400. However, in the City of Solana Beach, homes and cost of living was significantly higher. According to March 2020 data from Zillow, the median cost of a home in Solana Beach is \$1,475,031. According to research conducted on Zillow.com, the median price of a home in Solana Beach increased nine percent from 2018 to 2020 (\$1,200,000 to \$1,310,000), and they are expected to rise another 0.4 percent moving into 2021. The same report found that the median list price per square foot in Solana Beach is \$790, which is higher than the San Diego-Carlsbad Metro average of \$390.

Solana Beach’s home value index (\$1,480,000) outpaced nearby coastal cities such Encinitas (\$925,000) and Carlsbad (\$785,100). The high cost of land and increasing home prices in Solana Beach can be seen as a constraint to the development of and access to housing, particularly the development of and access to affordable housing.

B. Governmental Constraints

In addition to market constraints, local policies and regulations also affect the price and availability of housing and the provision of affordable housing. For example, State and Federal regulations affect the availability of land for housing and the cost of housing production, making it difficult to meet the demand for affordable housing and limiting supply in a region. Regulations related to environmental protection, building codes, and other topics have significant, often adverse, impacts on housing cost and availability.

While the City of Solana Beach has limited control over State and Federal Laws that affect housing, local laws including land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other factors can constrain the maintenance, development, and improvement of housing create barriers to housing.

1. Land Use Controls

In the State of California, cities are required to prepare a comprehensive, long term General Plan to guide future development. The Land Use Element of the General Plan establishes land uses and density of development within the City of Solana Beach, and is consistent with the City's Municipal Code. In 1976 California Legislature enacted the Coastal Act which created a mandate for coastal cities and counties to manage the conservation and development of coastal zone areas. Solana Beach is located entirely within the State's Coastal Zone, therefore, in accordance with the Coastal Act requirements, the City developed a Local Coastal Program (LCP) which provides additional guidelines for development.

The Land Use Element in the City of Solana Beach's General Plan and the City's LCP set forth policies and regulations for guiding local development. These policies, together with existing zoning regulations, establish the amount and distribution of land to be allocated for different uses within the City. The LCP and Zoning Ordinance, each of which is consistent with the Community Plan, identify the following residential categories and their existing allowed densities:

- Estate Residential (ER-1, ER-2) (Max. 2 units/net acre)
- Low Residential (LR) (Max. 3 units/net acre)
- Low Medium Residential (LMR) (Max. 4 units/net acre)
- Medium Residential (MR) (Max. 7 units/net acre)
- Medium High Residential (MHR) (Max. 12 units/net acre)
- High Residential (HR) (Max. 20 units/net acre)

In addition to residential categories, Solana Beach also allows residential uses in commercial zones when integrated into a mixed-use development. Residential uses in commercial zones are also subject to additional limitations such as specific guidelines for placement of units, floor area ratio, and additional review. Commercial zones that allow residential uses include the following:

- General Commercial (C) (Max. 20 units/net acre)
- Special Commercial (SC) (Max. 20 units/net acre)
- Light Commercial (LC) (Max. 12 units/net acre)

These categories accommodate development of a wide range of housing types in Solana Beach. Most future residential development will occur as in-fill housing on existing lots due to the built-out nature of the City. Furthermore, maintaining the existing residential categories is important for ensuring compatibility between the new and existing housing.

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Scenic Area Overlay Zone(SAOZ)

The purpose of the Scenic Area overlay zone is to regulate the development in areas of high scenic value to preserve and enhance the scenic resources present within and adjacent to such areas and to assure the exclusion of incompatible uses and structures. All projects within the zone require a Development Review Permit (DRP). Submittal requirements for applications for Development Review Permits in the overlay zone can be found within Title 17, Section 68 (for DRP regulations) and Title 17, Section 48 (for SAOZ regulation) of the City's Municipal Code. The Scenic Area overlay includes some sites identified within the City's sites inventory along the Highway 101 corridor. The SAOZ is not considered a constraint to the development of housing currently as recent development applications indicate that proposed projects are able to meet density assumptions and (per HCD guidance) the requirements for development within the SAOZ are clearly stated in the section of the City's Municipal Code identified in this section.

Hillside Overlay Zone(HOZ)

The purpose of the Hillside overlay zone is to restrict the grading of natural slopes with an inclination of 25 percent or greater in order to achieve the following:

- Preserve the natural topography and scenic qualities of the city;
- Protect native coastal sage/chaparral and grassland habitat;
- Preserve existing watersheds; and
- Reduce the potential for environmental hazards including soil erosion, siltation of coastal wetlands, landslides, adverse impacts due to runoff, and other impacts which could affect the public health, safety and general welfare.

All projects within the zone require a Development Review Permit. Submittal requirements for applications for Development Review Permits in the overlay zone can be found within Title 30 of the City's Municipal Code. The HOZ primarily applies to the hillside areas along the coast and small portions of residential zones. The HOZ is not considered a constraint to the development of housing as none of the City's identified candidate sites are within the HOZ.

Floodplain Overlay Zone

The purpose of the Floodplain overlay zone is to ensure that any permitted development within the 100-year floodplain of the San Dieguito River Valley will not constitute an unreasonable, undesirable, or unnecessary obstruction to flood flow and that such development will not adversely affect coastal wetlands, riparian areas, or other sensitive habitat areas within the floodplain. All projects within the zone require a Development Review Permit. Submittal requirements for applications for Development Review Permits in the overlay zone can be found within Title 30 of the City's Municipal Code. The Floodplain overlay zone intends to protect residents from environmental hazards and protect and conserve the land. The Floodplain Overlay Zone is a small area located in the southern portion of the City. Only one site identified to meet the City's moderate income RHNA need is partially located within this zone. This floodplain area applicable to this site does not affect the viability of the site identified and the capacity of the site considers the minimal floodplain constraints. The Floodplain Overlay Zone is not considered a constraint to housing in Solana Beach.

Scaled Residential Overlay Zone(SROZ)

The purpose of the Scaled Residential overlay zone is to preserve and enhance the existing community character and aesthetic quality of the City of Solana Beach, by providing regulations to ensure and protect the character of established residential neighborhoods; and by preserving the traditional scale and seaside orientation of residential areas in the City of Solana Beach. The requirements of the overlay zone primarily applies to Low-Medium Residential Medium Residential zones west of Interstate 5. The development standards set forth by the Scaled Residential zone include but are not limited to the following:

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- Floor Area Ratio (FAR) must comply with a four-tiered standard.
- Required parking within garages is excluded from the FAR calculation.
- The floor area of any basement portion of a residential building will follow standards based on whether the basement has exposed sides or no exposed sides.
- Bay windows may extend into the setback given that they will not exceed three feet by four feet by two feet (depth).
- Three level building facades are prohibited.

Development standards applicable to projects within the SROZ can be found within Title 30 of the City's Municipal Code. The SROZ does not apply to any of the site the City has identified to meet their lower income RHNA need. A number of sites identified to meet the City's moderate and above moderate income RHNA needs are within the SROZ, but development in these areas primarily consists of single-family development which is consistent with the goals and standards of the SROZ.

2. State Density Bonus Law

Density bonuses are another way to increase the number of dwelling units otherwise allowed in a residentially zoned area. The City's Zoning Ordinance identifies the purpose of the Density Bonus Ordinance to provide density bonuses or equivalent financial incentives for the provision of affordable housing and implement the housing element of the Solana Beach General Plan. Density bonus provisions do not apply to senior citizen and senior congregate care housing projects that utilize alternative density bonus provisions. This City's Density Bonus ordinance was most recently amended through Ordinance No. 392 in January 2009.

Density Bonuses may be awarded to applicants who agree to construct at least one of the following:

- Ten percent (10%) of the total units of a housing development for lower income households;
- Five percent (5%) of the total units of a housing development for very low-income households;
- A senior citizen housing development; or
- Ten percent (10%) moderate income housing in a common interest development; provided, that all of the units in the development are offered to the public for purchase.

If an applicant exceeds the percentages mentioned above, the applicant shall be entitled to an additional density bonus above 20 percent calculated as follows:

- For each one percent (1%) increase above ten percent (10%) in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent (1.5%), up to a maximum of thirty-five percent (35%) for the total project;
- For each one percent (1%) increase above five percent (5%) in the percentage of units affordable to very low-income households, the density bonus shall be increased by two and one-half percent (2.5%), up to a maximum of thirty-five percent (35%) for the total project;
- For each one percent (1%) above ten percent (10%) in the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent (1%), up to a maximum of thirty-five percent (35%) for the total project.

Each housing developments is entitled to only one density bonus, density bonuses from more than one category may not be combined, additionally, density bonus provisions do not apply to senior citizen and senior congregate care

housing projects that utilize alternative density bonus provisions. An applicant with a development which qualifies for density bonus may also submit a proposal for additional incentives. Additional incentives may include, but are not limited to, reductions in restrictions on building standards, parking requirement, or approval of mixed-use development in conjunction with housing development. Qualifications for additional incentives include:

- One additional incentive for projects that include at least 10 percent of the total units for low income households, at least 5 percent for very low-income households, or at least 10 percent for moderate income households in a common interest development where all units are offered for purchase.
- Two additional incentives for projects that include at least 20 percent of the total units for low income households, at least 10 percent for very low-income households, or at least 20 percent for moderate income households in a common interest development where all units are offered for purchase.
- Three additional incentives for projects that include at least 30 percent of the total units for low income households, at least 15 percent for very low-income households, or at least 30 percent for moderate income households in a common interest development where all units are offered for purchase.

3. Residential Development Standards

Residential development standards allow cities to dictate the standards and regulations associated with development in order to maintain community compatibility and to provide well-designed housing options for the community. The City of Solana Beach requires a variety of regulations and restrictions for new developments, those pertaining to the construction of housing are described below and specific requirements can be found in **Table 3-2**. The City's current development standards are accessible to the general public on the City's website. The City's Municipal Code is located on the City's website which provides a listing of all relevant development standards applicable to development in the City.

Minimum Lot Sizes

Minimum lot sizes and dimensions (width and depth) correspond to their residential density categories such that application of these standards will allow planned density to be achieved. For example, the LR Low Residential zone requires a minimum lot size of 14,000 square feet (sf) per dwelling unit (du) to achieve a maximum of 3 du/acre (43,560 sf/3 = 14,000 sf). However, to achieve a higher density, minimum lot area is reduced as in the MHR Medium-High Residential Zone which allows 5,000 square feet lot area to achieve a density of 8 du/acre (43,560 sf / 8 du = 5,000 sf/du). While minimum lot sizes, achieve appropriate densities per the desired housing type, all residential zones also allow one Accessory Dwelling Unit on lots with existing or proposed single-family homes or multi-family developments. Therefore, minimum lot size and lot dimension standards do not constrain the ability to achieve planned densities.

Setbacks

Minimum setback or yard requirements vary among the residential zones. The primary purposes of imposing setbacks is to ensure adequate air and light between properties, to ensure adequate on-site access and circulation, to provide opportunities for private open space areas (yards), and to separate uses between properties to minimize conflicts and potential life/safety hazards. Generally speaking, setbacks are tied to lot size, meaning smaller lots have lower minimum setbacks, and larger lots require larger "yards." While it is possible that setback requirements may inhibit maximum density from being realized in some cases, there is enough flexibility in the current ordinances that setback requirements do not constitute a significant constraint on residential development. Setback requirements have been considered in the City's calculation of realistic site capacity.

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Lot Coverage and FAR

Lot coverage and floor area ratio (FAR) standards are intended to control bulk, mass, and intensity of a use. Lot coverage limits a building's footprint and is defined as the percentage between the ground floor area of building(s) and the net area of a lot. FAR limits the total usable floor area and is expressed as a ratio between the bulk floor area of building(s) and gross lot area. Floor area ratio is a supplementary device that under some conditions improves upon (but does not necessarily replace) the traditional means of relating bulk of building to land, to other buildings in the vicinity, and to public facilities. It permits variable dimensions within an over-all volume limit and it offers a way of predicting the ratio of personsto a unit of land in office building districts of high land use intensity.

In the residential-only zones maximum floor area ratio ranges depending on desired density and requirements. For example, in the LR zone maximum lot coverage is 60 percent for the first 5,000 square feet, 30 percent for each additional square foot between 5,000 and 20,000, and 15 percent for additional square footage above 20,000. However, in the higher density zones such as MHR and HR maximum floor area ratio jumps to 75 percent. As applied to residential development, these standards may only limit the size of dwelling units, and do not limit the number of units, which is an expression of density (that is, zoning). FAR, combined with height limitations, can potentially prevent maximum density from being achieved in certain cases.

Maximum Building Height

All properties within the City of Solana Beach are located within the Coastal Zone as defined in the California Coastal Act. Therefore, the City's Local Coastal Program, as approved by the California Coastal Commission, restricts the maximum building height within the City to 25 feet in residential zones. Additionally, in the MHR and HR residential zones, maximum building height may be increased to 30 feet pursuant a Development Review Permit or 35 feet pursuant a conditional use permit, as deemed appropriate. This figure is compatible with, and often more generous, than other nearby coastal jurisdictions; for example, the City of Encinitas restricts most building heights to 22 feet. Solana Beach is considered a built-out City, as many of its neighboring coastal cities which have more restrictive building heights, therefore, building height regulations in Solana Beach have not been considered an impediment to the development of housing within the City.

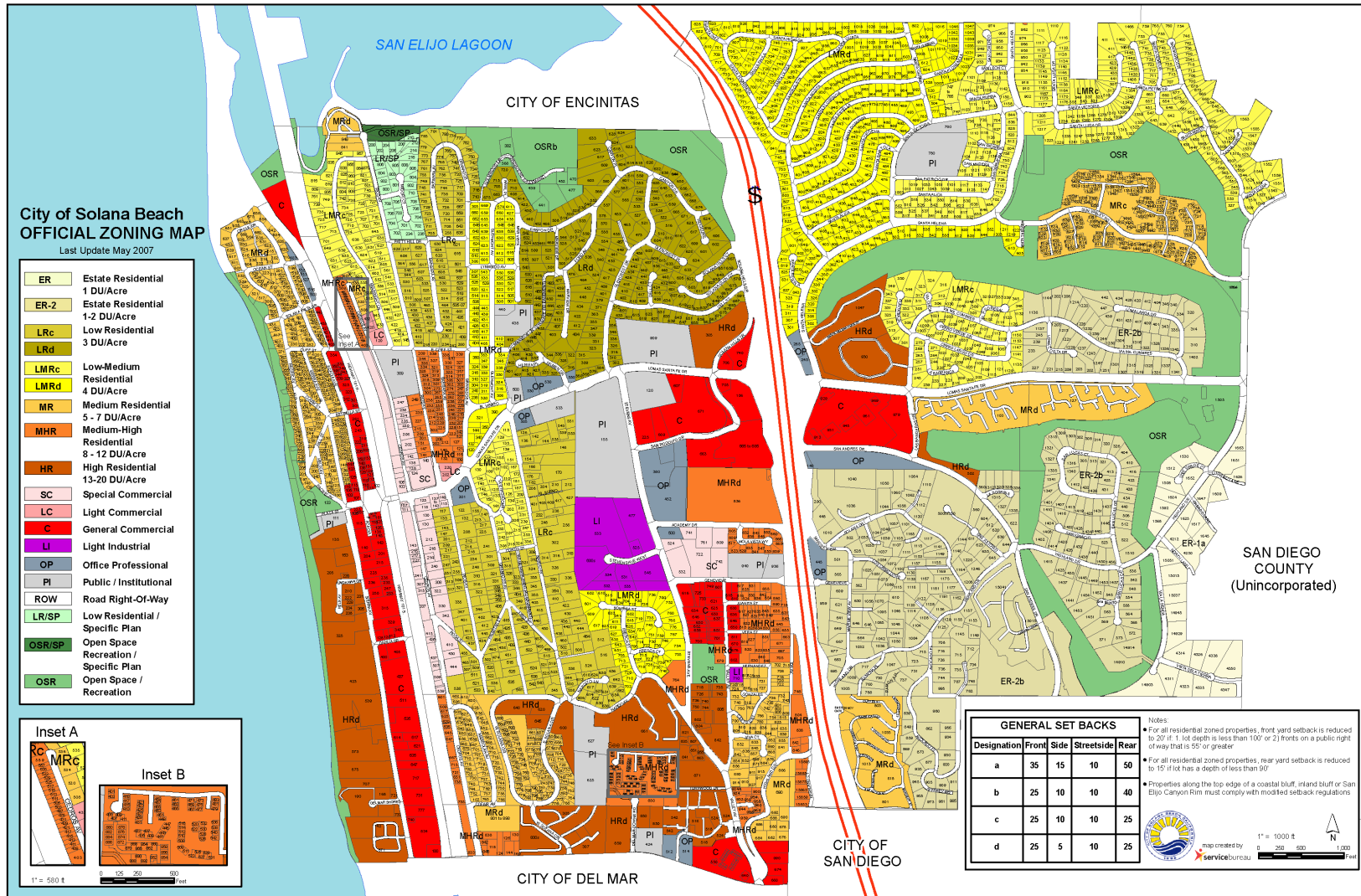
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Residential Zone	Dimensions					Construction Standards	
Community Plan (Zone)	Min. Lot Size (sf)	Street Frontage	Width (Interior)	Width (Corner)	Depth	Max. FAR	Max Height (feet)
Estate Residential (ER-1)	40,000	100'	100'	100'	150'	60% ¹	25
Estate Residential (ER-2)	20,000	80'	80'	85'	150'	60% ¹	25
Low Residential Zone (LR)	14,000	65'	65'	70'	100'	60% ¹	25
Low Medium Residential Zone (LMR)	10,000	60'	60'	65'	100'	60% ¹	25
Medium Residential Zone (MR-East)	6,000	60'	60'	65'	100'	60% ¹	25
Medium Residential Zone (MR-West)	5,000	50'	50'	55'	100'	60% ¹	25
Medium High Residential (MHR)	5,000	50'	50'	55'	100'	75%	25 ²
High Residential Zone (HR)	10,000	60'	60'	65'	100'	75%	25 ²
North Rios Specific Plan	As allowed under the North Rios Specific Plan.						
Tangaroa Estates Specific Plan	As allowed under the Tangaroa Estates Specific Plan.						
Highway 101 Corridor Specific Plan	As allowed under the Highway 101 Corridor Specific Plan.						
FAR= Floor Area Ratio 1. 60% for the first 5,000 sf of lot area, 30% for each additional sf of lot area between 5,000 and 20,000 sf, and 15% for each additional sf of lot area above 20,000 sf. 2. Pursuant to a Development Review Permit the max. building height for may be increased to 30 feet and pursuant to a Conditional Use Permit, limited height increases to a max. of 35 feet for civic uses may be allowed.							

Minimum yard dimensions for the (ER-1), (ER-2), (LR), (LMR), (MR), (MHR), and (HR) zones shall be determined by the setback designator indicated on the City of Solana Beach official zoning map, on file with the city clerk and available at the department of community development. All yards shall be measured from the property line and/or road right-of-way as follows:

Setback Designator	Front Yard (feet)	Side Yard Interior (feet)	Side Yard Street (feet)	Rear Yard (feet)
A	35	15	10	50
B	25	10	10	40
C	25	10	10	25
D	25	5	10	25
Note: Setback Designators are assigned in the City's Zoning Map, Figure 3 below. Source: City of Solana Beach Zoning Ordinance.				

Figure 3-1: City of Solana Beach Zoning Map



Parking Standards

In addition to the development standards identified in **Table 3-3**, Solana Beach requires a certain number of covered spaces for two family and multifamily rental apartments as well as an additional space for all accessory dwelling units. Guest parking is also required for multi-family housing at a ratio of one space for every four units. The Solana Beach Municipal Code provides additional direction for parking standards and regulation, such as when a garage or parking lot is converted or used for purposes other than parking, the required amount of parking shall be provided on the site consistent with the design standards of this chapter.

Table 3-4: Parking Requirements for Residential Uses	
Unit Type	Number of Spaces Required
Single-family dwellings	2 Spaces
Two-family dwellings, multiple-family dwellings and mobile homes ¹	--
Studios/efficiency units/single room occupancy	1.5 Spaces
Two or more bedrooms	2 Spaces
Additional guest parking	1 uncovered space for each 4 units
Mobile home parks	2 covered spaces per unit within an enclosed garage and 1 uncovered guest space for each 4 units.
Group residential	1 space for each resident in accordance with total permitted occupancy plus 1 guest space for each 4 residents of permitted occupancy.
Accessory dwelling units	1 space in addition to those required for primary residence.
Residential day care	2 spaces in addition to those required for primary use.
Residential care facilities	2 spaces in addition to those required for primary residence.
1. (For rental apartments - a minimum of 50 percent of required parking spaces shall be covered)	

Typically, the cost associated with garage parking construction can be viewed as a constraint to affordable housing development, particularly for multi-family housing. However, the City’s parking regulations are not a significant constraint because the number of required parking spaces for duplexes and multi-family projects varies by the number of bedrooms. Furthermore, affordable housing projects that qualify for a density bonus can request application for additional incentives which can be provided in the form of reduction of parking requirements. While off-street parking standards can affect planned residential density, especially for small lots and in-fill areas, this potential constraint is mitigated by the incentives and flexible standards described above.

Development Standards – Sample Application

Table 3-5 and **Figure 3-2** below outline the basics of a Sample Development Project within the General Commercial Zone. The purpose of this is to demonstrate the viability of mixed-use projects within the General Commercial zone. The current development standards in place for the General Commercial zone, including building height, have not

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limited projects within the City to date. This development uses the City’s current definition of net acreage and is typical of the majority of parcels located within the City’s downtown area that have been identified within the Sites Analysis for the Housing Element (**Appendix B**).

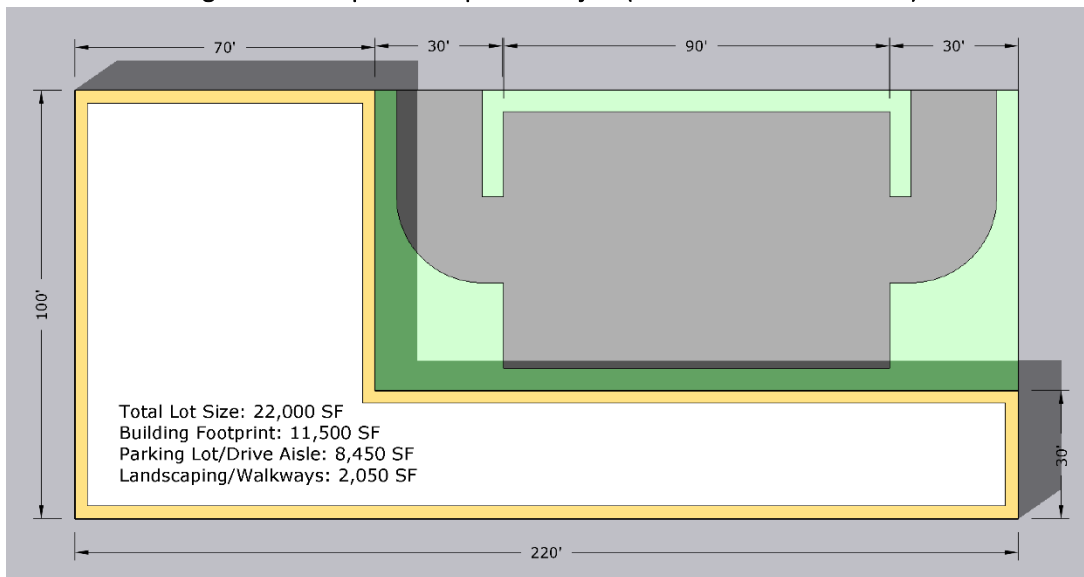
The analysis shows that a sample 2-story mixed-use development on a 0.51 acre parcel, implementing the development standards found within the Highway 101 Specific Plan and the City’s Municipal Code, can produce 10 residential units ranging from 1 to 2 bedrooms, with an average size of 920 square feet. This is well in excess of the City’s minimum unit size of 650 square feet. This analysis accounts for the required parking (18 spaces), entry and exit drive aisles, and additional landscaping which is not a requirement of mixed-use projects within the General Commercial Zone. Per the Municipal Code, the sample project does not require any setbacks and thus has a 0’ lot line condition proposed.

As required in the City’s Municipal Code, 40% of the building size is reserved for residential uses, while the remaining 60% could be utilized for entry/exit corridors, stairways, a leasing office, commercial space, or back of house areas. This example represents one potential development scenario and shows that the existing development standards, including building height, are not an impediment to obtaining the full 20 dwelling units per acre density. This example is for illustrative purposes only and does not represent an actual development or parcel within the City.

Project Characteristics	Allowed	Development Example	Notes
Total Parcel Size	22,000 SF	22,000 SF	
Total Building SF	26,400 SF	23,000 SF	11,500 SF per story
Building Height	26’/2 stories	2 stories	
Setbacks	0’ all setbacks	--	
Total Residential Component (40% of gross allowable floor area)	10,560 SF	9,200 SF	6,500 SF is the minimum needed to accommodate 10 residential units
Density	20 du/ac	20 du/ac	
Anticipated Residential Units	--	10 (5 1bd, 5 2 bds)	
Average Unit Size	Min. 650 SF	920 SF	
Parking Required	18 spaces	18 spaces	Surface parking (50% required to be covered)
Parking Spaces/Drive Aisle Space	--	8,450 (470SF per space)	Typical Parking Space (200SF) Drive aisle width behind space (100’) Remaining 3,050 for entry/exit drive aisle
Open Space/Landscaping	None Required	2,050 SF	Parking lot landscaping (5’ islands/drive aisle buffer)
Total Ground Floor Area Used	--	22,000 SF	

Note: The bolded numbers combined represent the required project components on the ground level.

Figure 3-2: Sample Development Project (General Commercial Zone)



4. Growth Management Measures

Growth management measures are techniques used by a government to regulate the rate, amount and type of development. In 1998 Solana Beach citizens voted into law Ordinance No. 251, which requires a public vote on all City Council approved General Plan amendments meeting the following threshold requirements:

- a 2.5 gross acre size;
- an increase in the amount of potential building space allowed by 50,000 square feet; or
- an increase in potential traffic generation by 25 percent or ten percent during peak hours.

More recently, in the General Election of 2000, Solana Beach’s voters passed Proposition T, known as the “Community Protection Act” which requires voter approval to change, alter, or increase General Plan land use categories. Proposition T amended the General Plan to specify that without approval by a majority of voters in the City, no General Plan Amendment, including a Specific Plan adoptions or changes, shall be adopted if they would:

- change, alter, or increase the General Plan Residential Land Use Categories, or
- change any land use designation to any other, except changes to land already designated residential and which clearly result in a reduction in intensity or density of said land use designated as residential.

Both Proposition T and Ordinance No. 251 require a public vote for general plan amendments affecting land use, with the exception of amendments necessary to comply with state or federal law. Proposition T does not interfere with rights to obtain density bonuses (which do not require a general plan amendment), or limit rights or other entitlements available under affordable housing law. The 2021-2029 Housing Element does not anticipate the need to rezone any land within Solana Beach, therefore Proposition T will not be triggered.

5. Specific Plans

North Rios Specific Plan

The North Rios Specific Plan, approved February 18, 1997, allows for the development of approximately 10 acres of previously underdeveloped land located at the northeast corner of Rios Avenue and Patty Hill Drive in the City of Solana Beach. The Specific Plan consists of a residential development which intends to create a “livable” neighborhood through the implementation of sensitive street and lot design.

The North Rios Specific Plan outlines the development regulations and guidelines, streetscape treatment, view preservation components, and implementation measures applicable to development of the project, which includes development of approximately 24 single-family residences on individual lots. Since adoption of the specific plan, these dwelling units have been constructed and currently remain as of September 2020.

Tangaroa Estates Specific Plan

The Tangaroa Estates Specific Plan, adopted September 3, 1996, permits the proposed residential development of a single parcel of land of approximately six acres in size. The subject land is located at the northern terminus of Rios Avenue in the City of Solana Beach, County of San Diego, California. The specific plan permits the development of nine single-family residential dwelling units, with an average lot size greater than 14,000 square feet. The specific plan permits a residential density three units per net acre with a maximum of nine lots.

These units are located directly north of the North Rios Specific Plan area. Since adoption of the specific plan, these dwelling units have been constructed and currently remain as of September 2020.

Highway 101 Corridor Specific Plan

The Highway 101 Corridor Specific Plan is a plan for physical development and redevelopment of this important roadway area that defines Solana Beach. The Plan provides a set of guidelines and regulations for directing development within the 163-acre project area. The purpose of the Specific Plan is to provide for new development and redevelopment to achieve a physical environment along the Highway 101 corridor that is cohesive and representative of the unique character of Solana Beach.

The Specific Plan carries out the goals and objectives of the Solana Beach General Plan through its identification of a development plan which complements General Plan policy, while implementing area-specific development standards and design guidelines. Additionally, the Specific Plan and the Zoning Ordinance are designed to work together in the Highway 101 corridor to implement General Plan policy for this area. As such, certain development standards contained in the Specific Plan are tailored to the unique character of the Highway 101 corridor and supersede those contained in the Zoning Ordinance. The Specific Plan designates ten land uses; commercial and industrial uses include, General Commercial, Light Commercial, Office/Professional, Planned Industrial, and Special Commercial. Residential development consists of single-family low medium residential (approximately four units per acre), single-family medium residential (up to seven units per acre), and single-family/multi-family medium high residential (up to 12 units per acre). For other standards, the Specific Plan refers directly to those contained in the Zoning Ordinance. Residential development standards for the Highway 101 Corridor Specific Plan are shown in **Table 3-6**.

Table 3-6: Highway 101 Residential Development Standards		
Development Standard	Designated Zone	
	Residential Low Medium and Medium	Residential Medium High
Minimum Lot Area (a)	10,000 SF	6,000 SF
Front Setback	25'	20'
Side Setback	10'	5'
Rear Setback	25'	25'
Max. FAR	N/A	N/A
Height Limit*	25'	30'
Parking	Refer to Zoning Ordinance	
Landscaping	Refer to Zoning Ordinance	
* Building height greater than 16 feet is subject to View Assessment Process. Source: Highway 101 Specific Plan		

6. Provisions for a Variety of Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of types of housing for all income levels. **Table 3-7** below summarizes the City’s zoning provisions for various types of housing. Permitted, conditional, and prohibited residential uses are indicated as follows:

- “P” indicates the use shall be a permitted use in the zone.
- “PL” indicates the use shall be permitted subject to the limitations set forth in the individual zone.
- “C” indicates the use is subject to a conditional use permit issued by the director of community development.
- “CC” indicates the use is subject to a conditional use permit issued by the city council.
- “E” indicates the use shall be prohibited within the zone.

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Table 3-7: Permitted, Conditional, and Prohibited Uses in Solana Beach													
Housing Type	Residential Zones							Commercial/Industrial/Professional Zones					
	Er-1	Er-2	LR	LMR	MR	MHR	HR	C	SC	LC	OP	PI	LI
P = Permitted Use PL = Permitted subject to Limitations C = Conditional Use Permit issued by Community Development Director CC = Conditional Use Permit issued by City Council E = Prohibited													
Single-family Dwelling	P	P	P	P	P	P	P	E	E	E	E	E	E
Two-Family Dwellings (duplex)	E	E	E	E	P	P	P	PL	PL	PL	E	E	E
Multiple-Family Dwellings (condos, townhomes, apartments)	E	E	E	E	P	P	P	PL	PL	PL	E	E	E
Residential/Mixed Use Buildings	E	E	E	E	E	E	E	PL	PL	PL	E	E	E
Residential Care Facilities (6 or fewer persons)	P	P	P	P	P	P	P	P	P	E	E	E	E
Residential Care Facilities (7 - 12 persons)	C	C	C	C	C	C	C	C	C	E	E	C	E
Residential Care Facilities (13 or more persons)	CC	CC	CC	CC	CC	CC	CC	CC	CC	E	E	CC	E
Family Day Care Homes (6 or fewer persons)	P	P	P	P	P	P	P	P	P	E	E	E	E
Group Residential Facilities	E	E	E	E	E	C	C	CC	E	E	E	E	E
Senior Citizen/Congregate Care Housing	E	E	E	E	CC	CC	CC	E	E	E	E	E	E
Mobile Home and Manufactured Housing (individual lots)	PL	PL	PL	PL	PL	PL	PL	E	E	E	E	E	E
Mobile Home Parks	CC	CC	CC	CC	CC	CC	CC	E	E	E	E	E	E
Guest Houses	PL	PL	PL	E	E	E	E	E	E	E	E	E	E
Accessory Dwelling Units	PL	PL	PL	PL	PL	C	C	E	E	E	E	E	E
Caretaker Units	E	E	E	E	E	E	E	PL	PL	PL	PL	C	PL
Home Occupations	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	E	E	E
Live/Work Uses	E	E	E	E	E	E	E	C	E	E	E	E	E
Emergency Shelters	E	E	E	E	E	E	E	P	E	E	E	C	E
*Permitted as an accessory to an allowed use Source: City of Solana Beach, Zoning Ordinance, accessed April 2020.													

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Single-family

Any building designed and used to house not more than one family including all domestic employees of such family. Single-family use is permitted in all residential zones in the City.

Two-Family Dwellings

Any building designed and used to house two families living independently of each other on the same legal lot. Dwelling units may be attached or detached. Minimum separation between principal structures on the same lot is 15 feet. Duplexes are permitted in the MR, MHR, and HR zones, and they are permitted with limitations in the C, SC, and LC zones.

Multi-family

Any building designed and used to house three or more families living independently of each other on the same legal lot. Dwelling unit may be attached or detached. Minimum separation between principal structures on the same lot is 15 feet. This includes apartment houses, townhomes, and condos. Currently, multi-family housing is permitted in the MR, MHR, and HR zones and permitted with limitations in the C, SC, and LC zones.

Residential/Mixed Use Buildings

Any buildings designed and used to house one or more families living independently of each other in addition to one or more principal nonresidential uses permitted by the zone. Residential/Mixed Use is permitted with limitations in the C, SC, and LC zones.

Residential Care Facilities

Any family home, group care facility, or similar facility for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living that is licensed by the State of California Department of Social Services or the Department of Alcohol and Drug Programs. Small residential care facilities serve six or fewer persons. Large residential care facilities serve seven or more persons. Residential care facilities designed for six persons or fewer are permitted in all residential zones and the C, SC and LC zones. Residential care facilities designed to for seven to twelve persons are conditionally permitted in all residential zones and the C, SC, and PI zones. Residential Care Facilities designed for thirteen or more persons are conditionally permitted in all residential zones and the C, SC, and PI zones.

Employee Housing

As part of the City's 5th Cycle Housing Element, the City included **Program 6H** which states that the City would review the current regulations for compliance with the Employee Housing Act, particularly sections 17021.5 and 17021.6 of the Health and Safety Code regarding farmworker housing and make amendments to the City's regulations as necessary. The City conducted this review during the 5th cycle and believes that the current code, while it does not explicitly state compliance with Sections 17021.5 and 17021.6 of the Health and Safety Code regarding farmworker housing. **Program 1L** states that the City will revise the City of Solana Beach Municipal code to define employee housing and ensure that the City's code meets the requirements of Section 17021.5 and 17021.6 of the Health and Safety Code.

Family Day Care Homes

A day care facility for six or fewer children. Family Day Care homes include infant centers, preschools and extended day care facilities. Family Day Care Homes are permitted in all residential zones and the C and SC zones.

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Farmworker Housing

The City has a very small portion of land designated for agriculture uses. According to the American Community Survey, less than two percent of Solana Beach’s workforce was employed in the farming industry. Therefore, there is no need for farmworker housing in Solana Beach. However, the City’s overall efforts to provide and maintain affordable housing opportunities will help to provide housing for any farmworkers that may choose to reside in the City.

Group Residential Facilities

Any fraternity, sorority, boarding house, retirement homes or other residential occupancy of living units by groups of seven or more persons, exclusive of residential care facilities, single room occupancy hotels and senior congregate care housing. Group Residential Facilities are conditionally permitted in the MHR, HR, and C zones.

The City of Solana Beach’s Municipal Code states that the parking requirement for Group Residential is one space for each resident in accordance with the total permitted occupancy plus one guest space for each four residents of permitted occupancy. The City of Solana Beach has not had an applicant express that the existing parking standards present a constraint or have resulted in a project not being developed.

The City analyzed this against standards required in surrounding jurisdictions to determine how Solana Beach’s parking requirements compared for similar developments. **Table 3-8** shows that comparison analysis using a sample 20 bed group residential home with two beds per room assumed.

Table 3-8: Group Residential Parking Analysis		
Jurisdiction	Group Residential Parking Requirement	Sample Required Parking for a 20 Bed Development, two beds per room
Solana Beach	1 parking space per bed and 1 guest parking space per four beds	25 parking spaces
Encinitas	1 parking space per bed	20 parking spaces
Del Mar	1 space per 2 sleeping rooms	5 parking spaces
Carlsbad	1.25 spaces per sleeping room	13 parking spaces
Note: In Solana Beach, Group Residential can mean fraternity, sorority, boarding house, retirement homes or other residential occupancy of living by groups of seven or more persons. Encinitas, Del Mar, and Carlsbad do not have Group Residential defined in their code. This analysis uses applicable requirements for fraternities, boarding/rooming houses, and similar uses.		

Senior Citizen/ Congregate Care Housing

A structure providing residence for a group of senior citizens (60 years of age or more) with central or private kitchen, dining, recreational, etc. facilities with separate bedrooms and/or living quarters. Senior Citizen/Congregate Care Housing is conditionally permitted in the MR, MHR, and HR zones.

Mobile Homes/Manufactured Housing and Mobile Home Parks

The Solana Beach Municipal Code defines Mobile/Manufactured Homes as a factory-built or manufactured home as permitted by state of California and federal laws and installed on a permanent foundation system. Therefore, a Mobile Home Park is defined as a residential facility arranged or equipped for the accommodation of two or more mobile homes, with spaces for such mobile homes available for rent, lease, or purchase, and providing utility services and

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other facilities either separately or in common to mobile home space therein. Mobile/Manufactured Homes are permitted with limitations in all residential zones. Mobile Home Parks are conditionally permitted in all residential homes.

Guest Houses

The Solana Beach Municipal Code defines a guest house as a detached accessory building for the temporary use by guests of the occupants of the premises including provisions for living, sleeping, and sanitation, but exclusive of cooking facilities. Guest Houses are allowed as an accessory use in the ER-1, ER-2, and LR zones subject to requirements set for in the Solana Beach Municipal Code.

Accessory Dwelling Units¹

The Solana Beach Municipal Code defines Accessory Dwelling Units as a dwelling unit attached to a primary residence or accessory garage (to a primary residence) providing complete independent living facilities for no more than two persons including provisions for living, sleeping, eating, cooking, and sanitation. Accessory dwelling units include granny flats and second units. Accessory dwelling units are permitted with limitations in the ER-1, ER-2, LR, LMR, and MR zones, and are conditionally permitted in the MHR and HR zones.

Development standards applied to Accessory dwelling Units are as follows:

- A detached primary dwelling unit shall exist on the lot or premises.
- The lot on which an accessory dwelling unit is proposed shall have a minimum area of 6,000 square feet, not including any commonly owned area.
- The accessory dwelling unit shall be attached to or contained within the primary dwelling in such a manner as to avoid the appearance of the add-on unit. For the purposes of this regulation, “attachment” shall include second story additions to (a) the principal structure, (b) an attached garage, or (c) a detached garage. The accessory dwelling unit shall be architecturally integrated with the structure to which it is attached. The entrance to an accessory dwelling unit shall not be visible from the street adjacent to the front yard setback.
- The maximum allowed area of the accessory dwelling unit shall be 640 square feet. The minimum allowed area of the accessory unit shall be 350 square feet.
- The total floor area of all structures shall not exceed the maximum floor area (FAR) for the site.
- The owner of the property must continually occupy either the main dwelling unit or the accessory dwelling unit. For purposes of this section, “owner” includes a lessee if the leasehold includes both the main dwelling and accessory dwelling unit.
- One off-street parking space shall be provided for the accessory dwelling unit and all off-street parking deficiencies shall be corrected.
- Any construction of an accessory dwelling unit shall conform to all property development regulations of the zone in which the property is located as well as all fire, health, safety and building provisions of this title.
- The City may offer incentives to encourage development of accessory dwelling units. If owners of accessory units elect to file a 30-year deed restriction to rent the unit to lower income households, the City will consider

1 In February 2020, the City passed Ordinance 508 which repealed and replaced the existing section referring to Accessory Living Units with new guidelines consistent with State law. The ordinance text reads “Accessory Dwelling Units” as opposed to the current “Accessory Living Units”. Program 1J in the Housing Element commits the City to amending the Municipal Code for consistency within 1 year.

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waiving fees and reducing parking and development standards or providing other incentives consistent with the Costa Hawkins Act.

New State Law require cities to lessen certain restrictions surrounding ADUs and JADUs. As part of the Housing Plan (**Program 1B**), the City will commit to amending the ADU/JADU ordinance to be consistent with State law.

Ca retaker Units

A dwelling unit accessory to a principal use on a site and intended for occupancy on the same site by a caretaker, security guard, servant or similar position requiring residence on the site, exclusive of a hotel/motel manager's unit. Caretaker Units are permitted with limitations in the C, SC, LC, OP and LI zones and conditionally permitted in the PI zone.

Home Occupations

An accessory use of a dwelling unit for gainful employment involving the provision or sale of goods and/or services and the creation of handicrafts and artwork. A home occupation is incidental to the primary use of the building as a residence. Home Occupations are permitted with limitations in all residential zones and in the C, SC, and LC zones.

Live/Work Uses

An occupancy by an individual or a family maintaining a common household consisting of one or more rooms or floors in a building originally designed for industrial or commercial occupancy, or in a new building specifically designed for live/work use and includes the following:

- Cooking and sanitary facilities in accordance with applicable standards as adopted by the City of Solana Beach; and
- Adequate working space reserved for that sole purpose and used by one or more persons residing therein.

Live/Work Uses are conditionally permitted in the C zone.

Emergency Shelters

Temporary housing with minimal supportive services for homeless persons. No individual or household may be denied emergency shelter because of an inability to pay. Emergency Shelters are permitted in the General Commercial (C) zone and are permitted in the Public/Institutional (PI) zone with a director's use permit. The City currently has approximately 183 acres of land zoned for C and PI which may accommodate emergency shelters.

Per the City's code, emergency shelters must comply with the following development standards:

- A new emergency shelter shall not be closer than 300 feet to another emergency shelter as measured between property lines.
- An emergency shelter shall contain a maximum of one bed per 150 square feet of sleeping area not to exceed 20 beds and shall serve no more than 20 persons.
- Emergency shelters shall have an interior, enclosed client waiting and intake area large enough to accommodate the number of persons equal to 25 percent of the number of beds. The area shall be based on space required for seated persons. Any exterior overflow waiting area shall be fenced, screened, gated, and covered and shall not obstruct sidewalks or driveways.
- Emergency shelters shall have an interior multipurpose area separate from the sleeping area. The multipurpose area shall be provided with space equal to at least 10 square feet per bed, but not be less than

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150 square feet. The exterior multipurpose area shall have a gathering area equal to at least 25 square feet per bed and shall be fenced, screened, and landscaped.

- Facilities shall maintain a management plan which documents that management and staffing is sufficient for adequate control of the facility.
- Parking standards as described below.

In Solana Beach, the square footage of office space in a shelter is a separate component of the shelter that needs to be parked at office requirements and the shelter (number of beds) needs parking at 1 space per 10 beds. The amount of required parking associated with the office use is limited to staff working in the emergency shelter, but the 1 space per 10 beds requirement provides parking for those housed temporarily at the emergency shelter. Emergency shelters must provide 1 bed per 150 square feet of sleeping area, not to exceed 20 beds. This equates to requiring one parking space per 1,500 square feet of sleeping area, well below the requirement of typical uses within the General Commercial and Public/Institutional zones.

In comparison, general commercial uses are required to be parked at a rate between 1 space per 200-250 sf depending on the size. Office uses are required to be parked at a rate between 1 space per 200-300 sf depending on the size. Office components of emergency shelters, as stated above, would be parked at the typical rate required by the City's code. This analysis demonstrates that the City's code requirement for parking at emergency shelters is less than that of typical uses permitted in those zones.

Transitional and Supportive Housing

Transitional housing is a type of supportive housing used to facilitate the movement of homeless individuals and families to permanent housing. California law defines "transitional housing" and "transitional housing development" as buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient after a predetermined period, not less than six months (Health and Safety Code Section 50675.2). Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation.

Supportive housing links the provision of housing and social services for the homeless, people with disabilities, and a variety of other special needs populations. State law defines "supportive housing" as housing with no limit on length of stay, that is occupied by low income adults with disabilities, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (California Health and Safety Code Section 50675.14).

The Solana Beach Municipal Code defines Transitional and Supportive Housing consistent with the State's definitions and requirements. Supportive and transitional housing are not a specified type of residential use and may be proposed as single family units or multifamily units, though the City's Municipal Code does not specifically indicate this within Table 17.12.020-A. Therefore, the regulations which are applicable to residential uses within the zone, where the transitional or supportive housing is proposed, will apply. The City has included **Program 1K** to amend Table 17.12.020-A of the Solana Beach Municipal Code to indicate that transitional and supportive housing are permitted by right in zones where multifamily and mixed-use are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code Section 65651.

Tiny Homes

Tiny Homes are not currently defined or included in the Solana Beach Zoning Ordinance. The State of California also does not have existing guidelines for tiny homes, however, the 2018 International Residential Code (IRC) defines tiny homes as a dwelling unit which is 400 square feet or less in floor area excluding lofts. In its rulemaking document the ICC cited reasons for updating and including tiny homes in the IRC, including the following:

- The average US home size is increasing, while family size is decreasing;
- Tiny Houses use a fraction of the wood and wood products of a conventional home;
- Increased housing cost makes home ownership unfeasible for many, and;
- Tiny Houses can add to affordable owned and rental housing stock.

Single Room Occupancy Units

The Department of Housing and Urban Development (HUD) defines a Single Room Occupancy Unit (SRO) as a residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single eligible individual. The unit need not, but may, contain food preparation or sanitary facilities, or both. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other and could be equivalent to an efficiency unit. Currently, the Solana Beach Municipal Code does not contain specific provisions for SRO units, however, they do fall within the category of Multifamily housing and are subject to the same development standards as multifamily housing.

7. Housing for Persons with Disabilities

Both the Federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act direct require governments to make reasonable accommodations (that is, modifications or exceptions) in their zoning laws and other land use regulations to afford disabled persons an equal opportunity to housing. State law also requires cities to analyze potential and actual constraints to the development, maintenance, and improvement of housing for persons with disabilities.

The Housing Element Update must also include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities. The analysis of constraints must touch upon each of three general categories: 1) zoning/land use; 2) permit and processing procedures; and 3) building codes and other factors, including design, location and discrimination, which could limit the availability of housing for disabled persons.

Reasonable Accommodation

Persons with mobility disabilities may require modifications to their living quarters such as access ramps, wider doors and hallways, larger bathrooms, and lowered countertops. The City enforces the California Building Standards Code which provides flexibility in the design of housing for persons with disabilities.

Both the Federal Fair Housing Act and the California Fair Employment and Housing Act require local governments to make reasonable accommodations in their zoning laws and other land use regulations and practices when such accommodations are necessary to afford disabled persons with an equal opportunity to use and enjoy a dwelling.

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities. For example, it may be reasonable to accommodate requests from persons with

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disabilities to waive a setback requirement or other standard of the Municipal Code to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

Solana Beach provides reasonable accommodation in procedures and regulations to ensure equal access to housing for persons with disabilities and the development of housing for persons with disabilities in the Request for Reasonable Accommodation Ordinance, adopted in February of 2014 and available under SBMC Section 17.66. The purpose of the Request for Reasonable Accommodation Ordinance is to provide a procedure under which a person with disabilities, or property owner of industrial or commercial uses, may request a reasonable accommodation in the application of zoning regulations to secure equal access to housing (or commercial/industrial facilities), and outline a process for decision makers to act upon such requests. A request for a reasonable accommodation in land use, zoning, and building laws, regulations, policies, or practices may be made by any person with a disability, or by an entity acting on behalf of a person or persons with disabilities, to secure equal access to housing. The requested accommodation may be approved or granted with modifications if the following findings can be made:

- The housing which is the subject of the request will be used by one or more individuals with a disability protected under the Acts;
- The accommodation requested is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling;
- The requested reasonable accommodation will not impose an undue financial or administrative burden on the City; and
- The requested reasonable accommodation will not require a fundamental alteration in the nature of a city program or law, including but not limited to the general plan, zoning ordinance, and building laws.

The community development director may impose any conditions of approval needed to ensure that the project complies with the required findings mentioned above. Conditions may include, but are not limited to, ensuring that any removable structures or physical design features that are constructed or installed in association with a reasonable accommodation are capable of being removed once those structures or physical design features are no longer necessary to provide access to the dwelling unit for the current occupants.

Currently, the following criteria, among other factors, may be considered by the community development director regarding the reasonableness of the requested accommodation:

- Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit; and
- Whether the requested reasonable accommodation substantially affects the physical attributes of the property or has impacts on surrounding properties that would fundamentally alter a city program or law.

The City has reviewed the two criteria stated directly above which may be considered by the community development director and found that they may potentially create a constraint. In response, the City has included Program 4F within the Housing Element to remove this criteria from the City's Municipal Code.

Residential Care Facilities

The City of Solana Beach Municipal Code defines Residential Care Facilities as any family home, group care facility, or similar facility, with or without food services and kitchen facilities, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual including, but not limited to, alcoholism or drug abuse recovery facilities, congregate living facilities,

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community care facilities, intermediate care facilities/disabled habilitative, or intermediate care/developmentally disabled-nursing facilities licensed by the state of California, excluding housing for the elderly, nursing and convalescent homes.

Residential care facilities designed for six persons or fewer are permitted in all residential zones and the C, SC and LC zones. A residential care facility for seven or more persons shall be permitted only by conditional use permit. Specific conditions providing for the development, operation, and design of any residential care facility for seven to 12 persons shall be made by the director of community development. Specific conditions providing for the development, operation, and design of any residential care facility for 13 or more persons shall be made by the city council.

The following development standards are intended as minimum requirements for residential care facilities. Since the Conditional Use Permit process is discretionary, each application will be considered on its own merits. Additional requirements may be imposed in order to meet the objectives of the general plan or to address special circumstances of the proposal including, but not limited to, state and county licensing requirements:

- The use should comply with all property development regulations of the underlying zone, including but not limited to setbacks, yards, floor area ratio, height and parking, unless a variance to the above standards is granted in conjunction with the Conditional Use Permit.
- Sleeping areas must meet all of the following criteria:
 - A minimum of 70 square feet of sleeping area per resident, exclusive of closet or storage space.
 - No room commonly used for other purposes shall be used as a sleeping area. Such rooms shall include but shall not be limited to living rooms, dining rooms, family rooms, dens, recreation rooms, hallways, stairways, unfinished attics, basements, garages, storage areas, sheds, or similar attached or detached buildings.
 - No sleeping area shall be used as a public or general passageway to another room, bath, or toilet.
 - A minimum of eight square feet of storage (closet or drawers) shall be provided per bed.
- The facility shall provide one full bathroom (toilet, sink, shower, and/or bathtub) per every seven beds.
- The facility shall be required to provide one parking space per employee and one parking space for every seven beds, unless the director of community development determines that additional parking spaces are required.
- The facility shall comply with citywide landscaping regulations.
- The facility shall be required to provide a common living area of 100 square feet plus five square feet per bed, exclusive of the sleeping, dining and kitchen areas.
- Existing and new facilities shall comply with all other health, building, and safety requirements.

Occupancy Standards

California law requires local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. "Six or fewer persons" does not include the operator, the operator's family or persons employed as staff. The City must allow these licensed residential care facilities in any area zoned for residential use and may not require licensed residential care facilities for six or less to obtain Conditional Use Permits or variances that are not required of other family dwellings. Currently, Chapter 17.08.030 of the City's Zoning Ordinance defines a "family" as "Two or more persons living together as a bona fide single housekeeping unit," the City also permits residential care facilities in all residential zones. The City's definition of family does not produce potential constraints in providing access to care facilities or housing opportunities.

8. Development Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law; these fees include, but are not limited to, development impact fees, permit issuance, subdivision processing fees, and engineering and public works fees. Development impact and permit issuance fees are used to support a variety of functions including checking submitted plans, paying local facilities management fees, special road assessments, and public service-related fees for other agencies such as school districts, water districts, and utility providers. Subdivision processing fees are used to cover the City's administrative costs incurred through the processing of subdivision applications and plans. Engineering and public works fees perform a similar function.

In general, fees and exactions can impact the cost and feasibility of developing the housing as well as its affordability. They can be a constraint to the maintenance, improvement, and development of housing because the additional cost borne by developers contributes to overall increased housing unit cost. However, the fees are necessary to maintain adequate planning services and other public services and facilities in the City. According to the City's 2020-2021 adopted budget, in addition to development and impact fees, Solana Beach receives primary funds through the following top six General Fund revenues:

- Property Tax
- Sales Tax
- Motor Vehicle In-lieu
- Transient Occupancy Tax
- Franchise Fees
- Fire Benefit Fees

The City's revenues, listed above, help to fund public facilities, park maintenance, public arts, and public services, additionally in-lieu housing fees provide revenue supplementary to the listed fees.

The current fee schedule became effective 2020, is summarized in **Table 3-9**, and is publicly available on the city's website. Under the fee schedule, the City recovers a portion but not all of the City's administrative costs for processing development applications. The City's Engineering fees and Development Impact fees, also effective 2020, are summarized in **Tables 3-10 and 3-11**. Based on the City's 2020-2021 Budget, service charges, which include planning and zoning fees, building/plan check fees, public facilities fees, engineering fees, fire plan check fees, and park fees, account for about 3.5 percent of the City's total general fund revenue.

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Table 3-9: Community Development Services Fees			
Description of Service	Fee/Deposit	Description of Service	Fee/Deposit
Conditional Use Permit	\$8,877	Major Subdivision - Tentative Map	\$14,350
Bluff Retention Device CUPs & Wireless Communication Facility CUPs	Require add'l deposit for third-party reviews at Cost + 15%	Major Subdivision - Final Map	\$4,976
Community Development Directors Use Permit	\$2,665 Per application	Minor Subdivision - Tentative Map	\$10,993
Zoning Letter	\$159	Minor Subdivision - Parcel Map	\$4,033
Variance - Processing	\$6,719	Environmental Impact Report	Deposit for third-party review at Cost + 15% Admin Fee
General Plan Amendment	\$10,000 Deposit or a deposit determined by staff with charges at the fully allocated hourly rates for all personnel involved plus any outside costs as determined	Structure Develop. Permit - Processing	\$3,680
Rezoning Review/Specific Plan		Structure Develop. Permit - Processing	\$1,104 If in conjunction with a Development Review Permit, fee will be \$1,077 per application
Zoning Text Amendment		Structure Develop. Permit - Processing	\$3,128 If in conjunction with multiple entitlements, a 15% discount is applied to lower cost entitlements, and fee will be \$3,052 per application
Development Review Permit - Processing - Level I Resident	\$5,228	Landscape Plan Review/Inspection	Deposit for third-party review at Cost + 15% Admin Fee
Development Review Permit - Processing - Level I Non-Resident	\$10,470	Planning Public Noticing	\$548 per notice plus mailing and Newspaper
Development Review Permit - Processing - Level II	\$17,543	Multi-Permit discount of 15%	A multi-Permit discount of 15% is available for each add'l Planning Department permit filed on the same project at the same time as the first permit service.

Source: City of Solana Beach, Schedule of Fees effective January 1, 2020.

Table 3-10: Engineering Review Fees			
Description of Service	Fee	Description of Service	Fee
Lot Line Adj./Cert. Of Compliance. - Review	\$1,881 per application	Grading Plan check/ Public Improvement Permit/Inspection - \$200,001+	\$3,100 + \$10 for each \$1000 or fraction thereof of the construction value over \$200,000
Grading Plan check/ Public Improvement Plan Check - \$0-\$10,000	\$1,025 Min. fee	Grading Deposits	Based on an Engineer's Estimate of the work performed under the permit.
Grading Plan check/ Public Improvement Plan Check - \$10,001- \$20,000	\$1,025 + \$10.25 for each additional \$100 or fraction thereof of the construction value over \$10,000	Geotechnical Plan Review/Inspection	Deposit for third-party review at Cost + 15% Admin Fee
Grading Plan check/ Public Improvement Plan Check - \$20,001- \$80,000	\$2,050 + \$3.08 for each additional \$100 or fraction thereof of the construction value over \$20,000	Encroachment Permit	Street Cut - \$774 Standard - \$543
Grading Plan check/ Public Improvement Plan Check - \$80,001- \$200,000	\$3,898 + \$10.25 for each additional \$1000 or fraction thereof of the construction value over \$80,000	Miscellaneous Engineering Permit/Inspection	\$226
Grading Plan check/ Public Improvement Plan Check - \$200,001+	\$5,128 + \$10.25 for each \$1000 or fraction thereof of the construction value over \$200,000	Easement Abandon/Street Vacation	\$1,758 per application or a deposit determined by staff with charges at the fully allocated hourly rate for all personnel involved plus any outside costs.
Grading Plan check/ Public Improvement Permit/Inspection - \$0-\$20,000	\$1,025 Min. fee	Easement/R.O.W Dedication	\$487
Grading Plan check/ Public Improvement Permit/Inspection - \$20,001-\$80,000	\$1,025 + \$15.38 for each additional \$1,000 or fraction thereof of the construction value over \$20,000	Subdivision Monuments	security deposit is based on estimate provided by surveyor to set the monuments.
Grading Plan check/ Public Improvement Permit/Inspection - \$80,001-\$200,000	\$1,948 + \$10.25 for each additional \$1,000 or fraction thereof of the construction value over \$80,000	Sewer Connection Fees	Future Capacity = 50% Ocean Outfall = 27% Existing Facility = 23% Per total of \$4,500 per 1.0 EDU
<i>Source: City of Solana Beach, Schedule of Fees effective January 1, 2020.</i>			

Development Impact Fees

In addition to City fees charged at the time Building Permits are issued, developers are required to pay a number of impact fees (shown in **Table 3-11**). Additionally, school impact fees are required and collected by the San Dieguito School district. Considering the high cost of land in Solana Beach, the fees charged by the City and school district do not create a constraint to the construction of market rate housing. The fees only comprise a very small percentage of the entire cost to construct a residence in Solana Beach. All the development fees listed in **Table 3-11** are posted on the City's website and available to the public.

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Although there are no specific establishments for 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 the City’s Code, 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. Furthermore, the city manager is authorized to reduce city development impact fees by 75 percent for accessory dwelling units (ADU) processed consistent with the City’s code, provided that a deed restriction for state law affordability provisions is recorded for the term of 99 years. The City does currently reduce development impact fees for affordable projects.

Description of Service	Fee	Description of Service	Fee
Regional Transportation Congestion Program RTCIP Fee	Single family \$3,623 per du	Third Party Review	
	Multi-family \$2,899 per du		
Public Facilities Fee	1% of project valuation	Landscape Review	+ 15% of Third-Party Review Cost
Master Art Policy Fee	0.5% of project valuation	Wireless Review	+ 15% of Third-Party Review Cost
Affordable Housing Impact Fee	\$25.28 per sf	Geotechnical Review	+ 15% of Third-Party Review Cost
Transportation Impact Fee - Single Family	\$ 15,714.00 per unit	Biological Review	+ 15% of Third-Party Review Cost
Transportation Impact Fee - Condo & Multi-Family	\$ 11,206.00 per unit	Counsel Review	+ 15% of Third-Party Review Cost
Transportation Impact Fee - Accessory Living (units)	\$ 3,929.00 per unit	Stormwater Review	+ 15% of Third-Party Review Cost
Fire Mitigation Impact Fee - Detached Dwelling (units)	\$ 1,759.00	Traffic Review	+ 15% of Third-Party Review Cost
Fire Mitigation Impact Fee - Attached Dwelling (units)	\$ 248.00	Environmental Review	+ 15% of Third-Party Review Cost
Park Development Impact Fee - Detached Dwelling (units)	\$ 6,913.00	Shoreline Development Noise	+ 15% of Third-Party Review Cost
Park Development Impact Fee - Attached Dwelling (units)	\$ 5,002.00	Review Cultural Resources	+ 15% of Third-Party Review Cost
Public Use Facilities Impact Fee - Detached Dwelling (units)	\$ 640.00	Review Bluff Retention	+ 15% of Third-Party Review Cost
Public Use Facilities Impact Fee - Attached Dwelling (units)	\$ 463.00	Third Party Review Admin Fee	15% of Third Part Review Cost

Source: City of Solana Beach, Schedule of Fees effective January 1, 2020.

Estimated Fees and Direct Costs

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Estimated total development fees and impact fees for a typical single-family residential project, assuming it is not part of a subdivision and is consistent with existing city policies and regulations are about \$122,500 for a 3,000 square foot home, assuming all related impact fees. Estimated total development and Impact fees for a typical multi-family residential project with thirteen units, assuming it is consistent with existing city policies is about \$1,143,800. The City of Solana Beach is committed to encouraging and increasing affordable housing, assuming a developer choose to include affordable units and the affordable housing impact fee is waived, total fees for the same single-family unit total about \$46,700 and for the same multifamily development total about \$334,900.

These estimates are illustrative in nature and that actual costs are contingent upon unique circumstance inherent in individual development project applications. Considering the cost of land in Solana Beach, and the International Code Council (ICC) estimates for cost of labor and materials, the combined costs of permits and fees range from approximately 3.6 percent to 9.4 percent of the direct cost of development for a single-family residential project and 4.1 percent to 13.9 percent for a multi-family residential project. Direct costs do not include, landscaping, off-site improvements, shell construction or amenities, therefore the percentage of development and impact fees charged by the City may be smaller if all direct and indirect costs are included.

Affordable Housing In-lieu Fees

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:

- 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.
- 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. At the time of adoption of the Housing Element, the cost for In-lieu fees were \$25.26 per square feet. The City's preference is for units to be built on-site as part of projects and to date, there has been limited interest in paying in lieu fees as opposed to providing units.

Affordable Housing Impact Fees

Any affordable housing impact fees are 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 may not exceed the cost of mitigating the impact of residential projects on the need for affordable housing in the City. Based on the City's 2020 adopted fee schedule, the current affordable housing impact fee is \$25.28 per square foot. The current affordable impact fees are posted on the City's website and available to the public

In addition, all affordable housing impact fees shall be deposited into the City of Solana Beach designated 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

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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.

9. Inclusionary Housing and Provisions for Affordable Housing

Due to the High cost of land and housing in Solana Beach, the City has established and implemented different programs and fees to provide housing access to all community members. Title 17, Chapter 70 of Solana Beach's Municipal Code establishes regulations and standards regarding the provision of affordable housing. The code states that 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 chapter 70 of the code will ensure that part of the City's remaining developable land is used to provide affordable housing. The requirements, programs, and fees, detailed below, coincide with the City's housing goals, as expressed in the Housing Element component of the Solana Beach General Plan.

For the purposes of this section, 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. The following discussion identifies Affordable Housing requirements and includes an analysis of potential constraints:

Affordable Housing Required – For-sale and Rental residential projects

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 at sales prices affordable to such persons or households. 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.

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 at rents affordable to such persons or households. Additionally, 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.

As defined by the City's code, 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 must be provided. When the calculation results in a fraction of less than one-half, the developer must 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. For example, based on the City's current fee schedule, 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 \$25.28, generating a total \$12,640.

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Affordable Housing Plan and Affordable Housing Agreement

An affordable housing plan shall be submitted as part of the first submittal of any residential project and will 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:

- 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.
- Construction schedule and phasing of affordable units in relation to market-rate units.
- Any requested alternative to the provision of affordable units including information as required by the City and reasonably required by the community development director to demonstrate compliance with the Solana Beach Municipal Code.
- 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.

Additionally, 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. 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.

The affordable housing agreement shall be consistent with the affordable housing plan and shall include, but not be limited to, the following:

- Number, affordability level, unit type, tenure, number of bedrooms, location, unit size, and design of all affordable units.
- A description of the household income groups to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
- A 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.
- Terms of affordability.
- A schedule for completion of affordable units and phasing of development in relation to construction of market-rate units.
- A description of remedies for breach of the agreement by either party.
- 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.
- 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 will 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 the City.

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- If an alternative to affordable units is approved (alternatives detailed below), 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.
- 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.

Alternatives for Provision of Affordable Units

The City of Solana Beach has a number of alternatives for the provision of affordable units. The alternatives are broken down by the following categories and detailed below.

Rental Units in a For-Sale Residential Project

- A developer of a for-sale residential project may propose to provide rental affordable units rather than for-sale affordable units.
- 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.
- The rent regulatory agreement will 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 must also provide all notices to prospective tenants of the residential project required by state law and, 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.
- 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.

Construction of Off-Site Affordable Housing

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. The affordable housing plan must provide evidence of and contain the following:

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

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

Preservation or Conversion of Existing Unit

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 requirements of the City's Code allows the City to substitute the preservation or conversion of these units for the obligation to identify sites.

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:

- The developer must demonstrate ownership of the unpermitted dwelling units or an executed agreement with the owner 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.
- The existing unpermitted housing units must not have a separate address that was included in the most recent United States Census.
- The units must 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.
- 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.
- If the units will be for-sale or rental affordable units, the number, affordability, and term of affordability of the affordable units shall conform with the provisions of the City's Code requirements.

Affordable Housing Design and Standards

When an affordable unit is the unit may be constructed as a separate single-family dwelling unit or may be combined with other dwelling units. Affordable units must 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.

Additionally, affordable units must 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.

Finally, all affordable units must 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.

Waivers of Affordable Housing Requirements

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:

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

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.

10. On-/Off-Site Improvements

Site improvements in the City consist of development for on-site improvements (fronting streets, curbs, gutters, sewer/water, and sidewalks), and off-site improvements (drainage, parks, traffic, schools, and sewer/water). Thus, these are costs that will be added to the sale or rental price of housing. Because residential development cannot take place without the addition of adequate infrastructure, site improvement requirements are not seen as a constraint to the development of housing within the City.

The infrastructure in Solana Beach is fully developed and well maintained. As a result, only minimal on or off-site improvements are required for most new development. Typical on-site improvements consist of curbs, gutters, sewers/water, and sidewalks. Required off-site improvements are also minimal and directly relate to project impacts. For example, a project approval may be accompanied by conditions for localized street and intersection improvements. But again, because the City's infrastructure is largely in place and because there is minimal land available for subdivisions, requirements for construction of new public streets or other significant infrastructure is very rare. The required public improvement standards are used primarily to ensure that the existing roadways adjacent to new residential construction maintain or provide the appropriate right-of-way. In conclusion, given the completely developed nature of the City's infrastructure, the cost to developers of providing public facilities is relatively low when compared to other parts of the region where the infrastructure is not already available or is inadequate to serve new development.

11. Building Codes and Enforcement

The City of Solana Beach's construction codes are based upon the California Code of Regulations, Title 24 (Building, Plumbing, Mechanical, Electrical and Housing Codes) and are considered to be the minimum necessary to protect the public health, safety and welfare of the City's residents. Code enforcement is conducted by the City and is based on systematic enforcement in areas of concern and on a complaint basis throughout the City. The Code Enforcement Division works with property owners and renters to assist in meeting state health and safety codes. The Code Compliance Department investigates complaints regarding violations of the Solana Beach Municipal Codes, Uniform Building Codes, Fire Codes, and Parking regulations. The intention and goal is to work together with the community to help resolve issues through voluntary compliance.

12. Local Processing and Permit Procedures

The processing time for permits varies in Solana Beach based upon the scope and type of project and the applicant's compliance with the City's ordinances and completeness of applications. Certain types of applications/permits are discretionary and require a public hearing, while others are processed administratively. Projects needing discretionary review typically involve significant grading activity or buildings over 500 square feet in size. On average, permit processing for discretionary projects takes between six and eight months. Administrative approval takes between several days to two or three weeks. A significant portion of the permit processing in the City is associated with single-family remodels.

Projects that take a longer time to secure final approval generally have significant environmental impacts or involve general plan amendments or rezoning. The developers may be responsible for delays by failing to provide information or requesting continuances. Permit approval under these circumstances requires more time for public notice, public hearings, and negotiation of design modification to resolve problems.

For a discretionary Development Review Permit, the City automatically proceeds with a development proposal hearing at the next scheduled City Council meeting once the following findings are met: (1) the proposed development is consistent with the General Plan and all applicable requirements, including special regulations, overlay zones, and specific plans; (2) the proposed development complies with the development criteria; (3) environmental review as required by CEQA is completed; and (4) all required permits and approvals, including Variances, Conditional Use Permits, Comprehensive Sign Plans, etc., are processed concurrently with the Development Review Permit.

Once the criteria are met, the City continues to apply the State of California Streamlining Act requirements to ensure continued timely and predictable permit processing. The process is further expedited in the City of Solana Beach because the City has no Planning Commission; the Council acts as the Planning Commission and; thereby, reduces the steps in the process and removes uncertainty of Planning Commission-City Council policy interpretations. An application for a Development Review Permit shall be required for any structure or site development which meets, but is not limited to, the following criteria:

- New construction (including structural additions to existing development) totaling 30,000 gross square feet or more, except greenhouses in the (A) zone and structures in residential zones.
- Any residential projects of 20 or more units.
- Any site development, including grading, or construction including any structural additions to existing development, that involves an aggregate of more than 100 cubic yards of cut and/or fill, excluding:
 - Residential swimming pools/spas
 - City of Solana Beach approved public works projects in the existing right of way

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- Any new residential structure or structural addition in the MHR or HR zones which exceeds 25 feet in height and any new nonresidential structure or structural addition which exceeds 30 feet in height.
- Any developments located in the Hillside, Scenic, or Floodplain Overlay Zones.
- Any development on a coastal bluff top property or on the face or toe of a bluff for which a Coastal Development Permit issued by the California Coastal Commission is presently required.
- Any new construction, including replacement of an existing structure or structural additions to existing development in residential zones, shall require a Development Review Permit if either or both of the following development criteria are satisfied:
 - The total of existing square footage plus proposed new square footage of the structure exceeds 60 percent of the maximum floor area allowable under the applicable floor area ratio.
 - If new square footage is proposed for an existing or new second story, the total of the existing square footage plus proposed new square footage of only the second story of the structure exceeds 40 percent of the floor area of the first story existing floor area for residential lots of 6,000 square feet or less, or 35 percent of the floor area of the first story existing floor area for residential lots of greater than 6,000 square feet.

No Building Permit or Grading Permit shall be issued relating to a project for which a Development Review Permit is required by this title until a Development Review Permit is obtained. Additionally, Solana Beach is located entirely within the state's coastal zone and all Coastal Development Permits must be heard by the State Coastal Commission.

The general process for obtaining an Administrative Building Permit in Solana Beach is as follows:

- One set (1) of building plans are initially reviewed by the Planning Department. Once the planning department has reviewed and noted required revisions or comments, the plans are marked to proceed with plan check. The applicant is advised to submit four (4) additional sets to the Building Department, which is managed by Esgil, an independent firm that provides plan check services to the City of Solana Beach. The Engineering, Environmental and Fire Departments conduct their reviews at the same time. The plans are reviewed for compliance with both the City's Municipal Code and applicable State laws.
- The Building Department plan check process may require plan revisions and subsequent rechecks until the plans are determined to meet all California Building Codes.
- The final set of plans must then be resubmitted to the City of Solana Beach for a "Re-Stamp." This Re-Stamp is required to allow each department the opportunity to review the final plan to confirm that required revisions were made, and to evaluate whether changes required by a different department did not create additional comments. Once the building permit plans have been placed in stamp out, the City sets no longer than ten days to sign off. Generally, the Re-Stamp proceeds more quickly than the initial review.

The City reviewed entitled projects over the past three years to determine how many applied for and received building permits and how long that took approximately. **Table 3-12** below shows how many projects received a building permit within one year of their entitlement approval. Not every project that received entitlement approvals applied for building permits in a timely fashion or at all. Entitlement approvals remain in place for a period of two years and may receive extensions from the City if desired by the applicant. The City continues to work with applicants that receive entitlement approvals to determine next steps and assist applicants with navigating the permitting process.

Year	No. Projects Entitled	Entitled Projects that did not Apply for Building Permits	Projects that Received Building Permits within One Year of Entitlement Approval
2018	15	<ul style="list-style-type: none"> 3 projects have not submitted for permits yet 2 projects were revised by the applicant and are currently in the permit process 	<p>9</p> <p>1 additional project received a permit within 2 years</p>
2019	18	<ul style="list-style-type: none"> 4 projects have not submitted for permits yet 2 projects were revised by the applicant and are currently in the permit process 1 project changed owners and has re-applied for permits 	11
2020	14	<ul style="list-style-type: none"> 5 projects have not submitted for permits yet 2 projects are in process to receive building permits 	7

The City operates a permit and processing counter with daily hours and provides extensive technical assistance to project proponents to ensure that their applications are complete and correct. In this manner, the City is able to provide a high degree of certainty and process proposals within seven to eight weeks.

The majority of these entitlements were for single-family residences and were entitled at the maximum density. As shown in **Table 3-18**, the City receives applications to develop below the maximum density on projects that propose a mixed-use type development. In these instances, the projects were determined to have the physical capacity to develop at the maximum density but chose to include a commercial or office component.

13. State Policies and Regulations

State policies and regulations, which are regularly updated to include new standards for development, requirements to improve accessibility, and updated environmental standards, may also serve to constrain housing development in local communities.

California Code of Regulations, Title 24

The state of California regularly updates and adopts new standards for construction which are known as the California Building Standards Code. The California Building Standards Code is a compilation of three types of building standards from three different origins, listed as follows:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from national model codes to address California’s ever-changing conditions; and
- Building standards, authorized by the California legislature, that constitute amendments not covered by national model codes, that have been created and adopted to address particular California concerns.

Regulations for residential use, maintenance, and occupancy for existing buildings are found in the California Code of Regulations, Title 24 Part 2.5. The most recent Code was published July 1, 2019 and went into effect January 1, 2020. The City of Solana Beach has adopted the 2019 Code as the City’s building standards, and the regulations and

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requirements provided by the California Code are not considered a constraint to development of accessible and affordable housing being they are required by law and developed to implement safe and well design standards.

Environmental Protection

State regulations require environmental review of proposed discretionary projects (e.g., subdivision maps, use permits, etc.). Costs resulting from fees charged by local government and private consultants needed to complete the environmental analysis, and from delays caused by the mandated public review periods, are also added to the cost of housing. However, the presence of these regulations helps preserve the environment and ensure environmental safety to Solana Beach residents.

C. Infrastructure Constraints

Another factor that could constrain new residential construction is the requirement and cost to provide adequate infrastructure (major and local streets; water and sewer lines; and street lighting) needed to serve new residential development. In most cases, where new infrastructure is required, it is funded by the developer and then dedicated to the City, which is then responsible for its maintenance. Because the cost of these facilities is generally borne by developers, it increases the cost of new construction, with much of that increased cost often “passed on” in as part of home rental or sales rates. However, such infrastructure costs do not represent a barrier in Solana Beach because as a built-out community, Solana Beach’s infrastructure is, likewise, built out and in place. Therefore, the high development costs often associated with installing infrastructure systems in other communities are not found in Solana Beach.

1. Water Supply and Wastewater Capacity

Among the municipal services that the City of Solana Beach provides are the functions of wastewater, and clean water (storm water pollution prevention). These utility services are funded exclusively from fees and rates charged to the City’s utility customers related to their use. Water supply is provided by the Santa Fe Irrigation District.

The City of Solana Beach has evaluated the availability of infrastructure from a Citywide and site-specific standpoint. In determining the feasibility of sites to accommodate the City’s RHNA needs, infrastructure provision was a determining factor. Based on the site inventory analysis contained in Appendix B of this Housing Element, deficiencies in infrastructure adjacent to, or on the parcels within the inventory of sites, do not pose a constraint to development. All of the lower income sites are adjacent to existing public roads that contain utilities and other infrastructure.

The City’s current General Plan EIR evaluated the infrastructure capacity for all sites within the City as identified in the current Land Use Element. The City is not rezoning or adding additional capacity beyond what is currently permitted and what has previously been evaluated. Therefore, the current EIR analysis which states there is adequate infrastructure in place to accommodate future anticipated development is accurate. Additionally, the City’s draft MND for the Housing Element Update was conducted to evaluate any potential impacts to the environment.

Water Supply

The Santa Fe Irrigation District provides reliable water to the Rancho Santa Fe, Fairbanks Ranch and City of Solana Beach area, and has been for almost a century. The Mission of the Santa Fe irrigation District is to efficiently provide its customers with safe and reliable water. The Santa Fe Irrigation District was originally formed by landowners under the California Irrigation District Act to provide water service to the area. The District serves approximately 19,400 customers on 10,200 acres of land in three communities: Rancho Santa Fe, Fairbanks Ranch and the City of Solana Beach.

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The Santa Fe Irrigation District has 100% ownership of 151 miles of pipelines and a six million-gallon filtered water reservoir in Solana Beach known as Larrick Reservoir. It shares ownership with the San Dieguito Water District (SDWD) of a 40 million-gallon-per day (mgd) water treatment and filtration plant (R.E. Badger Filtration Plant). The San Dieguito Reservoir was constructed in 1918 and has the capacity to hold 550-acre feet of raw water.

Wastewater Capacity

In compliance with the Federal Clean Water Act requirements, the City maintains the sanitary sewer system. A private contractor, under contract with the City of Solana Beach, provides routine cleaning of the public sewer mains. All public sewers are cleaned at least once a year using high pressure jetting and/or mechanical rodding. Problem sewers are cleaned up to four times annually. Root intrusion and grease buildup are the primary culprits of sewer backups.

The City's sewage is pumped to the San Elijo Water Reclamation Facility in Cardiff for treatment and disposal. The treatment facility supplies reclaimed water for landscape irrigation and industrial applications. The City Council appoints representatives to sit as voting members on the San Elijo Joint Powers Authority Board.

Sewer service charges are billed annually on the County property tax bill. The charge is determined based upon a user classification or category. Sewer service is not determined by water usage. The City Council, upon review of operating expenses and staff recommendations, determines the annual sewer fees each year.

Based on current service, routine care of the City's system, and the fact that the City of Solana Beach is built-out and well connected, additional housing will not pose a significant impact on the City's water services or ability to provide such services to new units. Additionally, cooperation with local service providers will support the prioritization of water and sewer services for future residential development, including units affordable to lower-income households. The City will submit the adopted Housing Element to local water and sewer providers for their review and consideration when reviewing new residential projects.

2. Stormwater Management

Solana Beach is located within the Carlsbad and San Dieguito River Watershed Management Areas (WMAs). Major surface water bodies in the Carlsbad WMA that receive urban runoff discharges from areas within the City include the San Elijo Lagoon and the Pacific Ocean. Major surface water bodies in the San Dieguito WMA that receive urban runoff discharges from areas within the City are the San Dieguito River/Estuary and the Pacific Ocean. The City of Solana Beach Public Works Department has and is responsible for maintaining the storm drain infrastructure through comprehensive programmatic efforts.

As mandated by the National Pollutant Discharge Elimination System Permit Order No. R9-2013-0001 (NPDES Permit) issued by the Regional Water Quality Control Board (RWQCB), the City is required to prevent and eliminate non-storm water discharges into the City's storm drain system. Non-compliance with the NPDES Permit can result in heavy fines to the City, up to \$10,000 per day per violation. In order to stay in compliance, the City has a comprehensive program to reduce the amount of pollutants that are allowed to enter the storm drain system. This is important because storm drains are NOT connected to wastewater treatment facilities, so the water that enters them flows directly to creeks, lagoons, and oceans untreated. The City of Solana Beach prohibits all non-storm water discharges unless a discharge is authorized by a separate NPDES permit. Typical non-storm water discharges include, but are not limited to:

- Oil from vehicles
- Excess pesticides and fertilizer from landscaping
- Bacteria from pet waste
- Sediment from construction and landscaping projects

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- Soap from car washing
- Litter
- Lawn and garden debris
- Improperly disposed home improvement debris
- Irrigation runoff
- Water from residential and commercial street, sidewalk, and parking lot washing
- Air conditioning condensation
- Chlorinated swimming pool discharges
- Sanitary sewer and septic system overflows

Jurisdictional Runoff Management Program

The City has a Jurisdictional Runoff Management Program (JRMP) that governs the activities and programs implemented to comply with the NPDES Permit. The purpose of the City's JRMP is to implement strategies that effectively prohibit non-storm water discharges to the MS4 and reduce the discharge of pollutants in storm water to the maximum extent practicable (MEP). Improving the quality of the discharge from the MS4 should have beneficial effects on the local receiving water bodies.

While the primary responsibility of managing the JRMP lies with the Department of Public Works, other City departments participate in the implementation of the program. Each Department and associated Division has an established role in implementing the components of the JRMP. The JRMP is broken up into the following sections, each with their own set of guidelines and requirements that City staff must adhere to and implement to stay in compliance with the NPDES Permit:

- Development Planning
- Construction
- Municipal
- Industrial and Commercial
- Residential
- Illicit Discharge Detection and Elimination
- Education
- Public Participation
- Fiscal Analysis
- Effectiveness Assessment

The City also has responsibilities above and beyond the requirements of the JURMP. The NPDES Permit requires the City to participate with neighboring jurisdictions and the entire region to develop and implement Watershed programs and a Regional Program. The City is in two separate watersheds, the Carlsbad Watershed and the San Dieguito Watershed, which each have pollution prevention programs called Watershed Urban Runoff Management Programs (WURMPs). City staff must develop and implement programs with staff from neighboring jurisdictions and the region to address water pollution on a much larger scale.

3. Fire and Emergency Services

Management of the fire department is handled through a Management Services Agreement with the City of Encinitas. Through this agreement the department is staffed with a Fire Chief, Deputy Fire Chief, 4 Battalion Chiefs, Fire Marshal, 6 Fire Captains, 6 Fire Engineers, 4 Firefighter/Paramedics, 2 Probationary Firefighters, a Management Analyst, and a Fire Prevention Specialist. In addition, the fire station is home to 6 Paramedics operating an ambulance owned by American Medical Response.

Responsibilities

Duties include supervising fire suppression operations and emergency medical services; emergency management; fire prevention activities; purchasing of materials, supplies, and fire equipment; management of service contracts; and administrative functions. In addition to Del Mar and Encinitas, the Solana Beach Fire Department has automatic aid agreements with the City of San Diego and the Rancho Santa Fe Fire District. The Solana Beach Fire Department

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provides mutual aid to the Northern San Diego Zone, San Diego County and as needed throughout the State of California

Emergency Response

Emergency response is handled according to the nature of the emergency with a combination of vehicles and equipment housed at the Solana Beach station and from surrounding agencies through mutual aid and automatic aid agreements. For example, a call for a structure fire would bring an engine, truck and paramedic unit from Solana Beach as well as engines from Rancho Santa Fe, Del Mar, Encinitas and San Diego. An increase to a second or third alarm would bring vehicles from as far as Carlsbad, Oceanside, Vista, San Marcos and Escondido.

The City of Solana Beach contracts with Trauma Intervention Programs of San Diego County, Inc. (TIP), a non-profit organization of specially trained citizen volunteers, to provide immediate emotional and practical support to victims and their families in the first few hours following a tragedy.

It is not anticipated that any new fire or emergency facilities would be required as a result of development on the housing sites. Therefore, this does not place a constraint on development.

4. Police Services

The City of Solana Beach is contracted for law enforcement services from the San Diego County Sheriff's Department. Through contract with the Sheriff's Department, the City of Solana Beach receives routine patrol of streets by patrol and traffic deputies, crime prevention services, and a wide array of other law enforcement services. The North Coastal Station serves nearly 60 square miles which includes the cities of Solana Beach, Encinitas and Del Mar, and the unincorporated communities of Rancho Santa Fe, Del Dios, Camp Pendleton and San Onofre.

Patrol Division

Patrol deputies respond to crimes or emergencies in progress and calls for service. They conduct routine patrols with their primary focus on the protection and preservation of life. They conduct preliminary investigations and apprehend law violators.

Traffic Division

Traffic deputies focus on vehicle code enforcement, traffic collision investigations and traffic control. The California Highway Patrol is the agency responsible for traffic enforcement in the unincorporated areas throughout the state of California.

It is not anticipated that any new police facilities would be required as a result of development on the housing sites. Therefore, this does not place a constraint on development.

D. Environmental Constraints

This section contains environmental constraints commonly found in the southern California region that may apply to future development within the City of Solana Beach. Most of these, while present within Solana Beach, do not reduce the development capacity of individual sites, nor do they alter the City's ability to develop housing within the planning period.

As demonstrated in the Overlay and Sites Analysis sections, the City has conducted a careful site analysis that takes into consideration the various environmental factors that may apply to future housing development within the City.

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As part of this analysis, the City mapped known environmentally sensitive areas using SANGIS data as well as available very high fire severity zone data. The City did not include any sites located within either of these areas. The City also addressed geologic, seismic, and liquefaction hazards by not identifying sites within the Coastal Bluff Overlay zone, where the majority of these hazards are present. Lastly, the City did not identify sites within the Floodplain Overlay zone.

The City has made diligent efforts to identify sites that are not impacted by known environmental constraints based on available data. The majority of the identified housing sites are in infill areas which are either currently developed or previously disturbed, which generally limits the environmental factors present on site. Further analysis of environmental factors is included within the environmental clearance document for the housing element.

1. Geologic and Seismic Hazards

Southern California is considered as one of the most seismically active regions in the United States because the faulting is dominated by the compression regime associated with the “big bend” of the San Andreas Fault Zone. The San Diego region is transected by several sub-parallel, pervasive fault zones, as well as smaller faults. Historically, earthquakes less than magnitude 4 have been common to the San Diego region.

Solana Beach is located on the western edge of the Peninsular Range geologic province. The Peninsular Range province is a physiographic feature which includes the Laguna Mountains, the Agua Tibia Mountains, the Santa Rosa Mountains, the San Jacinto Mountains, and the Santa Ana Mountains. The formation of this province’s mountain ranges and other features is due to the relative movement of the Pacific and North American continental plates along the San Andreas fault system. The province is located immediately west of the San Andreas fault and is affected by a number of other faults.

Therefore, Solana Beach, like much of southern California, is located in a region of high seismic activity. An offshore extension of the Rose Canyon fault lies approximately two miles to the west of Solana Beach and is considered to be potentially active. Events are much less likely to occur on potentially active faults as compared to active faults. However, given the close proximity of the Rose Canyon fault to Solana Beach, a strong earthquake on this fault could produce severe ground shaking in the city. In addition, recent offshore seismic activity has demonstrated that small magnitude earthquakes (less than 4.5 magnitude) can be generated on offshore faults, located approximately five miles offshore, and known as the South Coast Offshore Zone of Deformation. Below is an analysis of geologist and seismic constraints to development in Solana Beach per the City’s Safety Element and Climate Action Plan.

Geologic and Seismic Constraints to Development

The suitability of land for development is influenced strongly by the presence of certain geologic and seismic hazards. These hazards range from the direct and indirect effects associated with earthquakes to problems associated with slope stability and soil conditions that are not conducive to development.

Seismic Shaking

The energy released by movement along a fault travels through the earth’s crust as shock waves which cause the ground motion associated with earthquakes. The severity of ground motion at any given location is related to the total amount of energy released, the distance from the earthquake’s origin, and the character of surface and subsurface geologic conditions.

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Virtually all of Solana Beach consists of well-consolidated geologic materials rather than poorly consolidated soils such as alluvial deposits. Nevertheless, it should be noted that ground shaking in hillside areas could induce the slumping of geologic structures or landslides in areas of slope instability. According to the California Division of Mines and Geology, Solana Beach is within an area where the intensity of maximum expectable earthquakes would likely be moderate.

Liquefaction

Liquefaction is the substantial loss of strength of poorly consolidated and saturated soils due to the effects of seismic shaking. The passage of seismic waves through such soils can cause soil particles to be suspended temporarily in water, creating conditions very similar to quicksand. The resultant loss of strength can cause significant damage to structures as they settle, tilt, or collapse.

The potential for liquefaction in a given area is dependent upon soil characteristics, groundwater conditions, and the intensity of seismic shaking. In the Solana Beach area, the potential for liquefaction is greatest in the area located generally between Stevens Avenue and Valley Avenue, and in the area north of Via de la Valle between Del Mar Downs and Stevens Avenue. These are the only areas in the City which are underlain by poorly consolidated alluvium and slope wash which could liquefy during an earthquake depending upon groundwater conditions.

Seiches

Seiches are the oscillation of water in bodies of water sometimes caused by earthquakes. A common example is the “sloshing” of water in a swimming pool during an earthquake. Seiches are potentially hazardous when the wave action created in lakes or bays is strong enough to threaten human beings and structures nearby the body of water. The only area near Solana Beach where this is a potential concern is San Elijo Lagoon. However, this is a very minor concern since urban development in the City is not in close enough proximity to the lagoon to be exposed to seiches.

Landslides

Landslides are the downslope movement of geologic materials. Typically, such movement occurs as block glide or as a slump. In addition to landslides, other slope stability problems found in hillside areas must be considered in planning future land uses. These problems include soil creep, earthflows, and mudflows.

- Soil creep is the slow downslope movement of individual soil particles at varying rates.
- Earthflows involve the downslope movement of soils that have been saturated and form a viscous flow of material.
- Mudflows involve the rapid downslope flow of mud and debris.

In Solana Beach, the principal area of concern regarding slope stability is along the City’s coastal bluffs.

Bluff/Slope Stability

Slope stability is a significant concern along Solana Beach’s entire coastal bluff area. The steep bluffs have experienced losses resulting from the combined effect of natural and man-made activities. Urban development on the blufftops has placed increased loads upon the geologic structure of the area. All coastal blufftop areas are of concern to the City.

The City has recognized the challenges that come with managing the actively eroding shoreline. Multiple factors, such as wave action, winter storms, sea-level rise, and the lack of sand replenishment contribute to an unstable geologic environment. Seacliff erosion poses a threat to the public recreational use of the beach and to the homes located at

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the top of the bluffs. Shoreline protective devices along the coast include seawalls, revetments, shotcrete walls/cave infills, notch and dripline infills, and mid- and upper-bluff retention systems

Although future development constructed under the Housing Element may involve the construction of new residential structures in a seismically active area, the potential hazards would be less than significant because of the existing regulatory framework related to seismic safety. Additionally, development standards, updated building codes, and design requirements are in place in Solana Beach to mitigate potential hazards from natural disasters as well as developments.

2. Flooding

Flooding problems in Solana Beach have historically involved coastal flooding and San Dieguito River flooding in the area of Stevens Avenue and Valley Avenue. With respect to coastal flooding, the occurrence of storm events in combination with high astronomical tides and strong winds can cause a significant wave runup and allow storm waves to attack higher than normal elevations along the coastline. When this occurs, shoreline erosion and coastal flooding frequently result in damage to inadequately protected structures and facilities located along low-lying portions of the shoreline.

Floodplains are relatively flat land areas subject to periodic inundation by nearby drainage courses. These areas have historically attracted human settlement by virtue of their flat terrain, proximity to water, and soil characteristics that are often very fertile. Flooding represents a hazard only after human settlement on the floodplain exposes people and property to risks associated with the inevitable flood flows. Flood hazard areas in the Solana Beach area have been mapped through the National Flood Insurance Program administered by the U.S. Department of Housing and Urban Development (HUD) and the Federal Emergency Management Agency (FEMA). According to the City's Climate action Plan, a total of 9,300 people are vulnerable to a 100-year flood along the San Diego coast.

The relationship between land use and flood hazards has two key aspects. First, the potential for flooding is a major constraint to land development in that the hazards posed by flooding severely restrict the types of land uses within the floodplain. Second, urban land use development could result in adverse effects on downstream areas by increasing the potential for flooding. Urban development can result in adverse effects upon downstream areas involving increased flooding and/or erosion and sedimentation problems. Through the development of buildings, roads, sidewalks, and accompanying infrastructure, the amount of impermeable surfaces increases reducing the amount of land area capable of absorbing precipitation. Consequently, stormwater runoff conveyed to the San Dieguito River and the San Elijo Lagoon will increase in both volume of flow and flow velocity. While the effect of individual projects themselves may be relatively minor, the cumulative effect of increased impermeable surfaces and storm drain construction throughout upstream portions of Solana Beach could result in greater frequency and magnitude of flooding in downstream areas. However, given the extent of existing urbanization in Solana Beach, additional effects upon downstream areas are expected to be very minor.

However, the City recognizes the potential hazards which accompany flooding and has developed the following measures to prepare:

- As data and coastal science progress, conduct sea-level rise studies in addition to the study prepared as a part of the U.S. Army Corps of Engineers (USACE) Solana Beach & City of Encinitas Coastal Storm Damage Reduction Project to better understand the risks and cost/benefits of development within flooding hazard zones and potential long-term mitigation recommendations;

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- Protect existing, and construct new buffers to protect the coastline from flooding;
- Implement and expand upon the short- and long-term sediment management programs identified in the Solana Beach & City of Encinitas Coastal Storm Damage Reduction Project to preserve shorelines through beach replenishment and nourishment to address impacts of sea-level rise on shorelines;
- Incorporate sea-level rise effects into capital improvement plans;
- Install “green infrastructure,” using vegetation and soils to restore natural processes required to manage stormwater, around buildings and other parcel areas;
- Expand upon living shoreline-related projects similar to the Southern California Reef Technology Project to create shoreline habitat, enhance recreation, and improve sand retention; and
- Encourage the use of native landscaping with deep roots that can provide a sponge-effect by absorbing urban runoff.
- Join with other coastal cities in the region to share information and collaborate on adaptation measures.

Using the measures listed above, in addition to the requirements and standards outlined in the Floodplain Overlay Zone, it can be deduced that the impacts of potential flooding in Solana Beach will not pose a serious threat or constraint to the development and maintenance of safe and affordable housing within the City.

E. Housing Resources

1. Residential Sites Inventory

Appendix B of the Housing Element includes the required site analysis tables and site information for the vacant and non-vacant properties to meet the City’s RHNA need through the 2021-2029 planning period. The following discussions summarize the City’s site inventory and discuss the City’s past experience in redeveloping non-vacant sites and sites within non-residential zones.

2. Above Moderate and Moderate Income Sites

For the 2021-2029 planning period, the City’s RHNA allocation is 160 for moderate income site and 240 for above moderate-income sites. The City anticipates growth to meet the moderate and above moderate income need to come in existing residentially and commercially zoned areas (that presently permit residential development as a primary use) through the development of new units and through the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs).

78 moderate income and above moderate-income units can be accommodated on residentially zoned sites. The City has also identified commercially zoned sites within the City that permit residential as a primary use with the capacity to accommodate 182 above moderate-income units. The City contains the required descriptive information for these sites within **Appendix B**.

An additional 125 units can be accommodated through the development of ADUs/JADUs throughout the community. This is based on the methodology described within this section and incorporates guidance from HCD’s Housing Element Site Inventory Guidebook.

Analysis Of The City’s Existing Capacity And Zoning

The Housing Element must demonstrate the City’s ability to accommodate the RHNA either through production or the availability of properly zoned land that can accommodate additional growth. The City of Solana Beach is able to

accommodate all of its moderate and above moderate income RHNA need through available land with existing zoning classifications that permit residential as a primary use, as well as through the anticipated development of accessory dwelling units. **Appendix B** in this document contains a list and description of the sites designated to meet the City’s moderate and above-moderate need. **Table 3-13** below summarizes the capacity of the sites by current zoning classification which can accommodate 44 moderate income and 34 above moderate-income dwelling units. In conjunction with ADU development, these amounts exceed the City’s 2021-2029 RHNA allocation as shown in **Table 3-17**.

Table 3-13: Residential Capacity for Moderate and Above Moderate-Income Sites					
	Max Density (DU/AC)	Realistic Density (Used for Potential Yield Calculations)	Number of Parcels	Acreage	Potential Units
Above Moderate-Income Sites					
LRc	3	3	15	15.01	26
LRd	3	3	2	1.48	2
LMRc	4	4	4	2.87	4
LMRd	4	4	2	1.38	2
C	20	16	6	11.84	182
Subtotal			29	32.58	216
Moderate Income Sites					
MRd	7	5	7	3.86	13
MHRd	12	8	15	5.84	31
Subtotal			22	9.70	44
Total			51	42.28	260

Reasonable Capacity Assumptions

This section describes the methodology developed to determine the site capacity for the moderate and above moderate-income sites. Reasonable capacity for sites identified to meet the City’s above moderate need was calculated based on a number of factors, including site size, existing zoning requirements, and the maximum density achievable for projects within the LRc, LRd, LMRc, and LMRd zones. Reasonable capacity for sites identified to meet the City’s moderate need was calculated based on the same methodology described above, however the methodology assumed development of sites at the minimum density achievable for projects within the MRd and MHRd zones.

Potential constraints, to the extent they are known, such as environmentally sensitive areas and steep slopes were considered and deductions made where those factors decreased the net buildable area of a parcel. Additionally, existing units non-vacant parcels were analyzed to determine the number of existing units currently on the parcel. Replacement of existing units was included as a factor to prevent no net loss of existing housing stock.

3. Sites Suitable for Lower Income Housing

The City of Solana Beach has a RHNA need of 316 very-low-income units and 159 low-income units. As demonstrated below, the City is able to take credit for 32 low-income units, reducing that low-income need to 127 units. The City has identified residentially and commercially zoned parcels that can accommodate 531 dwelling units. The City also

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anticipates the development of 15 affordable ADUs based on the methodology described in this section. This is in excess of the City's 443 low and very-low RHNA need by 68 units, or an additional 15%.

The very-low and low-income sites inventory within **Appendix B** describes each of these sites, with information provided per the HCD required data tables. Dwelling unit yield for each of the parcels within this inventory were analyzed to determine a net parcel size based on the City's established definition of net acreage and known physical and environmental constraints. Due to the nature of infill development opportunities, parcels with non-residentially zoned areas were analyzed differently as described in the following section.

As identified in **Appendix B**, the City is able to accommodate their lower income RHNA need, including a buffer, on sites currently zoned to permit residential as a primary use. Non-vacant sites designated to meet the very-low and low-income RHNA need that have been identified in a previous housing and vacant sites designated to meet the very-low and low-income RHNA need that have been identified in two previous housing elements will also allow 'by-right' approval for any project with 20 percent low income housing that does not involve a subdivision per State law. This is described in **Program 1F** within the Housing Plan.

Development Of Non-Residentially Zoned Sites For Affordable Housing

In order to meet the City's very-low and low-income RHNA need, the City has identified parcels currently located on non-residentially zoned parcels that permit residential uses as a primary use. The City's existing zoning allows for the development of housing in a mixed-use setting at 20 dwelling units per acre in the following zones:

- General Commercial (C)
- Special Commercial (SC)

Per the City of Solana Beach Municipal Code, "Residential dwellings shall be permitted only on the upper floors, basement, and rear 50 percent of the ground floor. Alternatively, residential dwellings may be permitted on any portion of the building (or buildings) pursuant to a Development Review Permit; provided, that total residential development does not exceed 50 percent of gross allowable floor area." Residential units must be a minimum of 650 square feet in size, however "efficiency units" are permitted in these zones pursuant to a Development Review Permit. These units may range in size between 220 and 650 square feet. The reduced unit size may result in the development of more affordable units.

It is anticipated that while all sites identified with the City's sites analysis have the potential to develop at 20 dwelling units per acre at the full net acreage, some sites located within non-residentially zoned areas may develop with commercial uses. To account for this, the City has reviewed past residential development within these areas and determined that an 80% factor is appropriate to realistically gauge the residential development potential on the identified sites. As shown in **Table 3-18** the City has a past history of developing residential uses within the general commercial and special commercial zones at approximately 80% of the maximum capacity.

Pursuant to HCD's Building Blocks, there are a number of additional methods available to the City to analyze the likelihood of future development within these areas. These methods include:

- Discussion of residential development trends (regionally or locally) in nonresidential zones.
- Description of any existing or planned policies, programs, or local guidance or efforts promoting residential development in nonresidential zones.

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- Description of any existing, or planned, mixed-use or overlay zoning, performance standards, or incentives for promoting residential development in nonresidential zones.
- Demonstrate a surplus of non-residentially zoned sites relative to the regional housing need.

The following sections describe local and regional development trends promoting mixed-use development within established commercial corridors as well as Solana Beach's existing or planned policies, programs, zoning amendments, and incentives for promoting residential development in nonresidential zones.

EXISTING OR PLANNED POLICIES AND PROGRAMS

The City of Solana Beach currently allows residential development within three of its commercial zones. Two of these zones, General Commercial (C) and Special Commercial (SC) allow for development at 20 dwelling units per acre, a density which HCD deems appropriate for the development of low-income housing within a jurisdiction of Solana Beach's size.

In addition to existing zoning, the Highway 101 Corridor Specific Plan (amended July 2006) promotes the development of mixed-use residential and commercial uses along Highway 101 at a range of densities. The Specific Plan states that mixed-use development provides the opportunity to work toward the attainment of Housing Element objectives as well as provide an opportunity to enhance the pedestrian character of the Plaza and Transit Districts by introducing a residential component into the core of the Specific Plan area.

Regional Housing Needs Allocation

Future Housing Needs

Future housing need refers to the share of the regional housing need that has been allocated to the City. The State Department of Housing and Community Development (HCD) supplies a regional housing goal number to the San Diego Association of Governments (SANDAG). SANDAG is then mandated to allocate the housing goal to city and county jurisdictions in the region through a RHNA Plan. In allocating the region's future housing needs to jurisdictions, SANDAG is required to take the following factors into consideration pursuant to Section 65584 of the State Government Code:

- Market demand for housing;
- Employment opportunities;
- Availability of suitable sites and public facilities;
- Commuting patterns;
- Type and tenure of housing;
- Loss of units in assisted housing developments;
- Over-concentration of lower income households; and • Geological and topographical constraints.

HCD, through a determination process, allocates units to each region across California. It is then up to each region to determine a methodology and process for allocating units to each jurisdiction within that region. SANDAG adopted its Regional Housing Needs Allocation (RHNA Plan) in July 2018. This RHNA covers an 8-year planning period (starting in 2021) and addresses housing issues that are related to future growth in the region. The RHNA allocates to each city and county a "fair share" of the region's projected housing needs by household income group. The major goal of the RHNA is to assure a fair distribution of housing among cities and counties within the San Diego region, so that every community provides an opportunity for a mix of housing for all economic segments.

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Solana Beach’s share of the SANDAG regional growth allocation is 875 new units for the current planning period (2021-2029). **Table 3-14, Housing Needs for 2021-2029**, indicates the City’s RHNA need for the stated planning period.

Income Category (% of County AMI)	Number of Units	Percent
Extremely Low (30% or less) ¹	158	
Very Low (31 to 50%)	316	36.1%
Low (51 to 80%)	159	18.2%
Moderate (81% to 120%)	160	18.3%
Above Moderate (Over 120%)	240	27.4%
Total	875	100.0%

Note 1: Pursuant to AB 2634, local jurisdictions are also required to project the housing needs of extremely low income households (0-30% AMI). In estimating the number of extremely low income households, a jurisdiction can use 50% of the very low income allocation or apportion the very low income figure based on Census data. This number is not additive to the total allocation.

Source: Final Regional Housing Needs Allocation, SANDAG, 2019.

Credits Toward The 2021-2029 RHNA

The current 5th Housing Element cycle covers the reporting period from January 1, 2013 to December 31, 2020. The projection period for 6th cycle Housing Elements, which is the period in which cities within the SANDAG region are permitted to begin attributing development of housing units towards meeting their RHNA need, begins on June 30, 2020. The City is permitted by State law to count any units developed within the projection period prior to adoption of the 2021-2029 housing element towards meeting their RHNA need for the 6th Cycle.

Since June 30, 2020, the City has approved entitlements for 103 total units. **Table 3-15** shows a summary of these units.

Description	Permit Issued	Affordability Level				Total
		Very Low	Low	Moderate	Above Moderate	
Solana Highlands Multi-family	To be issued		32		30	62
Solana 101 Multi-family	To be issued				25	25
895 Genevieve – ADU Garage Conversion	To be issued			1		1
515 Ford Avenue – New Single-family	To be issued				1	1
521 S. Rios Avenue – New Single-family and ADU	To be issued			1	1	2
984 Avocado Place – New Single-family and ADU	Issued – Date N/A			1	1	2
986 Avocado Place – New Single-family	Issued – Date N/A				1	1
431 Marview Lane – New Single-family	Issued – Date N/A				1	1

Table 3-15: Approved Entitlements Counted as Credit Towards 2021-2029 RHNA						
Description	Permit Issued	Affordability Level				Total
		Very Low	Low	Moderate	Above Moderate	
970 Avocado Place – New Single-family	Issued – Date N/A				1	1
752 Sonrisa Street – ADU Garage Conversion	Issued – Date N/A			1		1
166 S Nardo Avenue – New ADU	7/30/2020			1		1
200 Marine View Avenue – ADU Guest House Conversion	9/29/2020			1		1
739 N Rios Avenue – New ADU	7/7/2020			1		1
564 N Rios Avenue – New ADU	10/1/2020			1		1
336 S Nardo Avenue – New ADU	9/29/2020			1		1
1103 Santa Rufina Court – ADU Garage Conversion	11/12/2020			1		1
Total		0	32	10	61	103

The Solana Highlands Multi-family project, which includes 32 units available at the low-income level, includes and Affordable Housing Agreement which was approved by the Solana Beach City Council in 2018. That agreement ensures these units are deed-restricted at the low-income level beyond the duration of the planning period.

Adequacy Of Sites For RHNA

Solana Beach has identified sites with a capacity to accommodate 531 lower income dwelling units, which is in excess of its 475-unit lower income housing need. Sites designated are on parcels that permit residential development as a primary use up to 20 dwelling units per acre.

Due to the nature of parcels within the general commercial and special commercial zones, some sites may be smaller in nature. Sites that are smaller than 0.5 acres are shown in the table below and were analyzed to determine their viability to redevelop for residential uses within the planning period. That analysis is described further in **Appendix C** and summarized here. **Table 3-16** shows the sites identified to meet the City of Solana Beach’s lower income RHNA need that are smaller than 0.5 acres and the analysis findings that support their likelihood to redevelop. Additional sites are identified as likely to be consolidated within the City’s Sites Analysis, as shown in **Appendix C**. Those sites are not listed here as they are individually over the 0.5 acres and may likely develop individually as well.

Table 3-16: Adequacy of Small Sites to Meet RHNA				
APN	Address	Parcel Size	Consolidated Site (Shown in HCD Site Inventory Template)	Analysis Findings/Description
2982118100	S Sierra Avenue	0.33	A	This parcel is currently a city-owned parking lot with no existing structures. The Sites Analysis shows this parcel as consolidated with 511 S Highway 101 (APN 2982114000), a fit athletic club for which it currently serves as overflow parking. These parcels are directly adjacent, share an ingress/egress point and the parking is not used for any other adjacent use. As the parcel is City-owned, the City has added control over the future use of this parcel and is interested in developing it for residential uses as indicated in the Housing Element.
2980103200	201 S Highway 101	0.35	C	This parcel as well as the parcel directly adjacent to it (APN 2980103100) are both vacant parcels within the City's downtown core. Both parcels have a common ownership under the Kornberg Family Trust and have no existing structures or developed sections. The properties are in close proximity to a number of multi-family developments which have developed on parcels within similar size, shape, and location.
2980103100	204 S Sierra Avenue	0.43	C	See above description. Parcels are anticipated to be developed together and have been identified as consolidated sites in the City's Sites Inventory.

The City of Solana Beach has a total 2021-2029 RHNA allocation of 875 units. As demonstrated previously, the City is able to take credit for 89 units currently within the projection period, lowering the total RHNA obligation to 772 units as show in **Table 3-17**. The Housing Element update lists sites, including accessory dwelling units, that can accommodate approximately 884 additional units, in excess of the required 772 units. As described in this section, the City believes that due recent State legislation and local efforts to promote accessory dwelling unit production, the City can realistically anticipate the development of 128 ADUs within the 8-year planning period. Overall, the City has adequate capacity to accommodate its 2021-2029 RHNA with a 15% buffer in excess of the City's lower income RHNA need.

Table 3-17: Summary of RHNA Status and Sites Inventory					
	Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
2021-2029 RHNA	316	159	160	240	875
RHNA Credit (Units Built)	--	32	10	61	103
Total RHNA Obligations	316	127	150	179	772
Sites Available					
Existing Residentially Zoned Properties	10		44	34	88
Existing Commercially Zoned Properties	486		--	182	668
Total Potential Capacity Based on Existing GP and Zoning	496		44	216	756
Accessory Dwelling Unit Production	15		113	--	128
Total Sites Available	511		157	216	884
Sites Surplus	68		7	37	112

4. Development of Non-Vacant Sites and Converting to Residential Uses

The City has designated non-vacant sites, both residentially and non-residentially zoned, to meet their 6th Cycle RHNA need. The Housing Element considers only parcels that are residentially zoned currently to meet their moderate and above moderate RHNA need. Parcels designated to meet the two remaining categories (very low and low-income) are on both residentially and non-residentially zoned parcels. The majority of these parcels have existing single-family residential uses on the parcel but have lot sizes and development standards that provide the opportunity for these parcels to subdivide and accommodate additional units while still meeting all of the applicable development standards for that zone.

State law requires that the City analyze:

- the extent to which existing uses may constitute an impediment to the future residential development within the planning period,
- the City’s past experience with converting existing uses to higher density residential uses,
- current market demand for the existing use,
- analysis of leases that would prevent redevelopment of the site,
- development trends,
- market conditions, and
- regulatory or incentives to encourage redevelopment.

Past Experience Developing Non-Vacant Sites for Residential Uses

The following approved projects illustrate the viability of developing non-vacant, non-residentially zoned sites within Solana Beach. These projects are all zoned either General Commercial (C) or Special Commercial (SC). These zones permit residential development at up to 20 dwelling units per acre. The projects below were developed with a mixture of uses and the square footage of non-residential uses has been provided where available. In all instances, development did not occur at the maximum density due to the presence of other uses, but development was at or near the lowered capacity factor that the City assumed in the sites analysis process. Additionally, it was found that all

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projects could have achieved the maximum allowable density with the application of current development standards, but instead chose to include non-residential uses.

Table 3-18: Example Development of Non-Vacant Sites for Residential Uses				
Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
636 Valley Avenue/ 2981333900	3	C	Small single-family residence on a large lot, mostly undeveloped lot.	Project developed 3 residential units and a small commercial component. At 20 du/ac, the project could accommodate 4 dwelling units but opted to only do 3 to incorporate the commercial component. This justifies the City's adjustment factor shown in Table B-4 in Appendix B
625 Valley Avenue/ 2981310800	2	C	Commercial dentist offices on a large lot.	Project redeveloped the lot to keep the dentistry office uses and add two residential units at the rear part of the parcel. The parcel. This project had the potential to include additional residential but chose to keep over half of the lot for dentist offices and related parking.
330 S. Cedros Avenue/ 2980761300	8	SC	Commercial nursery with outdoors sales/display areas and a small commercial store structure.	Project developed 8 residential units in addition to ground floor commercial space along Cedros Avenue and additional creative office space for lease within the two story structure. This development could have met the maximum number of residential units but chose to include additional commercial/office space.
343 S. Highway 101/ 2980521400	25	C	Five adjacent parcels consisting of a commercial car repair/autobody shop, vacant mobile home park, vacant residence, and homes converted to office uses.	This 1.95 acre project site consists of 5 parcels in the General Commercial (C) zone that were directly adjacent and consolidated to develop this mixed-use project. The project consists of approximately 52,000 square feet of commercial office, restaurant and dining, and retail space in addition to 25 multi-family residential units. This development could have met the maximum number of residential units permitted within the current zoning but chose to include additional commercial/office space.

Existing Uses on Candidate Sites

Table B-4 shows the existing uses on each of the candidate sites identified to meet Solana Beach's low and very-low income RHNA need. These sites are largely commercial in nature currently though a broad level analysis shows that a number of the existing retail, restaurant, and gym facilities are either temporarily or permanently closed, likely due

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to recent economic conditions relating to the impacts of COVID-19. Where known, this has been indicated within the individual parcel analysis. A December 2020 publication in SanDiegoVill listed 115 San Diego restaurants and bars alone that closed in 2020, approximately 15 of which were in Solana Beach and the surrounding coastal cities of Del Mar, Encinitas, and Carlsbad.

Three of the four development examples in **Table 3-18** above were existing commercial uses and all were on parcels zoned commercially. These recent examples demonstrate an uptick in residential development where previously commercial uses existed in Solana Beach.

The City is continuing to outreach to property owners of the identified candidate sites and the development community to collect letters of interest in residential development. Letters received are included within **Appendix A**.

Lease Analysis

Existing lease agreements on infill and non-vacant properties present a potential impediment that may prevent residential development within the planning period. State law requires the City to consider lease terms in evaluating the use of non-vacant sites, however the City does not have access to private party lease agreements or other contractual agreements amongst private parties. As part of the sites analysis for very-low and low-income sites, the City conducted discussions with those property owners who came forward as interested in developing their properties for affordable housing through the planning period.

Regulatory Incentives

Many development projects in infill areas like the Solana Beach commercial corridor utilize density bonus provisions to construct affordable units. The City understands that existing land use policy may not necessarily contribute to the development of housing. Therefore, regulatory incentives can be helpful in bringing housing units to the market.

The Housing Element looks at the ability to sub-divide existing residential parcels into multiple lots as one method to meet the RHNA need. Creating lots by subdividing one lot from another creates the regulatory structure land resources for additional housing development activity.

The City has created programs expressly written to address the potential development of additional regulatory incentives to incentivize the creation of affordable housing.

Current Market Demand for Existing Uses

Social and demographic trends within Solana Beach and the San Diego region as a whole have changed since the adoption of the 5th cycle Housing Element. With those changes come changes in the types of housing needed to serve the existing and future populations. According to draft population forecasts developed by SANDAG (Series 13), the region's population will rise to 4,068,759 million in 2050, from 3,095,313 million in 2010 (31% increase). Current SANDAG modeling anticipates that Senior Citizens (ages 65+) will drastically outpace other age demographic categories. An increasing elderly population presents cities within the San Diego region with a range of potential scenarios in regard to how to adequately house and accommodate for a large portion of the population with potentially limited mobility increased community care needs. These age demographics also typically have fixed or decreasing incomes and may look for senior care facilities or easily walkable communities that decrease dependence on automobiles. During outreach workshops across the region, many senior citizens express the desire to age in place and stay within the communities they have invested in and are comfortable with. This often requires moving to smaller units or other types of senior communities where services and help are readily available.

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Another subset of the population to consider is Generation Y, often referred to as millennials. As millennials enter into their late 20s to mid-30s, many show the desire to purchase housing in some form. A 2014 ULI study stated that “fully 70% of Gen Yers expect to be homeowners by 2020, despite the fact that only 26 own today (2014)”. (ULI, Gen Y and Housing, 2014) The study goes on to show that 35% of respondents lived in other city neighborhoods (neighborhoods outside of main downtown areas) and 28% lived in suburbs, while only 13% lived within or near downtown areas. This indicates an increasing desire for millennials to live in outlying city neighborhoods or suburbs where housing is still relatively cheaper and there is more opportunity to have larger lots and more space. Solana Beach is largely classified as a suburban community situated between the major downtown areas of San Diego and Los Angeles. If trends continue, millennials will continue to seek out opportunities to live in communities like Solana Beach, though the current high cost of housing and land values may deter some to less expensive areas.

Development Trends

As a coastal community with high land values and limited land resources, Solana Beach has developed into a mostly built-out community with little available developable land. This trend is seen in many of the neighboring North San Diego County cities like Encinitas and Del Mar. Solana Beach’s comparatively small size in terms of physical land further constrains the ability to rely on undeveloped or underutilized parcels to meet their RHNA need.

State, regional, and local policy direction promoting the development of housing at all levels to meet existing housing shortages, especially for low-income families, has further driven up the demand for housing. The redevelopment of existing non-vacant land, both in residential and non-residential zones, for multi-family rental and for sale housing provides a realistic opportunity to create affordable housing using the resources available within communities such as Solana Beach. As a result, much of Solana Beach’s future growth will be on infill opportunities within the City. To facilitate this, the City has two commercial zones (General Commercial and Special Commercial) which allow residential development up to 20 dwelling units per acre. This increases the developable area within the City where residential development can occur and promotes development at densities which may support affordable housing.

Many of the proposed sites within the housing element sites inventory involve the redevelopment and revitalization of non-vacant parcels. This development is anticipated to occur in existing commercial corridors where commercial uses may be both supplemented or replaced by needed housing units as traditional retail uses shift to focuses of smaller physical footprints and a larger online presence. This follows a statewide shift in development trends towards infill properties and creating walkable hubs that rely on alternative methods of transportation such as walking, biking, and mass transit. The following recently constructed projects are regional examples within San Diego of infill projects with a residential component:

- **Solana 101 (Solana Beach, CA)** – Mixed-use project containing approximately 45,500 square feet of office space, 10,500 square feet of restaurant uses, 4,100 square feet of retail space, and 25 one- and two-bedroom apartments. Building permits are currently in the process of being issued.
- **801 Pearl St. (La Jolla, CA)** – Two-story mixed-use project on 0.48 acres with 26 residential units (2 affordable), and two retail units on the ground floor. Building permits are currently in the process of being issued.
- **The Point @ Ingraham (San Diego, CA)** – 21-unit property with 2,300 square feet of commercial space on the ground floor. Residential units range from 400 – 900 square feet. Completed in 2014.
- **The Lofts at Moonlight Beach (Encinitas, CA)** – 18 residential units above 15 retail spaces which range in size from 550 sf to 1,200 sf. The project is a mixture of two- and three stories along Highway 101 in Encinitas. Completed in 2008.

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These projects are a small sample size of mixed-use projects completed in the San Diego region, many of which are along Highway 101 in various cities. City's like Solana Beach are uniquely positioned to foster infill development by permitting residential uses within their main commercial zones.

Development on non-vacant parcels was analyzed to determine a reasonable development capacity based on known constraints and historic development patterns within each of the different zones. Development is anticipated to occur in the General Commercial (C) and Special Commercial (SC) zones. **Table B-4** in **Appendix B** contains a detailed description of each existing use. Many of the existing uses were found to be similar with recent redevelopment examples in Solana Beach (shown in **Table 3-18**) as well as the regional development trend analysis in this section. **Appendix A** also includes outreach to property owners and letters of owner support/developer interest for specific parcels identified in the Housing Element.

Accessory Dwelling Unit Production

One of the proposed methods for meeting the City's RHNA at all income levels is through the production of accessory dwelling units (ADUs). A number of State Assembly and Senate Bills were passed in 2018 and 2019 that promote development of ADUs and remove barriers that may inhibit their development within communities. The following is a summary of those bills:

- AB 68 and 881
 - Prohibit minimum lot size requirements
 - Cap setback requirements at 4', increasing the size and location opportunities for ADUs
 - Prohibit the application of lot coverage, FAR, or open space requirements that would prevent an 800 square foot from being developed on a lot
 - Remove the need for replacement parking when converting an existing garage to an ADU
 - Limit local discretion in establishing min and max unit size requirements
 - Mandate a 60 day review period for ADU applications through a non-discretionary process
- SB 13
 - Prohibit owner-occupancy requirements for 5 years
 - Reduce impact fees applicable to ADUs
 - Provide a program for homeowners to delay compliance with certain building code requirements that do not relate to health and safety
- AB 670
 - Prohibits Homeowner's Associations (HOAs) from barring ADUs

These bills, as well as other significant legislation relating to ADUs creates a development environment that is likely to increase the number of ADUs developed within Solana Beach over the 2021-2029 planning period. Solana Beach, with a large proportion of single-family residential properties (many on larger lots), is well-oriented for the development of ADUs.

As a result of this legislation and an increased effort by the City to promote ADUs, the City saw an increase in approvals in 2020. The City had 12 ADUs approved for development between January 1, 2020 and December 31, 2020, 2 of which are affordable. HCD guidance states that ADUs may be calculated based on the City's production since January 1, 2018. In 2018 and 2019, the City of Solana Beach approved 6 and 10 ADUs respectively. The City of Solana Beach has determined based on past performance and HCDs approved methodology that it is appropriate to anticipate the development of 16 accessory dwelling units per year from 2021 to 2029 for a total of 128 ADUs.

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Additionally, the City received 24 applications for ADUs in 2020. The City is still processing some of these applications, which will likely receive permits early in 2021. In accordance with State law, ADUs are allowed in all zones that allow single dwelling unit or multiple dwelling unit development. Junior Accessory dwelling Units (JrADUs) are permitted only in single dwelling unit zones.

Through the Housing Element, Solana Beach commits to creating an ADU tracking program and performing a mid-cycle assessment of their ADU development performance. As stated in HCD guidance, the City may use other justifiable analysis to calculate anticipated ADU performance.

As part of the sites analysis found within **Appendix B**, the City has accounted for future ADU and JADU production using the City's 2018, 2019 and 2020 performance to date. This City anticipates ADU development of 128 ADUs over the next 8 years, 15 of which are anticipated to be affordable. The ADUs not designated to meet the City's lower income RHNA need are anticipated to be affordable at the moderate-income levels.

F. Financial Resources

Providing an adequate supply of decent and affordable housing requires funding from various sources, the City may have access to the following finding sources.

1. Section 8 Housing Choice Voucher

The Section 8 Housing Choice Voucher program is a Federal government program to assist very low-income families, the elderly, and the disabled with rent subsidy payments in privately owned rental housing units. Section 8 participants are able to choose any housing that meets the requirements of the program and are not limited to units located within subsidized housing projects. They typically pay 30 to 40 percent of their income for rent and utilities. The County of San Diego administers Section 8 Housing Choice vouchers within the City of Solana Beach. The County makes the determination for the number of vouchers available within Solana Beach based on available funding from year to year. This is not determined by the City of Solana Beach.

2. Community Development Block Grants (CDBG)

The Community Development Block Grant (CDBG) program provides annual grants on a formula basis to cities to develop viable urban communities by providing a suitable living environment and by expanding economic opportunities, principally for low- and moderate-income persons (up to 80 percent AMI).

CDBG funds can be used for a wide array of activities, including:

- Housing rehabilitation;
- Lead-based paint screening and abatement;
- Acquisition of buildings and land;
- Construction or rehabilitation of public facilities and infrastructure, and:
- Public services for low income households and those with special needs.

3. HOME Investment Partnership Program (HOME)

The HOME program provides federal funds for the development and rehabilitation of affordable rental and ownership housing for households with incomes not exceeding 80 percent of area median income. The program gives local governments the flexibility to fund a wide range of affordable housing activities through housing partnerships with

private industry and non-profit organizations. HOME funds can be used for activities that promote affordable rental housing and homeownership by low income households.

4. Infrastructure and Facilities

As a highly urbanized community, infrastructure facilities are available to serve development throughout Solana Beach. Access to required infrastructure was a consideration in determining the draft candidate sites to meet the City's RHNA need.

Safety Considerations for Development Near Railroad Tracks

The City of Solana Beach follows the guidelines for train safety published by Operation Lifesaver. There are no considerable constraints to development due to the hazards or safety concern caused by the train in Solana Beach. Additional train safety information and guidelines for visitors and residents can be found on the Solana Beach website.

5. Energy Conservation

The primary uses of energy in urban areas are for transportation lighting, water heating, and space heating and cooling. The high cost of energy demands that efforts be taken to reduce or minimize the overall level of urban energy consumption. Energy conservation is important in preserving non-renewable fuels to ensure that these resources are available for use by future generations. There are also a number of benefits associated with energy conservation including improved air quality and lower energy costs. The City of Solana Beach has many opportunities to directly affect energy use within its jurisdiction.

6. Title 24 and Solana Beach Climate Action Plan

Title 24 of the California Administrative Code is a set of requirements for energy conservation, green design, construction maintenance, safety, and accessibility. Title 24 was published by the California Building Standards Code and applies to all buildings in California, not just state-owned buildings. Title 24 regulations and requirements are enforced when an applicant pulls a Building Permit for a proposed project and have plans reviewed or building inspected.

In 2019, the City adopted the Solana Beach Climate Action Plan which sets targets for reducing greenhouse gas, identifies strategies to meet the targets, formulates and implementation plan, and discusses adaptation methods for the City. Green House gas emissions reduction targets for the CAP were established consistent with State guidance as follows, 15 percent below 2010 levels by 2020 and 50 percent below 2010 levels by 2035. The Program also includes strategies to reduce water consumption and waste generation, promote energy efficiency and encourage sustainable transportation alternatives.

7. Solana Energy Alliance

2002, Community Choice Aggregation (CCA) (AB 117) was signed into law. This legislation removed a significant organizational hurdle for local governments interested in providing electricity to their communities. Unlike AB 1890, which required each customer to specifically choose non-IOU service ("opt-in" to the new service), formation of a CCA assumes that all utility customers within the CCA's boundaries will become CCA customers. However, customers within the CCA's boundaries may choose to continue their utility service, to "opt-out" of the CCA program. Customers will have, at a minimum, four opportunities to opt-out of the CCA and remain with the CCA at no additional cost during the CCA formation process. Customers that remain in the CCA can switch back to SDG&E at any time in the future.

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Unlike a municipal utility, such as the Los Angeles Department of Water and Power or the Sacramento Municipal Utility District, a CCA does not own the transmission and delivery systems (i.e., the poles and wires). Instead, a CCA is responsible for providing the energy commodity (i.e., the electrons themselves) to its constituents—which may or may not entail ownership of electric generating resources. The Investor Owned Utility (IOU), SDG&E, still provides transmission and delivery, maintains the infrastructure and provides billing services (the customer will see no changes in the billing process) in a CCA.

The Value of Forming a CCA

Many communities want to increase the amount of non-polluting, renewable energy they use, and are looking at Community Choice Aggregation as a mechanism for doing so. CCAs have shown to be one of the most significant mitigation measures necessary for communities to reach greenhouse gas reduction targets established by the State.

Local control over retail electric rates is another important motivation for initiating CCA. Investor-owned utilities currently propose service rates for electric generation, transmission and distribution, and the California Public Utilities Commission either approves or rejects these proposals. Under CCA, decisions about rates, generating resources and public benefit programs will be made locally and be accountable to local customers.

The Benefits of CCA

A community will need to present strong incentives for choosing CCA to its potential customers. Many California cities and counties have agreed to reduce greenhouse gas emissions or have other, similar environmental goals. CCAs can help by increasing local consumption of renewable energy.

Local control of electric rates can also allow a community to attract new businesses and retain existing ones by offering targeted incentives to these customers. Other communities may want to develop generation projects that increase local employment. Some may focus on creating income to offset municipal expenditure. And perhaps most importantly, preliminary feasibility studies indicate that CCAs, through the use of local government financing, should be able to reduce electric rates compared with IOUs. This reduction is because private financing costs are more than twice those of a CCA. Based on a pilot project funded by the California Energy Commission, CCA capital costs were about 5.5%, compared to 12.9% for IOUs.

This capital financing advantage is especially important for high capital, low-operating-cost facilities like renewable energy generation.

The Risks of CCA

The biggest risk is that CCA rates may be higher than utility rates. Well-managed power purchasing and development should mitigate this risk. A well-balanced portfolio of resources that includes short and long-term contracts and CCA financed new generation projects should result in competitive rates.

One way to hedge against volatile energy prices is to create a rate stabilization fund, which many municipal utilities do. This will allow a CCA to hold prices steady, even when fuel prices rise. And there is no fuel cost to generate electricity from wind and solar sources.

Future regulatory decisions could result in cost increases for CCA programs. Most of the decisions about CCA programs have already been made by the CPUC, however. Local governments participated in that process, and their concerns were favorably reflected in those decisions.

G. Affirmatively Furthering Fair Housing (AFFH) Analysis

Beginning January 1, 2019, AB 686 established new requirements for all California jurisdictions to ensure that local laws, programs, and activities affirmatively further fair housing. All Housing Elements due on or after January 1, 2021 must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Further Fair Housing Final Rule of July 16, 2015.

Under State law, affirmatively further fair housing means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. These characteristics can include, but are not limited to race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

In May 2015, San Diego County and the San Diego Regional Alliance for Fair Housing completed the Regional Analysis of Impediments (AI) to Fair Housing Choice for FY 2015-2020. The City of Solana Beach is one of thirteen jurisdictional members of the San Diego Regional Alliance for Fair Housing (SDRAFFH). The Regional Alliance for Fair housing is a coalition of fair housing organizations, community-based groups, concerned citizens, representatives of the housing industry, and government agencies working toward the goal of affirmatively furthering fair housing.

The AI identifies impediments that may prevent equal housing access and develops solutions to mitigate or remove such impediments. Solana Beach’s 6th Cycle Housing Element references analysis from the AI in order to identify potential impediments to housing that are specific to the City.

1. Needs Assessment

The AI contains a Countywide analysis of demographic, housing, and specifically fair housing issues for all cities in San Diego County, including Del Mar. The City's demographic and income profile, household and housing characteristics, housing cost and availability, and special needs populations are discussed in the Community Profile Section of the Housing Element.

Fair Housing Assessment

The AI identifies impediments to fair housing within jurisdictions in San Diego County. Within the AI, there are several potential constraints that are either directly related to the coastal jurisdictions within San Diego County or to Solana Beach specifically. The following potential constraints are related to analysis within the regional AI:

- High housing cost and affordability of housing in coastal areas
- Low number of loan applications due to the built out character of the community
- Lack of racial diversity
- Residential density constraints
- Low concentration of rent-restricted units
- Existing growth management policies
- Lack of education and outreach

As part of the AI, the County of San Diego surveyed residents to learn more about fair housing issues in each jurisdiction. The County received approximately 1,100 total individual responses, with only 1 response by a resident within Solana Beach. The respondent stated that they believed they were discriminated on the basis of their source of income (e.g. welfare, unemployment insurance, Housing Choice Voucher/Section 8 Voucher). The respondent did

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not report the incident as they did not know where to report it. There were zero fair housing complaints within Solana Beach filed with the State Department of Fair Employment and Housing (DFEH) between 2009-2014 and one fair housing within Solana Beach filed with the State Department of Housing and Urban Development (HUD).

The Regional AI (2015-2020) provided the following recommendations for the City of Solana Beach. Some of these are in the form of actions that may have been taken by the City since the adoption of the AI.

1. The City should evaluate its definition of family and revise the definition to ensure that it does not constrain the development of housing for persons with disabilities or residential care facilities.
2. Amend the Zoning Ordinance to permit emergency shelters by right in at least one zone to comply with State law
3. Amend its Zoning Ordinance to include provisions for transitional housing, transitional housing, and SRO pursuant to State law.

Local Contributing Factors

The regional AI outlines the following local characteristics which can contribute to fair housing issues in Solana Beach:

- **Housing Age and Condition** – Section 2.F.4 of this Housing Element analyzes the housing stock within the City of Solana Beach. The analysis found that 46.2 percent of all housing in Solana Beach was built between 1970 and 1978. Only about 4 percent units in Solana Beach built after 2000, and about 2 percent in 2014 or later. From 2019 to 2020 a total of 81 code enforcement reports were filed related to dilapidated properties, property maintenance, and/or substandard living conditions. Similarly, the housing stock in the San Diego region is older, with majority of the housing units (54 percent) built before 1979 and is at least 40 years old. Home rehabilitation can be an obstacle for senior homeowners with fixed incomes and mobility issues.
- **Housing Cost and Affordability** - Section 2.F.5 of this Housing Element analysis the cost and affordability of housing within the City of Solana Beach. The cost of homeownership varies within San Diego County depending on the community. According to the regional AI, in 2019, the median sales price for homes in San Diego County was \$594,909, an increase of 38 percent from 2014. Home prices vary by area/jurisdiction, with very high median prices in coastal areas such as in Solana Beach where the median cost of a home was \$1,103,900 in 2017, (56% higher than the County median).
- **Access to Opportunities for Persons with Disabilities** - Affordability, design, location, and discrimination limit the supply of housing for persons with disabilities. Amendments to the Fair Housing Act, as well as state law, require ground-floor units of new multifamily construction with more than four units to be accessible to persons with disabilities. However, units built prior to 1989 are not required to be accessible to persons with disabilities. Noted above, more than half of the Solana Beach Housing stock was built prior to 1989 creating challenges to finding adequate and accessible housing for persons with disabilities. **Program 4F in the Section 4: Housing Plan** identifies strategies to support reasonable accommodation and increase the opportunity for housing for persons with disabilities.

Fair Housing Enforcement And Outreach Capacity

The Regional AI identifies six workshops that were hosted throughout the County in October and November 2019 to gather input regarding fair housing issues in the region. The locations and dates of the workshops were as follows:

- Central Region: LISC San Diego, San Diego, CA - October 30, 2019
- Eastern Region: El Cajon Police Department, El Cajon, CA - November 6, 2019
- Northern Region: Escondido City Hall, Escondido, CA - November 7, 2019

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- Central Region: Valencia Park/Malcolm X Library - November 13, 2019
- Southern Region: Chula Vista City Hall, Chula Vista, CA - November 20, 2019
- Southern Region: MLK Jr. Community Center, National City, CA - November 21, 2019

In addition to the input given by representatives from local organizations in attendance at the community workshops, key stakeholders were contacted for one-on-one interviews about the AI. Participants represented organizations that provide fair housing services and/or complementary and related support services. Additionally, a fair Housing Survey was released throughout the County, available in multiple languages. One survey respondent reported being from Solana Beach; the respondent noted that he/she was discriminated against based on source of income and did not file a report because he/she did not know where to file.

Currently, North County Lifeline (NCL) provides fair housing services within Solana Beach. Through Facilitative Mediation, NCL provides tools for dispute resolution in order to resolve conflicts outside of court. For those in need of additional assistance, North County Lifeline also provides a monthly legal clinic to provide legal advice to residents in need of counseling.

The U.S. Department of Housing and Urban Development (HUD) maintains a record of all housing discrimination complaints filed in local jurisdictions. These grievances can be filed on the basis of race, color, national origin, sex, disability, religion, familial status and retaliation. From FY 2014-18 there were a total of 5 fair housing complaints filed, 3 of which were related to discrimination bases on disability, 1 was related to discrimination based on national origin and 1 was related to discrimination based on retaliation. Of the 5 reports filed a total of 4 fair housing cases filed with HUD. Of the 4 cases, 3 concluded as no cause for determination and 1 was successfully settled. The complaints reported equate 1 percent of all complaints filed with HUD in the San Diego Region, as identified by the regional AI.

Racially or Ethnically Concentrated Areas of Poverty (R/ECAP)

To assist communities in identifying racially/ethnically-concentrated areas of poverty (R/ECAPs), HUD has developed a census tract-based definition of R/ECAPs. The definition involves a racial/ethnic concentration threshold and a poverty test. The racial/ethnic concentration threshold is straightforward: R/ECAPs must have a non-white population of 50 percent or more. Regarding the poverty threshold, Wilson (1980) defines neighborhoods of extreme poverty as census tracts with 40 percent or more of individuals living at or below the poverty line. Because overall poverty levels are substantially lower in many parts of the country, HUD supplements this with an alternate criterion. Thus, a neighborhood can be a R/ECAP if it has a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area, whichever threshold is lower.

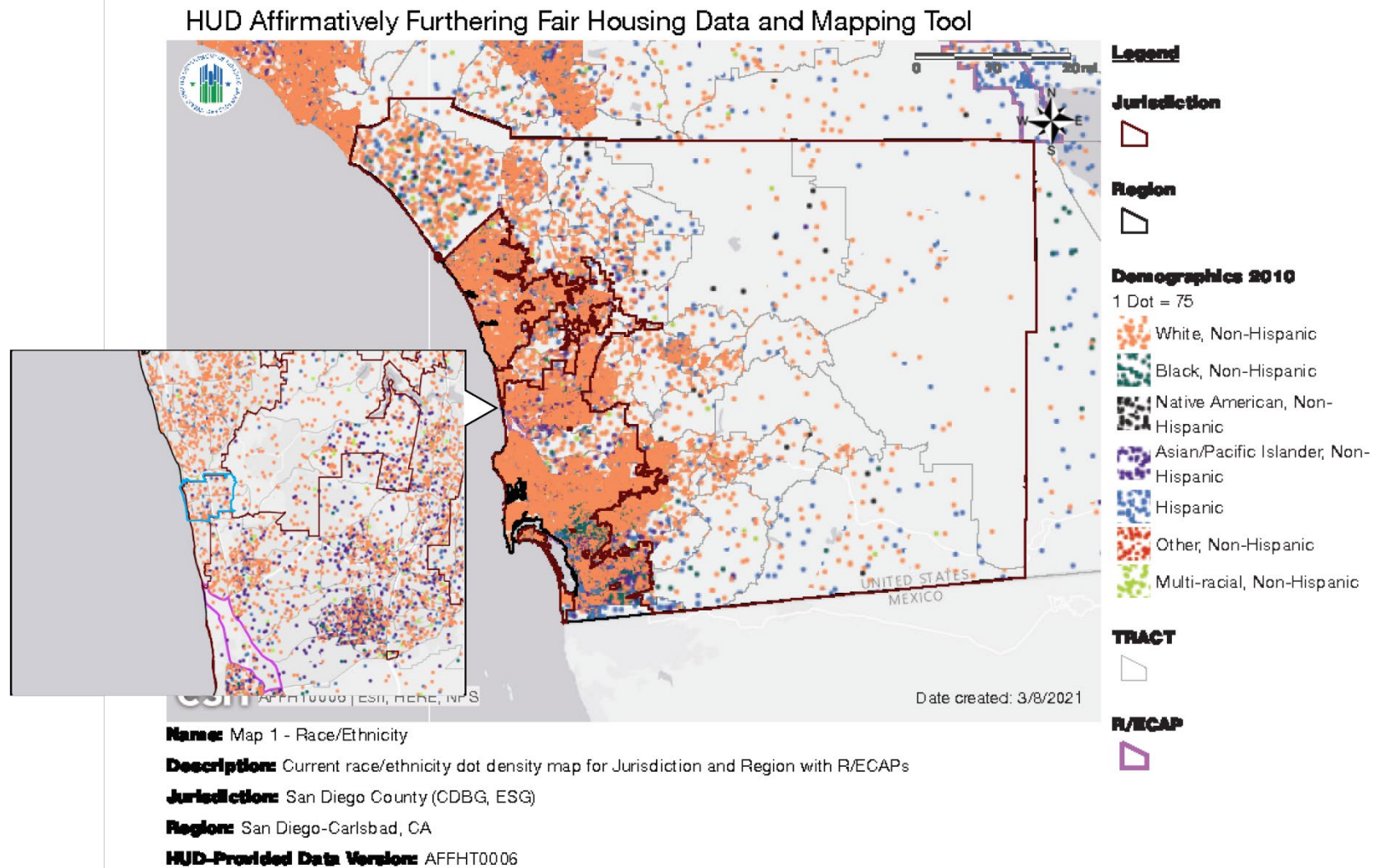
The 2015 AI performed an analysis of R/ECAPs within San Diego County and found small pockets within certain jurisdictions. None were located within the City of Solana Beach. Further analysis using the U.S. Department of Housing and Urban Development's R/ECAP GIS mapping tool confirms that all census tracts within Solana Beach have a R/ECAP value of 0, indicating that the census tracts within Solana Beach do not meet the defined parameters for a racially or ethnically concentrated area of poverty as defined by HUD. **Figure 3-3** below displays the results for R/ECAPs within the Solana Beach Region. The map identifies one R/ECAP area to the south of Solana Beach near the University of California, San Diego. The region is 37.13 percent Asian Pacific Islander and 12.2 percent Hispanic Nonwhite. The proximity to the University may be a factor in the area's R/ECAP designation, Section 2.E.8 outlines the City of Solana Beach's student population; the City is committed to furthering housing options for all demographics.

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Table 3-19 below identifies the racial and ethnic composition of the City of Solana Beach as compared to the County of San Diego and the State of California. The City of Solana Beach, the County of Sand Diego and the State of California all has a majority White population. Additionally, both the County and the State have a population over 30 percent Hispanic or Latino of any race, whereas Solana Beach has an 11 percent population of Hispanic or Latino persons of any race. All three geographies have under one percent population of Native Indian and Alaska Native persons and under one percent Native Hawaiian or Pacific Islander.

Table 3-19: Population by Race			
Race/Ethnicity	Solana Beach	County of San Diego	California
	2017	2017	2017
White	83.4%	70.8%	60.6%
Black or African American	0.6%	5.0%	5.8%
American Indian and Alaska Native	0.9%	0.6%	0.7%
Asian	5.1%	11.7%	14.1%
Native Hawaiian and Other Pacific Islander	0.0%	0.4%	0.4%
Some other race	4.6%	6.3%	13.7%
Two or more races	5.3%	5.1%	4.7%
Hispanic or Latino origin (of any race)	11.5%	33.4%	38.8%
<i>Source: American Community Survey, 5-year estimates, 2017.</i>			

Figure 3-3: Racially and Ethnically Concentrated Areas of Poverty (R/ECAPs), County of Sand Diego and Solana Beach



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Disparities in Access to Opportunity

The UC Davis Center for Regional Change and Rabobank partnered to develop the Regional Opportunity Index (ROI) intended to help communities understand local social and economic opportunities. The goal of the ROI is to help target resources and policies toward people and places with the greatest need to foster thriving communities. The ROI incorporates both “people” and “place components, integrating economic, infrastructure, environmental, and social indicators into a comprehensive assessment of the factors driving opportunity.

The ROI: People is a relative measure of people's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life as follows:

- **Education Opportunity:** Assesses people's relative success in gaining educational assets, in the form of a higher education, elementary school achievement, and regular elementary school attendance.
- **Economic Opportunity:** Measures the relative economic well-being of the people in a community, in the form of employment and income level.
- **Housing Opportunity:** Measures the relative residential stability of a community, in the form of homeownership and housing costs.
- **Mobility/Transportation Opportunity:** Contains indicators that assess a community's relative opportunities for overcoming rural isolation.
- **Health/Environment Opportunity:** Measures the relative health outcomes of the people within a community, in the form of infant and teen health and general health.
- **Civic Life Opportunity:** A relative social and political engagement of an area, in the form of households that speak English and voter turnout.

The ROI: Place is a relative measure of an area's assets in education, the economy, housing, mobility/transportation, health/environment, and civic life.

- **Education Opportunity:** Assesses a census tract's relative ability to provide educational opportunity, in the form of high-quality schools that meet the basic educational and social needs of the population.
- **Economic Opportunity:** Measures the relative economic climate of a community, in the form of access to employment and business climate.
- **Housing Opportunity:** Measures relative availability of housing in a community, in the form of housing sufficiency and housing affordability.
- **Health/Environment Opportunity:** A relative measure of how well communities meet the health needs of their constituents, in the form of access to health care and other health-related environments.
- **Civic Life Opportunity:** Measures the relative social and political stability of an area, in the form of neighborhood stability (living in same residence for one year) and US citizenship.

As shown in **Figures 3-4 (a and b)** below, the majority of the City of Solana Beach is classified as a high opportunity zone. This indicates a high level of relative opportunities that people are able to achieve as well as a high level of relative opportunities that Solana Beach provides. As such, the analysis indicates that access to opportunity is not a substantial issue within Solana Beach. However, **Figure 3-4 (b) identifies** two regions directly to the south east of Solana Beach considered low and very low resource areas. The data shows low access to housing in both regions as well as low health and environmental opportunities as primary factors in the low/very low resource designation. Being that the City of Solana Beach is a high opportunity region, the City is committing to implementing policies and programs to encourage access to such opportunities to persons residing outside of the City. Program X.X identifies the strategies the City will explore in order to provide opportunity and housing for persons within the Solana Beach/North County San Diego region.

Figure 3-4a: Regional Opportunity Index, People (2014)

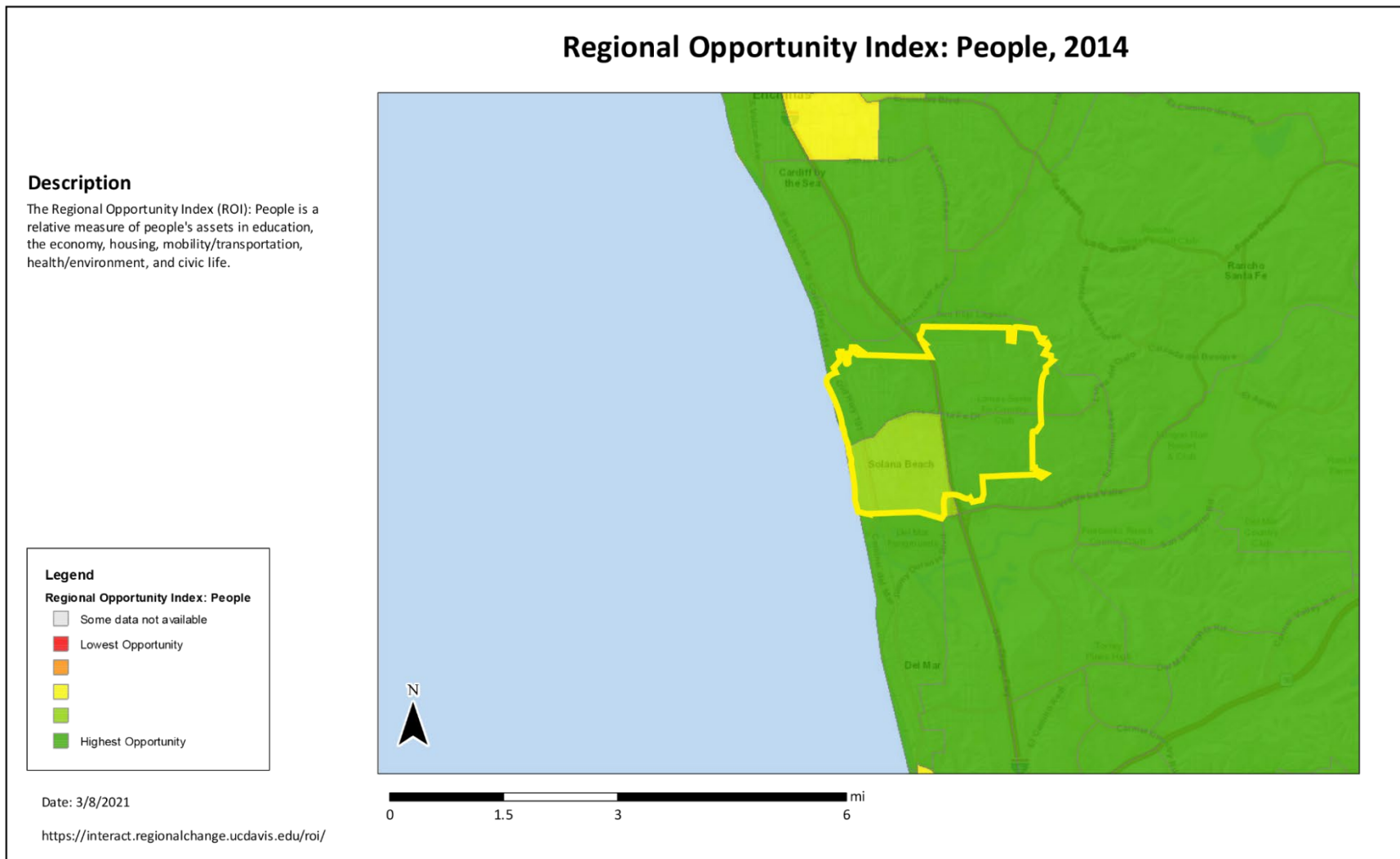
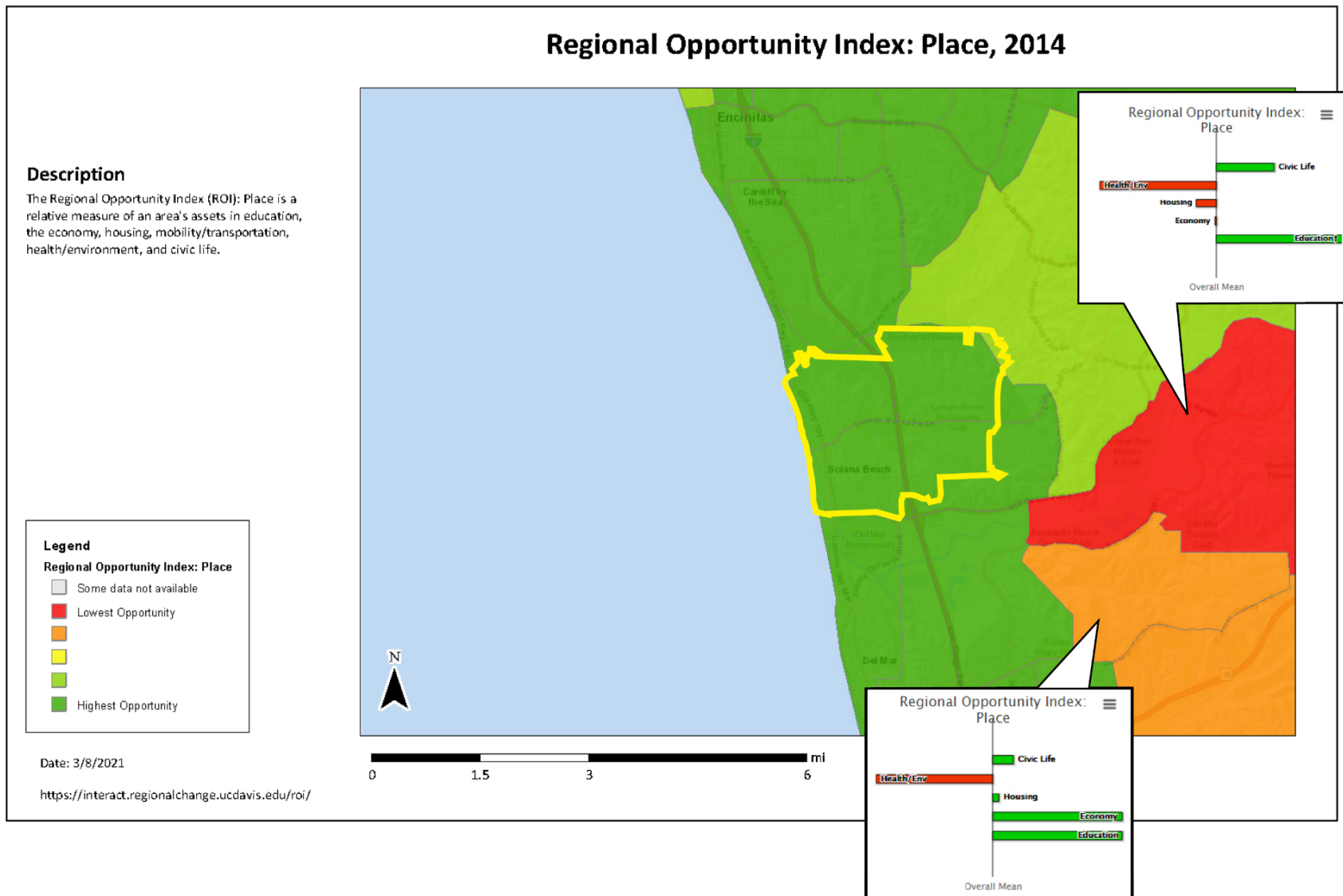


Figure 3-4b: Regional Opportunity Index, Place (2014)

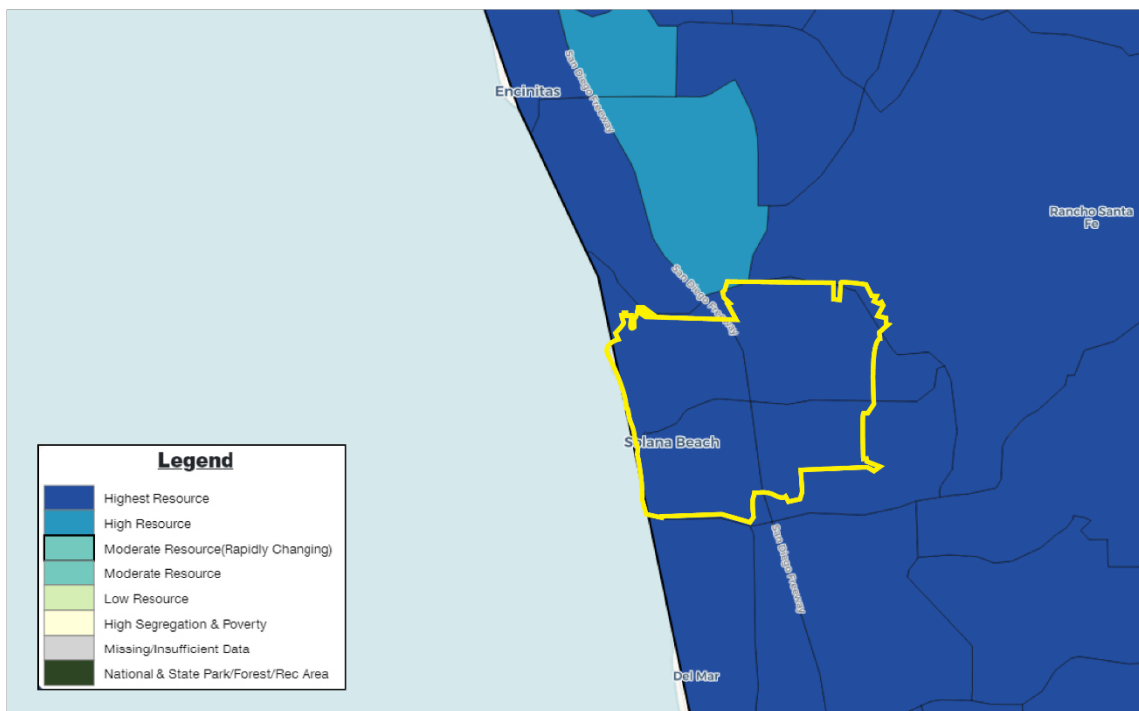


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Additionally, the Department of Housing and Community Development together with the California Tax Credit Allocation Committee established the California Fair Housing Task Force to provide research, evidence-based policy recommendations, and other strategic recommendations to HCD and other related state agencies/departments to further the fair housing goals (as defined by HCD). The Task force developed the TCAC/HCD opportunity Area Maps to understand how public and private resources are spatially distributed. The Task force defines opportunities as pathways to better lives, including health, education, and employment. Overall, opportunity maps are intended to display which areas, according to research, offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health.

According to the Task Force’s methodology, the tool allocates the 20 percent of the tracts in each region with the highest relative index scores to the “Highest Resource” designation and the next 20 percent to the “High Resource” designation. Each region then ends up with 40 percent of its total tracts as “Highest” or “High” resource. These two categories are intended to help state decision-makers identify tracts within each region that the research suggests low-income families are most likely to thrive, and where they typically do not have the option to live—but might, if given the choice. As shown in **Figure 3-5** below, all of Solana Beach and the surrounding regions are classified as high and highest resource.

Figure 3-5: TCAC/HCD Opportunity Area Maps, Solana Beach (2020)



Opportunity indicators included in the AI also help inform communities about disparities in access to opportunity. HUD-provided index scores are based on nationally available data sources and assess residents’ access to key opportunity assets in San Diego County. These indices are only available to Entitlement Jurisdictions (with population over 50,000 and receiving CDBG funds from HUD). For Urban County jurisdictions for which a HUD-provided index is not provided, a similar analysis as that provided by the indices was conducted using comparable information.

Table 3-20 below displays opportunity indicators based on school proficiency, labor market, and job proximity. The City of Solana Beach has 3 Title I school, which helps low-achieving children meet state standards in core academic

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subjects. These schools coordinate and integrate resources and services from federal, state, and local sources. To be considered for Title 1 school funds, at least 40 percent of the students must be considered low-income. Additionally, the AI showed that for the time period analyzed, the City had an annual unemployment rate of 1.4%, below the County average of 2.8% and lower than the nearby city of Del Mar. Additionally, over 70 percent of jobs were within a 30-minute commute from Solana Beach residents.

Opportunity Indicator	Solana Beach
School Proficiency	
Total Title I Schools	3
Total Schools	4
% of Schools	75.0%
Unemployment Rate	
Annual Rate	1.4%
Job Proximity	
<29 mins.	70.5%
30-59 mins.	24.6%
60 mins. or more	4.9%

Source: San Diego Regional Analysis of Impediments, American Community Survey 2013-2017, S1701.

Transit explores metrics that reveal the social and economic impact of transit, specifically looking at connectivity, access to jobs, and frequency of service. According to the data shown in **Table 3-21**, Solana Beach scored a 5.9 AllTransit performance score, illustrating a moderate combination of trips per week and number of jobs accessible that enable a moderate number of people to take transit to work. In total, 68,617 jobs are accessible within a 30-minute trip from Solana Beach, however just 2.2 percent of commuters use transit. By comparison, Solana Beach scored of the highest alongside Lemon Grove (7.9), Imperial Beach (6.7), and Coronado (6.6), whereas Del Mar (5.1) and Poway (3.1) scored lowest.

Jurisdiction	All Transit Performance Score	Transit Trips Per Week within 1/2 Mile	Jobs Accessible in 30-min trip	Commuters Who Use Transit	Transit Routes within 1/2 Mile
Solana Beach	5.9	950	68,617	2.02%	3

Source: San Diego Regional Analysis of Impediments, American Community Survey 2013-2017, S1701.

Discussion of Disproportionate Housing Needs

The analysis of disproportionate housing needs within Solana Beach evaluated existing housing need, need of the future housing population, and units within the community at-risk of converting to market-rate.

Housing Needs in Solana Beach

A variety of factors affect housing needs for different households. Most commonly, disability, household income and households’ characteristics shape the type and size of housing units needed, as well as accessibility based on existing units in a City. **Tables 3-21 through 3-27** displayed data for demographic characteristics of Solana Beach, as compared to the County of San Diego and the State of California. Additional detailed analysis of the Solana Beach community demographics is outline in **Chapter 2: Community Profile of this Housing Element**.

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Table 3-22 displays the data for persons with disabilities in the City, County and State. Overall, about 10 percent of the population in California reported having at least one listed disability. Similarly, in the county, nearly 10 percent of persons reported at least one disability. The City of Solana Beach reported a lower percent of the population to have a disability in the same year (6.5 percent). Of the 6.5 percent of the population in Solana Beach with a disability, majority were Independent Living and Hearing Difficulty, both could be tied to the City’s older population. Ease of reasonable accommodation procedures and opportunity for accessible housing can provide increased housing security for the population with disabilities.

Disability	City of Solana Beach	County of San Diego	California
Total with a Disability	6.5%	9.8%	10.6%
Hearing Difficulty	2.1%	2.7%	3.0%
Vision Difficulty	0.4%	1.7%	2.0%
Cognitive Difficulty	2.3%	4.2%	4.3%
Ambulatory Difficulty	3.8%	5.4%	5.9%
Self-care Difficulty	0.9%	2.3%	2.6%
In dependent Living	3.3%	5.1%	5.5%

Source: American Community Survey, 5-Year Estimates.

Tables 3-23 and 3-24 display household type and income data for the State, County and City. Overall, household characteristics broken down by family, married couple, households with children and non-family households are similar in all three areas. Solana Beach had a slightly higher percentage of non-family households (44.6 percent, compared to about 30 and 31 percent in the County and State, respectively). Additionally, Solana Beach had a higher percentage of households with one or more persons over the age of 60.

Additionally, the City of Solana Beach had a higher median income than the County and the State (\$70,588 and \$67,169 respectively).

Familial Status	City of Solana Beach	County of San Diego	California
	2017	2017	2017
Total Households	5,744	1,111,739	12,888,128
Family Households	55.4%	67.2%	68.8%
Married-Couple Family Households	45.4%	50.1%	49.5%
With Children	20.3%	30.2%	31.0%
Non-Family Households	44.6%	32.8%	31.2%
Households with one or more people 60 years+	48.30%	35.70%	37.50%

Source: American Community Survey, 5-Year Estimates.

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Table 3-24: Households by Income, Compared by Geography			
Households Income	City of Solana Beach	County of San Diego	California
	2017	2017	2017
Less than \$10,000	1.8%	5.1%	5.4%
\$ 10,000-\$14,999	1.0%	3.8%	4.7%
\$ 15,000-\$24,999	4.9%	7.6%	8.6%
\$ 25,000-\$34,999	6.2%	8.0%	8.3%
\$ 35,000-\$49,999	7.3%	11.4%	11.4%
\$ 50,000-\$74,999	15.5%	16.8%	16.3%
\$ 75,000-\$99,999	9.4%	12.9%	12.2%
\$ 100,000-\$149,999	21.6%	17.0%	15.7%
\$ 150,000-\$199,999	8.8%	8.2%	7.8%
\$ 200,000 or More	23.7%	9.3%	9.7%
Median Income	\$103,864	\$70,588	\$67,169

Source: American Community Survey, 5-Year Estimates, 2017.

Table 3-25 displays data for households experiencing overpayment or cost burden in the State, County and City. Overall, all three areas had a high percentage of cost burden greater than 30 percent of household’s income (over 50 percent in each region) with Solana Beach’s cost burden slightly higher at 62 percent. Additionally, both the State and Country had a higher percentage of cost burden greater than 50 percent of household income (19.4 percent) compared to 18.3 percent in Solana Beach. Housing Cost burden has a number of consequences for a household, mainly displacement from their existing living situation creating limited access essential goods and often employment by potentially increasing commute times. Increased opportunity for affordable housing and housing assistance funds help to prevent cost burden on households.

Table 3-25: Households by Overpayment, Compared by Geography			
Overpayment/Cost Burden	City of Solana Beach	County of San Diego	California
	2017	2017	2017
Cost Burden > 30%	62.1%	57.0%	58.5%
Cost Burden > 50%	18.3%	19.4%	19.4%
No Cost Burden	1.0%	1.7%	1.4%

Source: Consolidated Planning/CHAS Data, 2013-2017.

Table 3-26 displays data for household tenure (owner vs. renter) for the State, County and City. Homeownership is a crucial foundation for helping families with low incomes build strength, stability and independence. The opportunity for transition into the homebuyer’s market is important for persons and households in different communities, homeownership allows for increased stability and opportunity to age in place. The County, State and City all had higher rates of homeownership, Solana Beach having the highest in 2017 at 58.6 percent.

Additionally, **Table 3-27** displays data for overcrowding in the State, County and City. Overcrowding is defined as between 1.01 and 1.5 persons per room in a household, and severe overcrowding is defined as more than 1.51 persons per room. Overcrowding often occurs when nonfamily members combine incomes to live in one households,

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such as college students and roommates, it also occurs when there is not enough size appropriate housing options for large or multigenerational families. The City of Solana Beach experienced low rates of overcrowding compared to the State and County, overcrowding in the City also primarily affected renters rather than owners. Providing opportunities for adequate housing stock can help reduce the burden on overcrowding for households in a community.

Table 3-26: Households by Tenure, Compared by Geography			
Household Tenure	City of Solana Beach	County of San Diego	California
	2017	2017	2017
Owner Households	58.6%	52.4%	54.5%
Renter Households	41.4%	46.4%	45.5%
Total Occupied Housing Units	5,744	1,125,286	12,888,128

Source: American Community Survey, 5-Year Estimates, 2017.

Table 3-27: Households by Overcrowding, Compared by Geography			
Overcrowding and Tenure	City of Solana Beach	County of San Diego	California
	2017	2017	2017
Owner Households			
Overcrowded	0.8%	2.1%	3.0%
Severely Overcrowded	0.0%	0.7%	1.0%
Renter Households			
Overcrowded	0.6%	7.1%	8.2%
Severely Overcrowded	1.2%	3.7%	5.0%

Source: American Community Survey, 5-Year Estimates, 2017.

Housing Stock in Solana Beach

Tables 3-28 and 3-29 display comparative housing stock data for the State, County and City. Table 3-27 below shows data for occupied housing units by type. A variety of housing stock provides increased opportunity in communities for different size and households types. Majority of the housing stock in Solana Beach is classified as one-unit detached housing, also known as single family housing. A total of 18 percent of all housing in the City is classified as 10 or more apartments, also known as multi-family or multi-unit housing. Comparatively, both the County and the State has higher percentages of single-family housing, (52.3 percent and 58.5 percent respectively).

Housing Unit Type	City of Solana Beach	County of San Diego	California
	2017	2017	2017
1, detached	48.5%	52.3%	58.5%
1, attached	16.3%	9.5%	7.0%
2 apartments	1.5%	1.8%	2.4%
3 or 4 apartments	6.7%	5.0%	5.5%
5 to 9 apartments	8.1%	8.0%	6.1%
10 or more apartments	18.4%	19.9%	16.9%
Mobile home or other type of housing	0.5%	3.5%	3.6%

Source: American Community Survey, 5-Year Estimates, 2017.

Table 3-29 below displays housing stock by year built or the City, County, and State. Older housing generally requires more upkeep, regular maintenance and can cause a cost burden on both renters and homeowners. Majority of Solana Beach’s housing units were built between 1970 and 1990 whereas the distribution of development was more dispersed from 1960 to 2000 in the County and the State. Overall, increased numbers of older housing can lead to displacement, cost burden, and substandard living conditions. An analysis of the housing stock is provided above in Section 3.G.1 Local Contributing Factors.

Year Built	City of Solana Beach	County of San Diego	California
	2017	2017	2017
Built 2014 or later	1.62%	0.65%	0.60%
Built 2010 to 2013	0.11%	1.59%	1.46%
Built 2000 to 2009	2.73%	12.16%	11.54%
Built 1990 to 1999	5.34%	12.52%	10.91%
Built 1980 to 1989	20.63%	19.55%	15.27%
Built 1970 to 1979	46.21%	22.81%	17.84%
Built 1960 to 1969	8.40%	12.04%	13.41%
Built 1950 to 1959	10.58%	10.81%	13.62%
Built 1940 to 1949	1.85%	3.48%	6.09%
Built 1939 or earlier	2.54%	4.39%	9.26%

Source: American Community Survey, 5-Year Estimates, 2017.

Future Growth Need

The City’s future growth need is based on the RHNA production of 316 very low and 159 low income units within the 2021-2029 planning period. Figure 3-5 shows that both existing and proposed affordable units are well dispersed throughout the community and do not present a geographic barrier to obtaining affordable housing. The Sites Inventory of this Housing Element shows the City’s ability to meet their 2021-2029 RHNA need at all income levels. Appendix B of this Housing Element demonstrates the City’s ability to meet its 2021-2029 RHNA need at all income levels. This demonstrates the City’s ability to accommodate the anticipated future affordable housing needs of the community.

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Displacement Risk

There are no affordable units currently at risk of converting to market-rate within the 2021-2029 planning period.

Assessment of Contributing Factors for Affirmatively Furthering Fair Housing in Solana Beach

The AI does not identify impediments to fair housing specific to Solana Beach, however some of the regional impediments to fair housing identified within jurisdictions in San Diego County may assist Solana Beach in opening the community up to a broader range of future residents:

- Fair housing information needs to be disseminated through many media forms to reach the targeted groups.
- Hispanics and Blacks continue to be under-represented in the homebuyer market and experience large disparities in loan approval rates.
- Housing choices for special needs groups, especially persons with disabilities and seniors, are limited.
- Fair housing enforcement activities, such as random testing, are limited
- Patterns of racial and ethnic concentration exist in the region, although there are no racially or ethnically concentrated areas of poverty in Solana Beach.

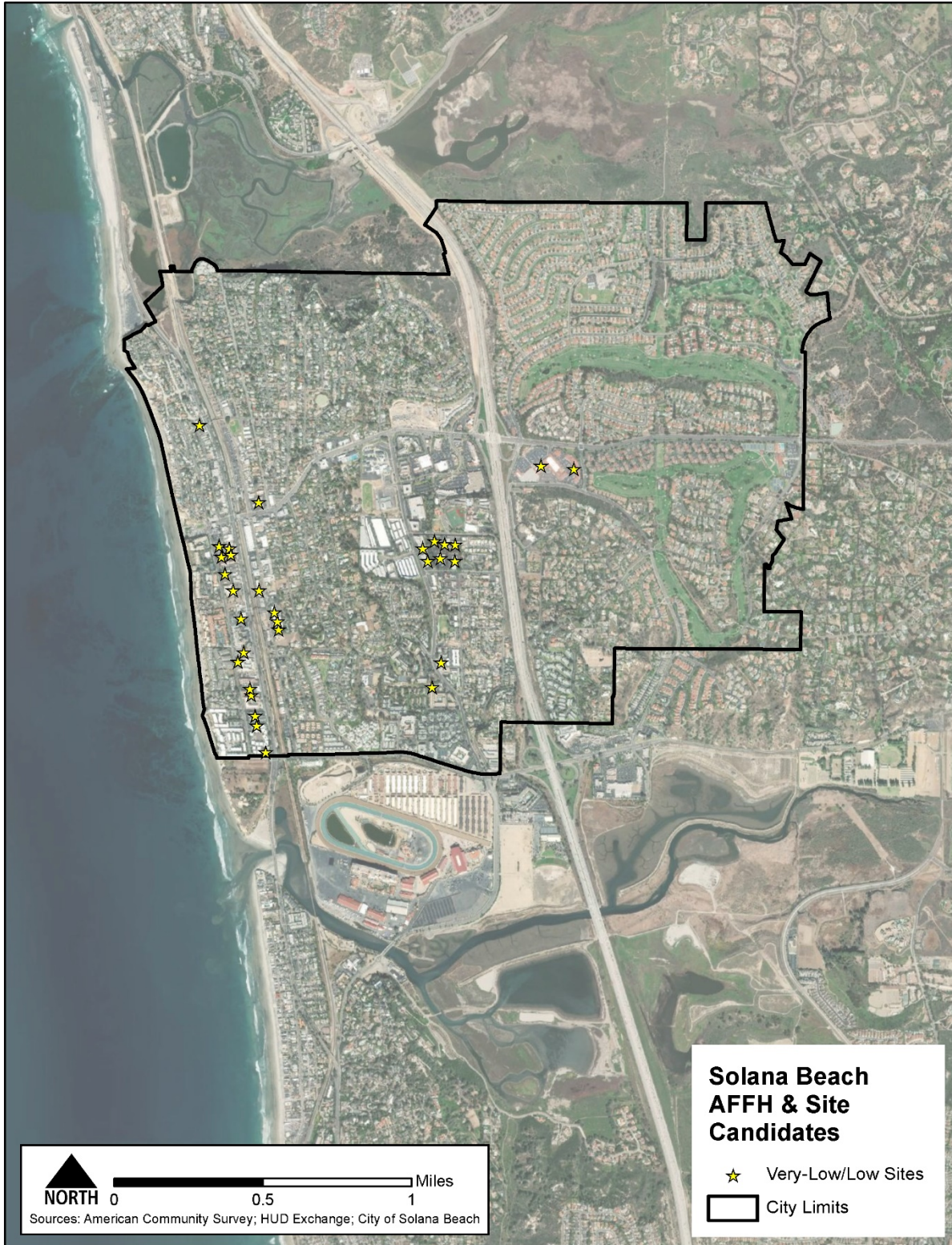
The analysis conducted in this section regarding fair housing issues within Solana Beach yielded the following conclusions:

- There are no racially or ethnically concentrated census tracts (RECAPs) within Solana Beach as identified by HUD within the 2020 County of San Diego Analysis of Impediments (AI). This indicates that there are no census tracts within Solana Beach with a non-white population of 50 percent or more or any census tracts that have a poverty rate that exceeds 40% or is three or more times the average tract poverty rate for the metropolitan/micropolitan area.
- The UC Davis Regional Opportunity Index shows that the majority of residents within Solana Beach have a high level of access to opportunity throughout the majority of the City, with all census tracts showing the highest level of access to opportunity. Additionally, analysis of the TCAC/HCD opportunity Area Maps show that all census tracts in Del Mar are classified with the “Highest Resource” designation. This indicates that these census tracts are within the top twenty percent in the region in terms of areas that lower-income residents may thrive if given the opportunity to live there.
- The City has demonstrated the ability to meet the anticipated future affordable housing needs of the community through the designation of sites to meet the very low and low income RHNA need (**Appendix B**) These sites are dispersed throughout the community.
- [City to confirm status of at-risk units prior to HCD submittal]

Analysis of Sites Pursuant to AB 686

AB 686 requires that jurisdictions identify sites throughout the community in a manner that is consistent with its duty to affirmatively further fair housing. The site identification requirement involves not only an analysis of site capacity to accommodate the RHNA, but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.

Figure 3-6: Existing and Proposed Affordable Housing Locations in Solana Beach



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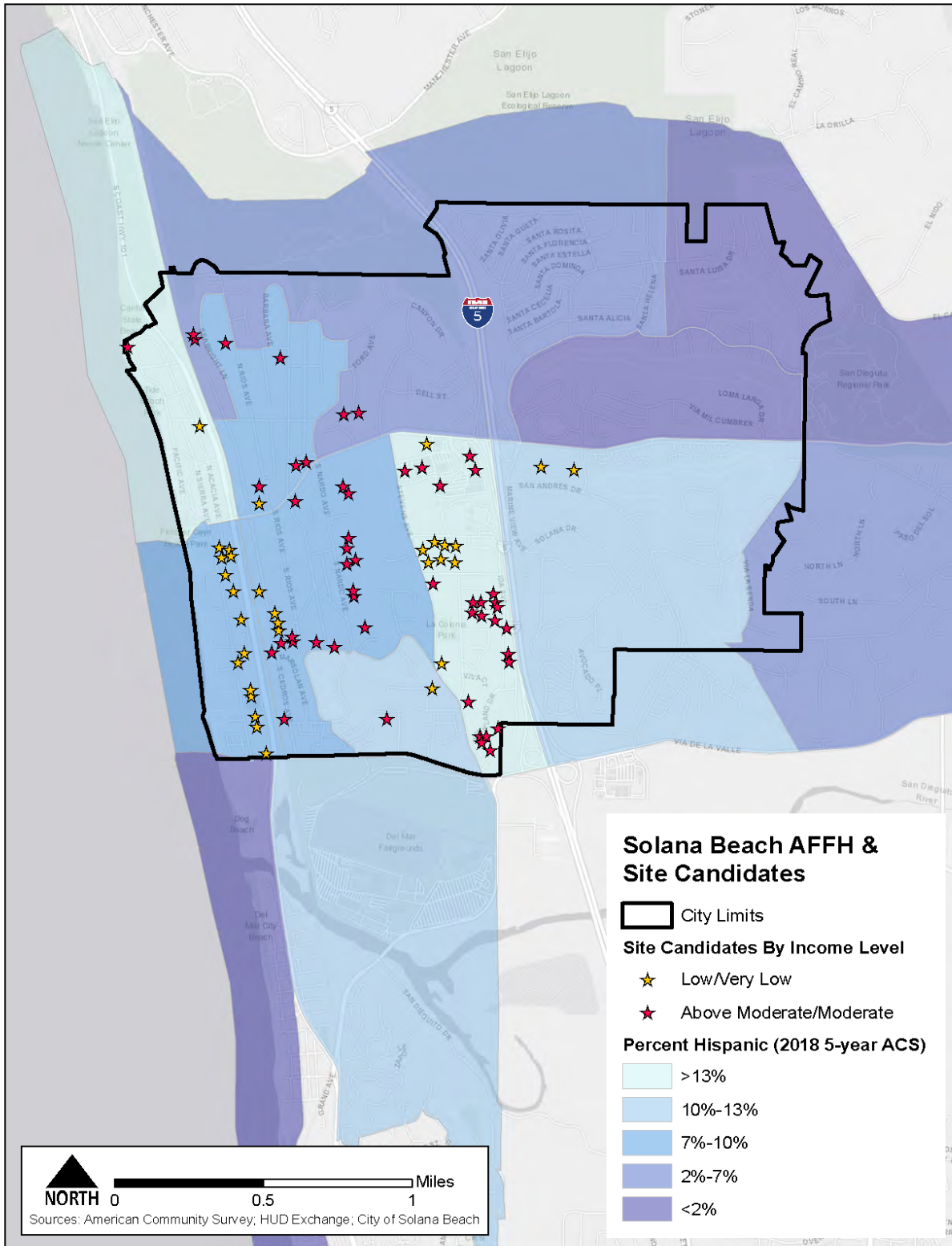
Figure 3-7 shows the proposed candidate sites to meet the very low and low income RHNA for Solana Beach in relation to the location of residents of Hispanic origin. The City of Solana Beach is relatively small in size with the majority of housing opportunity areas, including areas with higher access to vital goods, services, and public transportation, are located within the downtown areas. As such, these are ideal areas for the City to focus much of its future housing growth. It is anticipated that accessory dwelling unit growth, including growth for affordable ADUs, will occur in the less dense areas of the community.

Figure 3-7 shows the following findings:

- 18 proposed (totaling 138 potential units, or 26.1% of the total potential units) sites to accommodate the Low and Very Low RHNA allocation are located within block groups that have a percentage of the population that identifies as Hispanic greater than 13 percent
- 2 proposed sites to accommodate the Low and Very Low RHNA allocation (totaling 69 potential units, or 13.0% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 10 percent and 13 percent
- 27 proposed sites to accommodate the Low and Very Low RHNA allocation (totaling 322 potential units, or 60.9% of the total potential units) are located within block groups that have a percentage of the population that identifies as Hispanic between 7 percent and 10 percent

The data shows that the proposed candidate sites to meet the very low and low income RHNA need are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. As shown in **Figure 3-7**, the distribution of proposed units does not disproportionately impact areas with larger concentrations of the Hispanic population.

Figure 3-7: Candidate Sites – Ethnicity Analysis



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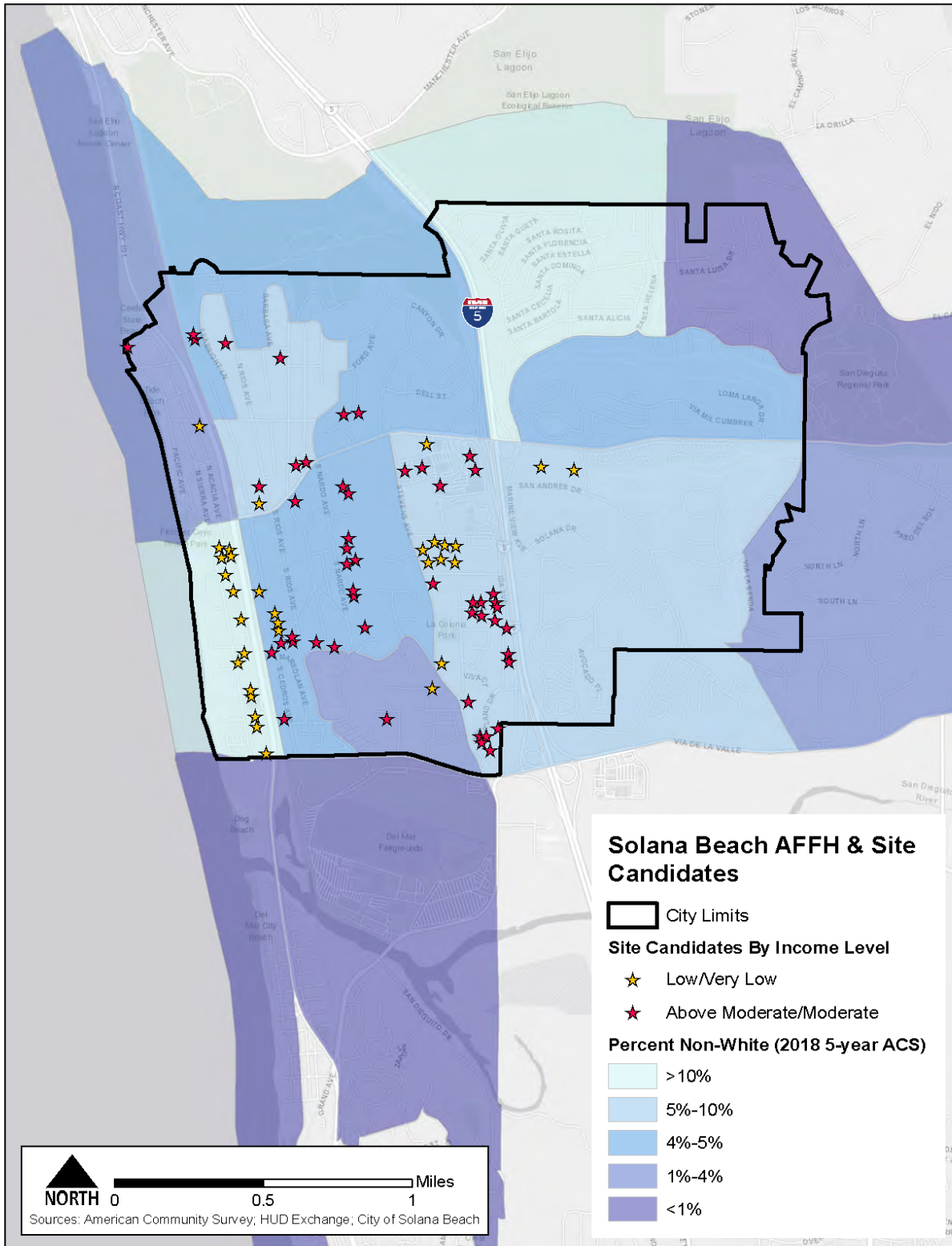
Figure 3-8 shows location of proposed candidate sites to meet the very low and low income RHNA for Solana Beach in in comparison with census data showing the percentage of the population within each block group that is non-white.

Figure 3-8 shows the following findings:

- 19 proposed (totaling 242 potential units, or 45.7% of the total potential units) sites to accommodate the Low and Very Low RHNA allocation are located within block groups that have a percentage of the population that is non-white greater than 10 percent
- 11 proposed sites to accommodate the Low and Very Low RHNA allocation (totaling 214 potential units, or 40.5% of the total potential units) are located within block groups that have a percentage of the population that is non-white between 5 percent and 10 percent
- 7 proposed sites to accommodate the Low and Very Low RHNA allocation (totaling 52 potential units, or 9.8% of the total potential units) are located within block groups that have a percentage of the population that is non-white between 4 percent and 5 percent
- 10 proposed sites to accommodate the Low and Very Low RHNA allocation (totaling 21 potential units, or 4.0% of the total potential units) are located within block groups that have a percentage of the population that is non-white between 1 percent and 4 percent

The data shows that the proposed candidate sites to meet the very low and low income RHNA need are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. As shown in **Figure 3-8**, the distribution of proposed units does not disproportionately impact areas with larger concentrations of Non-white populations.

Figure 3-8: Candidate Sites – Racial Analysis



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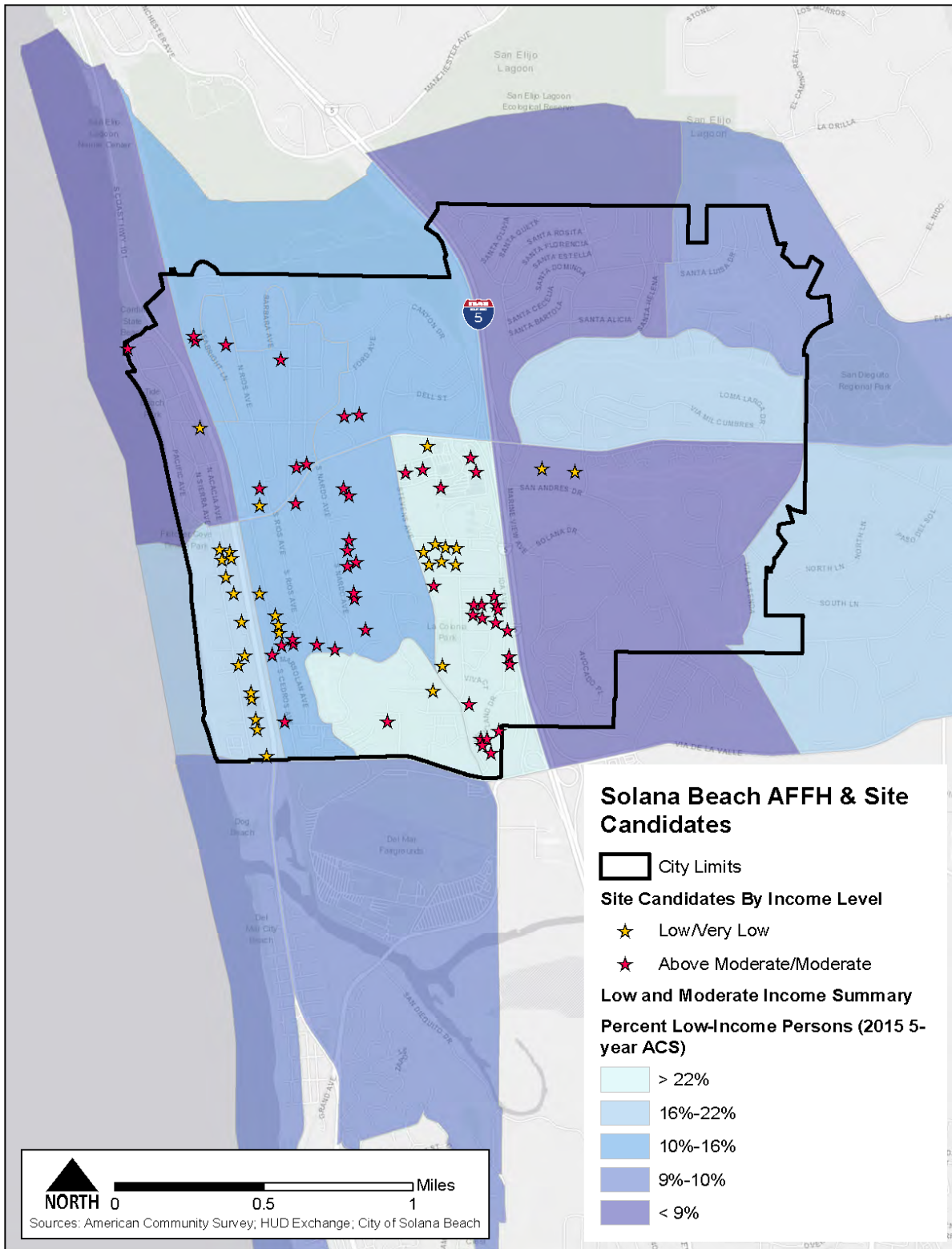
Figure 3-9 shows location of proposed candidate sites to meet the very low and low income RHNA for Solana Beach in comparison with census data showing the percentage of the population within each block group who is categorized as low income by the American Community Survey.

Figure 3-9 shows the following findings:

- 10 proposed (totaling 129 potential units, or 17% of the total potential units) sites to accommodate the Low and Very Low RHNA allocation are located within block groups that have a percentage of the population that is low income greater than 22 percent.
- 14 proposed sites to accommodate the Low and Very Low RHNA allocation (totaling 186 potential units, or 24% of the total potential units) are located within block groups that have a percentage of the population that is low income between 16 and 22 percent.
- 5 proposed sites to accommodate the Low and Very Low RHNA allocation (totaling 62 potential units, or 8% of the total potential units) are located within block groups that have a percentage of the population that is low income between 10 and 16 percent.
- 3 proposed sites to accommodate the Low and Very Low RHNA allocation (totaling 21 potential units, or 18% of the total potential units) are located within block groups that have a percentage of the population that is low income less than 10 percent.

The data shows that the proposed candidate sites to meet the very low and low income RHNA need are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit. As shown in **Figure 3-9**, the distribution of proposed units does not disproportionately impact any specific regions within the community as well as provided increased opportunities for low income housing in areas with higher rates of low-income persons.

Figure 3-9: Candidate Sites – Income Level



Summary of Fair Housing Analysis

The City of Solana Beach is identified as a high resource area with increased economic, civic life, health, and transit opportunities and access. The existing demographic of the community of Solana Beach are higher income residents which can be attributed to the high opportunities of the area. The City of Solana Beach also has a high tourist seasons and offers a variety of retail and tourist based economic opportunities. The City is committed to creating channels to open opportunities to residents in surrounding communities, especially those who work in Solana Beach.

Analysis of Fair Housing Priorities and Goals

The City is committed to furthering fair housing through the implementation of several policies located within the City’s Housing Plan. The primary method for this is through identifying sites which can accommodate the City’s very low and low income RHNA need, as demonstrated in **Appendix B**. Other programs that affirmatively further fair housing include:

- **Program 1B**, to promote the development of accessory dwelling units and junior accessory dwelling units;
- **Program 1D**, to establish a program to convert existing, non-permitted accessory dwelling units to legal units;
- **Program 1E**, to continue to implement the City’s affordable housing ordinance;
- **Program 4B**, to update the City’s Municipal Code to permit emergency, transitional, and supportive housing as a matter of right in appropriate zoning districts per State law;
- **Program 4C**, to accommodate development that provides housing opportunities for residents with physical and developmental disabilities; and
- **Program 4D**, to work with the San Diego County Housing Authority to administer Section 8 Rental Assistance.

The City will monitor the effectiveness of these programs annually through the completion of their Annual Progress Reports (APRs).

H. Evaluation of Previous Housing Element

The Housing Element must analyze the City’s accomplishments during previous Housing Element planning periods. This section describes the City's progress in implementing the 2013– 2021 Housing Element; the effectiveness of the Element; and the appropriateness of the Element's goals, objectives, and policies. It evaluates the City’s progress in two contexts: 1) the City’s progress towards meeting Coastal Zone requirements; and, 2) the City’s success in meeting its housing goals and program objectives. The second part of the analysis is included within **Appendix A** of the Housing Element as indicated below.

1. Evaluation of Progress towards Meeting Coastal Zone Requirements

Residential Development in the Coastal Zone	1986-1991	1991-1999	1999-2004	2005-2011	2011-2019
New Construction	86	51	37	82	71
New Low- and moderate-income housing	1	4	5	9	20
Demolished/converted low-and moderate-income housing	4	13	0	0	0
Replacement low- and moderate-income housing	0	0	5	0	0

2. Evaluation of Adopted Housing Element Goals and Programs

Appendix A of the Housing Element describes the City’s progress in meeting the goals and policies of the latest adopted Housing Element; evaluates the effectiveness of each program; and describes the appropriateness of the goals, policies, and objectives. The results of this review and assessment were used to revise and update the proposed programs for 2021-2029 as described in Section 4.

3. Quantified Objectives in Past Housing Element Cycles

Housing Element law required that quantified objectives be developed with regard to new construction, rehabilitation, conservation and preservation activities that will occur during the 2013-2021 Housing Element cycle. Table 3-31 summarizes the City of Solana Beach’s quantified objectives for the 2013-2021 Housing Element, Table 3-32 summarizes the City’s actual accomplishments in construction, and Table 3-33 summarizes the City’s accomplishments in housing rehabilitation.

Income Level	New Construction	Rehabilitation	Conservation/Preservation
Extremely Low Income	43	3	
Very Low Income	42	2	
Low Income	65		1
Moderate Income	59		
Above Moderate Income	131		
Total	340	5	1

New Construction

Table 3-22 shows the City’s progress in new construction through the end of 2019.

1/1/2013 – 12/31/2019	Regional Share Goal	New Construction
Extremely Low	43	0
Very Low	42	0
Low	65	6
Moderate	59	14
Above Moderate	131	51
Total	340	71

Rehabilitation

There was only one rehabilitated residential project that occurred within Solana Beach in the 5th cycle planning period. The project, known as Solana Mar, was completed in 2018 and included the rehabilitation of 132 market-rate residential units.

1/1/2013 – 12/31/2019	Rehabilitation
Extremely Low	--
Very Low	--
Low	--
Moderate	--
Above Moderate	132
Total	132

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Conservation

The City of Solana Beach identified two existing affordable units at-risk of converting to market rate during the current and future housing cycles. One of those units (North Helix) converted to market-rate during the 5th Cycle. The City engaged with the property owner of this unit to determine if a new affordability agreement could be put in place, but due to a lack of funding to assist the property owner and the property owner's lack of interest in maintaining the affordability on the unit, an agreement was not reached. The other unit identified was not at-risk during the 2013-2021 planning period.



Housing Plan

Section 4: Housing Plan

The Housing Plan describes the City of Solana Beach's 2021-2029 policy program. The Housing Plan describes the specific goals, policies, and programs to assist City decision makers to achieve the long-term housing objectives set forth in the Solana Beach Housing Element. This Plan identifies goals, policies, and programs aimed at providing additional housing opportunities, removing governmental constraints to affordable housing, improving the condition of existing housing, and providing equal housing opportunities for all residents. These goals, policies, and programs further the City's overall housing policy goal to inspire a more diverse, sustainable, and balanced community through implementation of strategies and programs that will result in economically and socially diversified housing choices that preserve and enhance the special character of Solana Beach.

Regional Housing Needs Assessment

The San Diego Association of Governments (SANDAG) has conducted a Regional Housing Needs Assessment (RHNA) to determine the City's share of the affordable housing needs for the San Diego region. The RHNA quantifies Solana Beach's local share housing needs for the region by income category. Income categories are based on the most current Median Family Income (MFI) for San Diego County. The City's 2021-2029 RHNA growth need is as follows:

- 316 units - Extremely low (less than 30% County MFI (<\$21,176)) and Very low income (0-50% County MFI (<\$35,294))
 - 159 units - Low income (51-80% of County MFI (\$35,294-\$56,470))
 - 160 units - Moderate income (81-120% of County MFI (\$56,470-\$84,706))
 - 240 units - Above moderate income (120% or more of County MFI >\$84,706)
- 875 units - Total**

A. Housing Goals

The City of Solana Beach has identified the following housing goals as part of this Housing Element Update:

Housing Goal #1: A range of housing strategies to accommodate Solana Beach's share across all income levels.

Housing Goal #2: Preserve and enhance the existing community and neighborhood quality and character.

Housing Goal #3: Reduce or eliminate constraints to the development, improvement, preservation, and maintenance of housing.

Housing Goal #4: Equal opportunities to access housing for all persons regardless of age, race, religion, sex, marital status, sexual orientation, ancestry, national origin, or disability.

Housing Goal #5: A sustainable approach to new and existing residential and mixed-use development through increased energy conservation and waste reduction.

The goals listed above are described below and on following pages with accompanying policies and programs to achieve them.

B. Housing Policies and Programs

This Housing Element expresses the Solana Beach community’s overall housing goals and supporting policies, quantified objectives, and housing programs to achieve them. The stated Housing Programs are based on a review of past performance of the prior Housing Element, analysis of current constraints and resources, and input from Solana Beach residents and stakeholders.

Housing Goal #1: A range of housing strategies to accommodate Solana Beach’s share across all income levels.

Housing Policy 1.1: Maintain sufficient land designated and appropriately zoned for housing to achieve a complimentary mix of single-family and multi-family development to accommodate Solana Beach’s Regional Housing Needs Assessment (RHNA) growth needs throughout the planning period.

Housing Policy 1.2: Promote a variety of tenures, unit types, and locations of housing throughout the community.

Housing Policy 1.3: Encourage mixed-use development opportunities.

Housing Policy 1.4: Encourage the consolidation of adjacent parcels to facilitate multi-family residential development.

Housing Policy 1.5: Encourage development of local housing opportunities to serve the needs of the local workforce and their families.

Housing Policy 1.6: Encourage the production of Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) through incentivizing and streamlining development.

Housing Goal 1 - Implementing Programs

Housing Program 1A: Mixed-Use Development on Commercially-Zoned Sites

Due to the built-out nature of Solana Beach, there are very few vacant/underutilized residentially-zoned parcels in the City. The City is reliant upon vacant/underutilized commercial sites that can accommodate mixed-use development as a way to facilitate additional housing opportunities and permits mixed-use developments in all commercial zones. Solana Beach has two commercial zoning classifications that permit development at 20 dwelling units per acre, the City’s default density for accommodating lower income housing development. As part of this Housing Element, the City has identified potential sites that are suitable for mixed-use development.

The City will consult with developers early in the planning period to ensure that its development standards encourage mixed-use development. To the extent possible, the City will also identify possible actions to shorten the permitting process for mixed-use development such as through the use of CEQA exemptions for infill projects. The program will continue to be annually reviewed in the annual housing report.

Timeframe: Within 24 months of adoption of the 6th cycle Housing Element

Responsible Agency: City of Solana Beach Community Development

Funding Source: General Fund

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Housing Program 1B: Promotion of Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Development

The City updated the Solana Beach Municipal Code to incorporate provisions of new State ADU law which expands where ADUs and JADUs can be constructed and removes barriers to the development of these units. ADU production has increased since incorporation of these new provisions and the City anticipates that ADUs will factor heavily into assisting the City in meeting their RHNA needs, as described in the Housing Resources section of this Housing Element.

The City will continue to incentivize and promote the construction of Accessory Dwelling Units, especially those that may be leased at affordable rates. Currently, Section 17.70.060 of the Solana Beach Municipal Code states that “The city manager is authorized to reduce city development impact fees by 75 percent for accessory dwelling units (ADU) processed consistent with SBMC 17.20.040(D), provided that a deed restriction for state law affordability provisions is recorded for the term of 99 years. (Ord. 500 § 5, 2019). The City will continue to provide this incentive to residents and will develop outreach collateral for public dissemination, including updates to the City’s website, information at City Hall and via other appropriate print and digital media. The intent of this is to make sure residents are aware of this incentive and have information readily available that may ease the development of ADUs at affordable levels. The City anticipates this will assist in the development of 16 ADUs available at the lower income levels within the planning period.

Additionally, Solana Beach will explore methods to make ADU development possible in sensitive areas of the City provided that criteria is met that shows the creation of an ADU will not be a detriment to sensitive habitat or other similar areas. The goal of this is to increase opportunities for ADU development within the City.

<p>Timeframe: Within 12 months of adoption of the 6th cycle Housing Element Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>

Housing Program 1C: Create ADU Monitoring Program

The City will create a monitoring program to track ADU and JADU creation and affordability levels throughout the planning period. This will allow the City to monitor the development of accessory units at all income levels. Additionally, the City will review their ADU and JADU development progress within 2 years of the adoption of the 6th cycle Housing Element to evaluate if production estimates are being achieved. If ADUs are not being permitted as assumed in the Housing Element, the City will take the action within 6 months of completion of the ADU review to ensure that adequate capacity at each income level is maintained to meet the City’s RHNA needs. These actions may include identification of adequate sites to meet the City’s identified unaccommodated need.

<p>Timeframe: Within 24 months of adoption of the 6th cycle Housing Element Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>

Housing Program 1D: Conversion Program of Existing, Non-Permitted Accessory Dwelling Units

The City will continue to implement its illegal unit conversion program. This program allows homeowners with existing illegally established accessory dwelling units to legal, permitted status. The City has historically permitted one illegal ADU per year during the 5th cycle and anticipates that they will continue at this pace. 8 ADU conversions are listed in the City’s quantified objectives for the 2021-2029 planning period.

<p>Timeframe: Ongoing Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>
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Housing Program 1E: Affordable Housing Program

The City will continue to implement its affordable housing ordinance as outlined in the Solana Beach Municipal Code. The purpose of this ordinance is to assist the City in meeting its share of the regional housing needs, to implement the City's General Plan and Housing elements relative to the provision of housing units for all economic sectors of its population, and to require affordable housing in both rental and for-sale housing consistent with provisions of the California Government Code. The City will monitor this program to identify any potential constraints and make any necessary adjustments to the ordinance to facilitate successful implementation of this program.

<p>Timeframe: Ongoing Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>
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Housing Program 1F: Candidate Sites Used in Previous Housing Elements

Pursuant to State Housing law, candidate sites identified in this Housing Element to accommodate a portion of the City's low- and very low -income RHNA that were identified in previously adopted Housing Elements must be rezoned to allow residential use by right at specified densities for housing developments in which at least 20 percent of the units are affordable to lower income households. By right shall mean the jurisdiction may not require any of the following discretionary actions, except if the project requires a subdivision:

- A conditional use permit
- A planned unit development permit
- Other discretionary, local-government review or approval that would constitute a "project"

The City may impose objective design review standards on projects. The City has identified as part of this Housing Element update vacant and nonvacant sites that were used in previous Housing Elements to meet the current RHNA need. To accommodate the provisions of State law, the City shall place a housing overlay zone over all nonvacant sites included in a prior Housing Element and all vacant sites included in two or more consecutive planning periods that permits by right development for projects that meet the requirements of State housing law. These sites are identified in **Appendix B**.

<p>Timeframe: Within 36 months of adoption of the 6th Cycle Housing Element Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>

Housing Program 1G: Federal and State Funding Programs

The City will review federal and state housing financing and subsidy programs for their potential availability to Solana Beach. If the programs could be reasonably thought to be available to Solana Beach, the City would work with the appropriate developers and non-profits to support feasible funding application(s). This program also will entail the provision of City staff assistance to developers of housing for lower income housing and assessing the potential to match their projects to applicable federal and state programs. Included in this assistance would be pre-application meetings and helping the applicant with identifying potential approaches to address design and site requirements.

<p>Timeframe: Ongoing/Annually Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>

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Housing Program 1H: Manufactured Housing

State law (Government Code Section 65852.3) requires that the city’s zoning code allows and permits manufactured housing in the same manner and in the same zone as conventional structures are permitted. Specifically, manufactured homes should only be subject to the same development standards that a conventional single-family residential dwelling on the same lot would be subject to. In order to comply with State law, the City will amend the Solana Beach Municipal Code to define manufactured housing and mobile homes consistent with State law and identify the zone(s) where such housing is permitted. The City will also ensure that the requirements for manufactured homes is the same as a conventional single-family dwelling unit in the same zone.

<p>Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element Responsible Agency: City of Solana Beach Community Development Funding Sources: General Fund</p>

Housing Program 1I: Update Density Bonus Ordinance

Government Code Section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. State Density Bonus Law requires a local jurisdiction to grant an increase in density, if requested by a developer, for providing affordable housing as part of a development project. Key provisions of the law include incremental density bonuses that correspond to the percentage of housing set aside as affordable units. State law caps the maximum density bonus at 35 percent and allows the developer to request up to three incentives or concessions, if required to provide the affordable units. The law also provides reduced parking requirements and allows requests for waivers of development standards, such as increased height limits and reduced setback requirements. The developer must provide reasonable documentation demonstrating that incentives reduce costs to provide for affordable units; and that waivers are required because the usual standards physically preclude the project from achieving the allowed density and incentives.

To comply with State Density Bonus law, the City will amend the ordinance as needed to ensure that its local ordinance remains consistent with State law, but will apply current state law even before local amendments are adopted. The City commits to continue to review and approve requests under State Density Bonus Law (including requests for incentives, concessions, waivers, and parking reductions) so that projects that qualify are not prevented from developing at the densities to which they are entitled.

<p>Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element Responsible Agency: City of Solana Beach Community Development Funding Sources: General Fund</p>

Housing Program 1J: Update Solana Beach Municipal Code to be Consistent With Ordinance 508 (Accessory Dwelling Units)

The City will amend the Municipal Code to be consistent with the newly adopted Ordinance 508 regarding. The City’s current municipal code is consistent with the language in Ordinance 508 with the exception of the terminology used, which revised the language from Accessory Living Units (ALUs) to Accessory Dwelling Units (ADUs). Within 12 months of adoption of the Housing Element, the City will amend the appropriate sections of the Municipal Code for consistency.

<p>Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element Responsible Agency: City of Solana Beach Community Development Funding Sources: General Fund</p>

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Housing Program 1K: Amend Table 17.12.020-A of the Solana Beach Municipal Code Regarding Transitional and Supportive Housing

The City will amend Table 17.12.020-A of the Solana Beach Municipal Code to show that transitional and supportive housing are permitted uses where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code 65651.

Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element
Responsible Agency: City of Solana Beach Community Development
Funding Sources: General Fund

Housing Program 1L: Amend the Solana Beach Municipal Code to define Employee Housing so that it is compliant with Sections 17021.5 and 17021.6 of the Employee Housing Act

The City will amend the Solana Beach Municipal Code to be in compliance with Section 17021.5 and 17025.6 of the Employee Housing Act (Health and Safety Code, § 17000 et seq.) and define employee housing in a manner consistent with the above referenced Health and Safety Code sections. The Municipal Code will be revised to state that employee housing for six or fewer employees will be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. Additionally, the Municipal Code will be updated to state that employee housing consisting of no more than 12 units or 36 beds will be permitted in the same manner as other agricultural uses in the same zone.

Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element
Responsible Agency: City of Solana Beach Community Development
Funding Sources: General Fund

Housing Program 1M: Amend the City's development process to assist in the development of housing for extremely-low households and households and individuals with special needs.

As identified in Section 3, the City of Solana Beach 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 Municipal Code. The City will take the following actions to amend the development process to include the following guaranteed incentives that apply solely to development projects that specifically accommodate housing at the extremely low-income level or that accommodate households for individuals with special needs:

- Adopt a priority processing procedure
- Waive city-controlled development impact fees until certificate of occupancy (COA)

Timeframe: Within 36 months of adoption of the 6th Cycle Housing Element
Responsible Agency: City of Solana Beach Community Development
Funding Sources: General Fund

Housing Program 1N: Pursue outside funding opportunities for the development of lower and moderate income households.

As opportunities arise, the City will pursue new funding sources for lower and moderate income multi-family housing from available non-profit, local, state, and federal programs. The City will also seek to partner with local agencies that may provide funding opportunities or other resources that can assist in the development of housing affordable at the lower and moderate income levels.

Timeframe: Review Annually
Responsible Agency: City of Solana Beach Community Development
Funding Sources: General Fund

Housing Goal #2: Preserve and enhance the existing community and neighborhood quality and character.

Housing Policy 2.1: Promote revitalization and rehabilitation of existing residential dwellings.

Housing Policy 2.2: Promote high quality design and development standards to ensure future housing development compliments and enhances neighborhood character.

Housing Policy 2.3: Ensure residential and mixed-use projects are designed and developed to discourage crime.

Housing Policy 2.4: Encourage mixed-use and transit, bicycle, and pedestrian-oriented development that supports and contributes to a “sense of place” in the community.

Goal 2 Implementing Programs

Housing Program 2A: Preservation of At-Risk Housing

The City has reviewed the existing affordable housing developments and determined that no units are currently at risk of converting to market-rate during the planning period. Should this change and existing affordable units become at-risk of converting to market-rate, the City will contact the owners of these properties to explore preservation opportunities such as extending affordability covenants, sale/purchasing these developments, non-profit housing organizations assistance, and applying for financial assistance to preserve these affordable units.

Timeframe: Annually

Responsible Agency: City of Solana Beach Community Development

Funding Sources: General Fund

Housing Program 2B: Replacement Housing

The City may have existing non-vacant sites that contain vacant or demolished residential units that were occupied by lower income households or households subject to affordability requirements within the last five years. The City will implement a replacement housing program to ensure the replacement of any units lost subject to the requirements of Government Code section 65915, subdivision (c)(3) on site identified in the site inventory when any new development (residential, mixed-use or residential) occurs on a site that is identified in the inventory meeting the following conditions.

- Currently has residential uses or within the past five years has had residential uses that have been vacated or demolished, and
- Was subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very-low income, or
- Subject to any other form of rent or price control through a public entity’s valid exercise of its police power, or
- Occupied by low and very low-income households.

Timeframe: The replacement requirement will be implemented upon adoption of the Housing Element and applied as applications on identified sites are received and processed, and local policy shall be adopted within one year of adoption of the Housing Element.

Responsible Agency: City of Solana Beach Community Development

Funding Sources: General Fund

Housing Goal #3: Reduce or eliminate constraints to the development, improvement, preservation, and maintenance of housing.

Housing Policy 3.1: Promote public awareness of the various methods and resources available to support homeownership opportunities.

Housing Policy 3.2: Explore opportunities to identify alternative financial assistance for the development and/or purchase of housing affordable to extremely low income, very low income, low income, and moderate-income households.

Housing Policy 3.3: Explore incentives, bonuses, and flexibility in standards and requirements that could benefit affordable housing development, such as flexible development standards, reduced permit fees, and streamlined permit processing.

Housing Policy 3.4: Encourage remodeling, maintenance, repair, and rehabilitation of existing housing to address special housing needs, prevent deterioration, and preserve safe and sanitary housing conditions.

Housing Policy 3.5: Grant priority water and sewer service to housing with units affordable to lower income households.

Goal 3 Implementing Programs

Housing Program 3A: Compliance with SB 35 Provisions

Per Government Code 65913.4(a)(6)(A), future development projects within the City of Solana Beach do not currently meet the stated requirements for SB 35 streamlining provisions as all land within the city (and therefore all potential projects) are located within a coastal zone. Should compliance status or the requirements of SB 35 change in the future, the City of Solana Beach will take the required actions to comply with State law.

The City will continue to annually monitor and update local procedures and policies based on applicable changes to SB 35 to remain in compliance with State law.

<p>Timeframe: Ongoing Responsible Agency: Planning and Community Development Funding Sources: General Fund</p>

Housing Program 3B: Public Education

The City shall continue to monitor, and update information related to the development of housing through the continued promotion of public educational materials. The information describes the benefits of affordable housing and the myths and realities of affordable housing through such means as public presentations, newspaper articles, and information posted on the City's website.

<p>Timeframe: Ongoing Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>
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Housing Program 3C: Water and Sewer Resources

Pursuant to Chapter 727, Statutes of 2005 (SB 1087), the City of Solana Beach is required to deliver its adopted Housing Element and any amendments thereto to local water and sewer service providers. This legislation allows for coordination between the City and water and sewer providers when considering approval of new residential projects. Additionally, cooperation with local service providers will support the prioritization of water and sewer services for future residential development, including units affordable to lower-income households. The City will

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submit the adopted Housing Element to local water and sewer providers for their review and consideration when reviewing new residential projects.

<p>Timeframe: Annually Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>

Housing Program 3D: Safety Element Update and adoption of an Environmental Justice Element

SB 1035 requires that the City, after the initial revision of the safety element to identify flood hazards and address the risk of fire in certain lands upon each revision of the housing element, review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not previously available during the previous revision of the safety element. The City is currently in the process of revising the Housing Element and will take the document to City Council for adoption within 12 months of adoption of the 6th Cycle Housing Element.

SB 1000 (2018) requires that the City include an environmental justice component to the General Plan during the 6th Cycle update of the City's Housing Element. The City will adopt a separate Environmental Justice Element within 12 months of adoption of the 6th Cycle Housing Element.

<p>Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>

Housing Goal #4: Equal opportunities to access housing for all persons regardless of age, race, religion, sex, marital status, sexual orientation, ancestry, national origin, or disability.

Housing Policy 4.1: Enforce fair housing laws addressing discrimination in the building, financing, selling or renting of housing based on race, religion, family status, national origin, disability, or other protected class.

Housing Policy 4.2: Establish policies, programs and incentives to promote the development of housing for very low-, low-, and moderate-income persons, and especially those within Solana Beach's special needs populations.

Housing Policy 4.3: Seek to accommodate housing for residents with special needs through appropriate zoning standards and permit processes.

Housing Policy 4.4: Ensure equal access to housing by providing reasonable accommodation for persons with disabilities consistent with Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) requirements.

Housing Policy 4.5: Support efforts to provide services that facilitate aging in place such as senior transportation, recreational activities, and other means to help older adults connect to the services they need to live independently in their own homes.

Goal 4 Implementing Programs

Housing Program 4A: Affirmatively Further Fair Housing

Pursuant to AB 686, the City will affirmatively further fair housing by taking meaningful actions in addition to resisting discrimination, that overcomes patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristic, as defined by California law.

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The Housing Element contains analysis of contributing factors to fair housing issues within Solana Beach and determined the following factors were applicable:

1. **Housing Age and Condition** – Section 2.F.4 of this Housing Element analyzes the housing stock within the City of Solana Beach. The analysis found that 46.2 percent of all housing in Solana Beach was built between 1970 and 1978. Only about 4 percent units in Solana Beach built after 2000, and about 2 percent in 2014 or later. From 2019 to 2020 a total of 81 code enforcement reports were filed related to dilapidated properties, property maintenance, and/or substandard living conditions. Similarly, the housing stock in the San Diego region is older, with majority of the housing units (54 percent) built before 1979 and is at least 40 years old. Home rehabilitation can be an obstacle for senior homeowners with fixed incomes and mobility issues.
2. **Housing Cost and Affordability** - Section 2.F.5 of this Housing Element analysis the cost and affordability of housing within the City of Solana Beach. The cost of homeownership varies within San Diego County depending on the community. According to the regional AI, in 2019, the median sales price for homes in San Diego County was \$594,909, an increase of 38 percent from 2014. Home prices vary by area/jurisdiction, with very high median prices in coastal areas such as in Solana Beach where the median cost of a home was \$1,103,900 in 2017, (56% higher than the County median).
3. **Access to Opportunities for Persons with Disabilities** - Affordability, design, location, and discrimination limit the supply of housing for persons with disabilities. Amendments to the Fair Housing Act, as well as state law, require ground-floor units of new multifamily construction with more than four units to be accessible to persons with disabilities. However, units built prior to 1989 are not required to be accessible to persons with disabilities. Noted above, more than half of the Solana Beach Housing stock was built prior to 1989 creating challenges to finding adequate and accessible housing for persons with disabilities. **Program 4F in the Section 4: Housing Plan** identifies strategies to support reasonable accommodation and increase the opportunity for housing for persons with disabilities.

To City is committed to taking meaningful actions to mitigate or remove fair housing issues within Solana Beach. The City will take the following actions for each of the contributing factors identified:

1. Housing Age and Condition
 - a. Continue to assess and make modifications to the City's code enforcement process, including having code enforcement staff follow up with landlords to ensure repairs are made.
 - b. If funding becomes available, prioritize investment in community revitalization programs that identify and assist properties with blight conditions.
2. Housing Cost and Affordability
 - a. Promote construction of ADUs throughout the community.
 - b. Continue to work with the County of San Diego on distribution of Section 8 Housing Choice Vouchers.
 - c. Promote development of affordable housing in high resources areas.
3. Access to Opportunities for Persons with Disabilities
 - a. The City currently uses CDBG funding received to identify and mitigate ADA issues related to housing to create opportunities for persons with disabilities. The City will continue to allocate funding to ADA for as long as it remains available.

Additionally, the City will partner with capable organizations to review housing discrimination complaints, attempt to facilitate equitable resolution of complaints, and, where necessary, refer complainants to the appropriate state or federal agency for further investigation and action.

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Timeframe: Ongoing
Responsible Agency: City of Solana Beach Community Development
Funding Source: General Fund

Housing Program 4B: Emergency, Transitional and Supportive Housing and Lower Barrier Navigation Centers

The City shall permit Low Barrier Navigation Center development as a matter of right in appropriate zoning districts, subject to requirements of state law. These requirements include implementing standards, provisions and limitations governing the permitting, development, siting and management of Low Barrier Navigation Centers. The City of Solana Beach shall update its Municipal Code, as appropriate, to comply with State law.

Additionally, the City will also review and amend (if necessary) the Municipal Code to comply with updates to State law regarding transitional and emergency shelters.

Timeframe: Within 24 months of adoption of the 6th Cycle Housing Element and reviewed Annually for updates
Responsible Agency: City of Solana Beach Community Development
Funding Source: General Fund

Housing Program 4C: Persons with Physical and Developmental Disabilities

As identified in **Section 2**, the City of Solana Beach has a total of 50 people identified by the State Department of Developmental Services (DDS) as having a developmental disability in December 2020. The City understands that people with developmental disabilities may have unique needs when looking for housing accommodation and is committed to assisting residents.

The City will continue to take actions to accommodate the approval of group homes, ADA retrofit efforts, ADA compliance and/or other measures through the implementation of Title 24 as well as amend its procedures to provide more flexibility in the development of accommodations for persons with physical and developmental disabilities by eliminating the need for a variance.

Timeframe: Review Annually and Address as Requested
Responsible Agency: City of Solana Beach Community Development
Funding Source: General Fund

Housing Program 4D: Section 8 Rental Assistance

The City will continue to work with the San Diego County Housing Authority to administer the Section 8 Rental Assistance Program, and will continue support the County's application for additional Section 8 allocations. This program provides rental assistance to eligible very low and low income households. The subsidy represents the difference between the rent that exceeds 30 percent of a household's monthly income and the actual rent charged.

The City will provide marketing collateral in both English and Spanish informing residents and landlords of the availability of Section 8 rental assistance. The City will also seek out project-based Section 8 vouchers to assist with the operational income of affordable housing projects.

Timeframe: Annually
Responsible Agency: City of Solana Beach Community Development
Funding Source: County of San Diego

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Housing Program 4E: Mortgage Credit Certificate (MCC)

Homeownership can be an asset to maintaining a healthy community. The Mortgage Credit Certificate (MCC) program assists low and moderate income first time home buyers. Under this program, which is administered by the County of San Diego, qualified first-time home buyers are able to take a federal income tax credit of up to 20 percent of the annual interest paid on their mortgage. This frees up more capital to buy the home. The City of Solana Beach will continue to distribute information on the MCC program.

Timeframe: Ongoing

Responsible Agency: City of Solana Beach Community Development

Funding Source: County of San Diego

Housing Program 4F: Amend the Reasonable Accommodation criteria within the City's Municipal Code

The City will amend the Municipal Code to remove the following criteria which currently may be considered by the community development director regarding the reasonableness of a requested accommodation:

- *Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit; and*
- *Whether the requested reasonable accommodation substantially affects the physical attributes of the property or has impacts on surrounding properties that would fundamentally alter a city program or law.*

Timeframe: Within 12 months of adoption of the 6th Cycle Housing Element

Responsible Agency: City of Solana Beach Community Development

Funding Source: General Fund

Housing Goal #5: A sustainable approach to new and existing residential and mixed-use development through increased energy conservation and waste reduction.

Housing Policy 5.1: Work with energy providers, such as San Diego Gas and Electric (SDG&E), to promote energy conservation programs and incentives.

Housing Policy 5.2: Encourage the use of building placement, design, and construction techniques that promote energy conservation.

Housing Policy 5.3: Promote the use of green building practices in new and existing development to maximize energy efficiency and conservation.

Housing Policy 5.4: Encourage affordable housing developments that receive public subsidies to obtain Leadership in Energy and Environmental Design (LEED) certification.

Housing Policy 5.5: Encourage construction projects to recycle construction debris and promote the use of recycled materials as part of new construction or renovations, including the reuse of existing building shells/elements.

Goal 5 Implementing Programs

Housing Program 5A: Energy Conservation

The City of Solana Beach is committed to conserving energy and being a sustainable community. Several existing programs promote energy conservation and the City continues to explore additional opportunities to promote energy conservation. For example:

- The City recently adopted an ordinance to reduce single use plastic bags in grocery stores, retailers, and restaurants.
- The City will continue to implement the Solana Beach Green Building Incentive.
- The City will continue to provide information on the City’s website regarding steps residents can take to increase their energy efficiency and SDG&E rebate/voucher programs available to Solana Beach residents and businesses.
- The City will develop an energy efficiency program for the community and continue to monitor pertinent legislation which would make it easier to implement solar installations.

The City will continue to work with the Clean and Green committee to develop additional energy conservation and sustainability programs.

<p>Timeframe: Ongoing Responsible Agency: City of Solana Beach Community Development Funding Source: General Fund</p>
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C. Summary of Quantified Objectives

Table 4-1: Summary of Quantified Objectives						
Income Group	Extremely Low*	Very Low	Low	Moderate	Above Moderate	Total
New Construction (RHNA)	496 units			44 units	216 units	756 units
Accessory Units	15 units			113 units	0 units	128 units
Conservation/ Preservation**	2 units			0 units	6 units	0 units
Rental Subsidy	0 units			0 units	0 units	0 units
Rehabilitation	16 units			0 units	64 units	80 units
*Extremely Low Units are defined by HCD as half of the City's Very-Low Income need. **Program 1D commits the City to continuing their Illegal ALU conversion program during the 6th cycle planning period. The City historically issues permits for the conversion of approximately 1 illegal ADU a year. The City does not have any projects 'At-Risk' in the 2021-2029 planning period; however, the City will continue to monitor the status of deed-restricted affordable housing units. Units reported account for ADU units anticipated to be legalized during the planning period. Consistent with the City's affordable ADU assumption						



Appendix A:

Review of Past Performance

Appendix A: Review of Past Performance

The following chart is a review of the City of Solana Beach’s housing project and program performance during the current Planning Cycle (2014 – 2021). It is an evaluation of the 5th Cycle’s policies and programs and considers all current and existing programs and projects as well as the most current accomplishments and effectiveness and appropriateness.

Past Performance					
#	Program	Program Objective	Program Action	Current Planning Period Accomplishments	Effectiveness and Appropriateness
1	Encourage Mixed-Use Development				
1.A	<i>Encourage Mixed-Use Development</i> - Continue to identify potential sites for mixed-use development	Identify adequately zoned and available sites for the current planning period, monitor development trends and update the adequate sites analysis as additional potential sites become viable for mixed-use development.	The City has already identified adequately zoned and available sites for the current planning period. On an ongoing basis, the City will continue to identify potential sites that are suitable for mixed-use development and will work with the community and property owners to identify these sites. These sites could include, but not necessarily be limited to: <ul style="list-style-type: none"> 1. Older commercial centers needing revitalization; 2. Sites that facilitate pedestrian, bicycle, and transit-oriented development, especially those along transit routes; 3. Sites where planned infrastructure would enable infill or additional residential development to occur; 4. Sites where public investments could be used to complement mixed-use development, especially projects containing affordable housing. 	Two mixed-use projects netting in 33 dwelling units were approved in December 2016 and July 2018.	Mixed-Use development continues to be an effective method to accommodating for housing growth in communities with limited vacant land. The City will continue to encourage the use of mixed-use development to meet their 6 th Cycle RHNA needs.
1.B	<i>Encourage Mixed-Use Development</i> - Facilitate mixed-use development	Consult with developers to ensure that the City’s mixed-use development standards facilitate mixed-use projects. Compare the City’s expectations for mixed-use development to the feedback gathered from developers to evaluate the effectiveness of mixed-use development standards. Make revisions to the standards to encourage and facilitate mixed-use development, as appropriate. Work to implement procedures that will allow for CEQA streamlining for eligible projects pursuant to SB375 and other CEQA exemptions.	The City will continue to support applications for financing and/or funding for mixed-use projects. At this time, the City does not believe that additional revisions to its development standards are needed; however, it will continue to consult with developers to ensure that its development standards encourage mixed-use development. To the extent possible, the City will also identify possible actions to shorten the permitting process for mixed-use development such as through the use of CEQA exemptions for infill projects.	The City worked with several developers during the planning period that resulted in three mixed-use development projects being approved by City Council. Two projects are now complete. The third project is currently under construction.	The City will continue to encourage the use of mixed-use development to meet their 6 th Cycle RHNA needs.
1.C	<i>Encourage Mixed-Use Development</i> - Increase awareness of the potential for mixed-use development	The City will ensure that developers are aware of the mixed-use development opportunities in the city.	The City will continue to work to increase developer awareness of the potential for mixed-use development. The City will continue to pursue both for-profit and non-profit developers to determine the best method to implement this program.	The City continues to educate property owners and developers about the process for mixed-use development in our commercially zoned properties. Two RFPs were issued by the City for development on City owned properties that encourage mixed-use development. The City continues to discuss potential mixed-use	The City will continue to provide information relating to development opportunities as required by State law.

Past Performance					
#	Program	Program Objective	Program Action	Current Planning Period Accomplishments	Effectiveness and Appropriateness
				development on City owned properties.	
1.D	Encourage Mixed-Use Development - Federal and State Programs	Review State and federal affordable housing programs for grant opportunities that can facilitate housing development in Solana Beach.	The City will regularly review potential federal and state housing financing and subsidy programs for their potential availability to Solana Beach. If the programs could be reasonably thought to be available to Solana Beach, the City would work with the appropriate developers and non-profits to support feasible funding application(s).	City staff continues to explore federal and state financing and subsidy programs for potential affordable housing and mixed-use development. Discussion with HCD staff and SANDAG are on-going. Planning funds were applied for and granted by HCD to assist with the City's Housing Plan efforts. Staff has mentioned to HCD staff that financing for construction continues to be the greatest challenge for housing developers, particularly for affordable housing projects. Developers have indicated that competitiveness for such financing is challenging when competing against other projects where land values are much lower.	The City will continue to seek opportunities for financing and subsidy programs that may assist in the development of mixed-use within Solana Beach.
2	Encourage Accessory Living Units	Distribute information to the public regarding the accessory living unit program at the permitting counter and other public venues, assess program effectiveness, and continue to monitor development standards and the permitting process. Seven additional accessory dwelling units are expected to be approved between 2013 and 2020 based on past trends.	The City currently has an accessory living unit ordinance, and the City will continue to encourage the development of accessory living units. The City is committed to providing incentives that could include, but would not be necessarily limited to, continuing to assess development standards and implementing a faster permit approval process for these units. The City will also distribute information to the public regarding the accessory living unit program at the permitting counter and other public venues. In addition, the City will evaluate the progress that it makes from 2013 to 2020 in order to assess the program's effectiveness and take appropriate action to enhance program effectiveness, if necessary.	Ordinance 470 was adopted on November 9, 2016 to amend the municipal code to comply with Senate Bill 1069 and Assembly Bill 2299 related to accessory dwelling units. The provisions for accessory living units were removed from the municipal code as they were no longer consistent with the provisions of SB 1069 and AB 2299.	Per the new requirements of State housing law, the City will update their existing accessory living unit ordinance to meet the necessary requirements relating to the development of ADUs and JADUs. The City will continue to make updates to the ordinance as new legislation is passed throughout the 6 th Cycle planning period.
3	Density Bonus Program	Develop an educational hand-out regarding the State's density bonus law.	The City will continue to implement its density bonus ordinance to facilitate developer use of this program, and to comply with state law. The City will develop educational materials regarding the State's density bonus law.	A handout has been developed and is available at the front counter and on the city website.	The City successfully developed an educational hand out detailing the requirements and applicable exemptions for density bonus projects. The City will continue to update their educational materials to

Past Performance					
#	Program	Program Objective	Program Action	Current Planning Period Accomplishments	Effectiveness and Appropriateness
					reflect updates to new State law or local density bonus ordinance changes.
4	Affordable (Inclusionary) Housing Program	Continue to enforce the City's Affordable Housing Ordinance for new developments. Utilize any Affordable Housing Impact Fees to provide affordable housing through new construction or conversion from market-rate housing.	The City will continue to monitor its effectiveness and provide incentives to the developers of affordable inclusionary housing units, as needed. The City will continue to monitor this program to identify any potential constraints and make adjustments to the ordinance if necessary to facilitate successful implementation of this program.	Inclusionary provisions of the City's Municipal Code were modified to adopt a new Affordable Housing Impact Fee; adopted March 23, 2011. Two mixed-use project netting in 33 dwelling units approved in 2016 and 2018 were subject to the impact fee.	The City will continue to apply the requirements outlined in the local Affordable Housing Ordinance to new development projects in the 6 th Cycle.
5	Replacement Housing	Replacement of ten very low-income units per the Haro settlement.	The City desires to retain affordable housing in the coastal zone, and the City's Affordable Housing Program, described in Program 4, is intended to meet the City's obligation to provide housing for low- and moderate-income households in the coastal zone. Under the terms of a settlement agreement in Haro v. City of Solana Beach, the City committed to replacing 13 units of affordable housing.	One mixed-use application consisting of 10 very low-income units on city-owned land was approved in 2014 and received a time extension in December 2015. On August 24, 2016 the City Council conducted a public hearing under the Tax and Equity Fiscal Responsibility Act (TEFRA) and approved the use of tax exempt bonds for the financing of the project.	The City will end this program after the 5 th planning period.
6	Address and Mitigate Constraints to Housing Development				
6.A	Monitor Affordable (Inclusionary) Housing Ordinance	Monitor the effectiveness of the Inclusionary Housing Ordinance in achieving additional affordable housing units.	The City will continue to monitor its effectiveness and provide incentives to the developers of affordable inclusionary housing units, as needed. The City will continue to monitor this program to identify any potential constraints and adjust the ordinance if necessary to facilitate successful implementation of this program.	Staff discusses the inclusionary program with all applicants proposing 5 or more units and any interested party.	The City will continue to discuss the potential incentives associated with the development of affordable inclusionary housing units as new development occurs within the 6 th Cycle. As a requirement of adoption of the 6th Cycle Housing Element Update, the City is required to identify and analyze potential governmental constraints to development, including constraints associated with existing inclusionary housing policies.
6.B	Monitor Permit Processing Procedures	Monitor permit processing procedures.	The City will continue to monitor its permit processing procedures over the housing element period to ensure that they are not acting as a constraint to the development of housing. If the City finds that its procedures are overly burdensome on residential projects, it will consider revising the permitting process to mitigate potential constraints.	The City continues to review its permit processing procedures over the course of the 5 th Cycle Housing Element planning period.	As a requirement of adoption of the 6th Cycle Housing Element Update, the City is required to identify and analyze potential governmental constraints to development, including constraints associated with existing permit processing procedures and timelines.
6.C	Public Education	Publish/post a new story or information or conduct a presentation once a year.	The City shall initiate a public education program to provide information that describes the benefits of affordable housing and the myths and realities of affordable housing through such means as public presentations, newspaper articles, and information posted on the City's website.	Educational information regarding affordable housing was posted on the website.	Public education regarding new State housing laws is an important component of the public outreach process for the 6 th Cycle Housing Element. As part of the update process, the City will conduct the required community

Past Performance					
#	Program	Program Objective	Program Action	Current Planning Period Accomplishments	Effectiveness and Appropriateness
					outreach and post relevant educational materials on the City's website.
6.D	Constraints for Persons with Disabilities/ Transitional and Supportive Housing	Consistent with SB2, amend the City's zoning ordinance to treat transitional and supportive housing as residential uses subject to the same requirements as any other residential use in the same zone in which it is proposed and amend the definition of residential care facility to delineate the difference between residential care facilities and transitional or supportive housing. Revise the reasonable accommodation procedures to eliminate the need for a variance and continue to monitor zoning and land use rules and regulations to ensure that they do not constrain the development of housing for persons with disabilities.	The City will continue to facilitate the development, maintenance and improvement of housing for persons with disabilities. Also, the City will continue to ensure the City's zoning does not constrain the development of housing for persons with disabilities or residential care facilities. In addition, it will amend its zoning ordinance to treat transitional and supportive housing as residential uses subject to the same requirements as any other residential use in the same zone.	Ordinance 445 amending zoning was adopted 2/12/14. Ordinance 445 amended the City's Zoning code to comply with Request for Reasonable Accommodate under the Fair Housing Act and clarified the definitions of Supportive Housing, Transitional Housing, and Residential Care Facilities.	The City successfully completed this program as part of the implementation of their 5 th Cycle Housing Element. The City will analyze constraints relevant to the provision of housing for persons with disabilities and other special needs portions of the population as required by State law.
6.E	Facilitate Housing for the Extremely Low Income	Amend the City's zoning ordinance to clarify that SROs are considered studios or efficiency units, which are permitted in multi-family zones.	The City permits studios/efficiency units in its multi-family zones and will amend its zoning ordinance to clarify that SROs are considered a multi-family use. In addition, the City will encourage and facilitate the development of housing for extremely low-income households through a variety of activities such as holding workshops with housing developers, providing financial or in-kind technical assistance or land write-downs, providing expedited permit processing, identifying grant or funding opportunities, applying for or supporting applications for funding on an on-going basis, and offering a reduced fee schedule.	In 2016, the City amended its zoning code to clarify that single-room occupancy units (SRO's) are permitted in multi-family zones.	The City successfully completed this program as part of the implementation of their 5 th Cycle Housing Element.
6.F	Priority Water and Sewer Service for Affordable Housing	Immediately following adoption, provide the Santa Fe Irrigation District with a copy of the Housing Element. Adopt priority sewer service for affordable housing.	The City will immediately forward the adopted Housing Element and any subsequent amendments to the Santa Fe Irrigation District. The City will also develop priority service procedures for its sewer service.	The Housing Element was sent to the Water Authority.	The City successfully completed this program as part of the implementation of their 5 th Cycle Housing Element.
6.G	Housing Element Consistency and Monitoring	A housing element that is consistent with the rest of the General Plan and other important planning and policy procedures	The City will continue to monitor the Housing Element as part of its annual general plan implementation report. This includes monitoring the Housing Element for consistency with any amendments made to the Safety, Conservation, and/or Land Use Elements pursuant to AB162 and the required annual review of floodplain maps. If sites identified in the Housing Element as suitable for housing are subsequently identified as inappropriate due to changes in the flood maps, additional sites may need to be identified.	The City's General Plan consistency review between the adopted current Housing Element and the other elements within the General Plan is ongoing.	Per State law, the City is required to maintain consistency between all elements of the General Plan. As revisions are made to other elements within the City's General Plan during the 6 th Cycle, the City will amend the Housing Element if necessary to remain consistent.
6.H	Employee Housing Act Compliance	Ensure compliance with the Employee Housing Act.	Review the City's regulations for compliance with the Employee Housing Act, particularly sections 17021.5 and 17021.6 of the Health and Safety Code regarding farmworker housing. Make amendments to the City's regulations as necessary.	Employee Housing Act has been reviewed and the Housing Element was found in compliance..	The City successfully completed this program as part of the implementation of their 5 th Cycle Housing Element. If future revisions to the Employee Housing Act occur, the City will make the necessary amendments to remain in compliance.
7	Emergency Shelter Housing Site Identification	Amend the zoning ordinance to allow emergency shelters by right in the General Commercial zone and develop objective standards for their development.	To ensure compliance with this requirement, the City will modify its zoning ordinance to permit emergency shelters in its General Commercial zone and develop objective standards for their development.	Zoning ordinance amending emergency shelters outright in General Commercial and permitting them in the Public/Institutional zone with a Director's Use Permit with	The City successfully completed this program as part of the implementation of their 5 th Cycle Housing Element.

Past Performance					
#	Program	Program Objective	Program Action	Current Planning Period Accomplishments	Effectiveness and Appropriateness
				development standards was adopted February 12, 2014.	
8	Illegal Unit Conversion	Continue to implement the illegal unit conversion program. Research the feasibility of implementing an amnesty program.	This program allows homeowners with illegally established accessory dwelling units on their property to apply for legalization.	No applications for conversion have been received so far in the planning period.	This program will be continued in the 6 th Cycle Housing Element. New state law regarding ADU compliance, development standards, and permitting requirements will be addressed.
9	Preserve Existing At-Risk Units	Continue to monitor units at risk of conversion, identify non-profit housing organizations capable of assisting with the preservation of at-risk units, and identify available funding sources. Prevent the one at-risk unit from converting to market rate.	The City will contact the owners of properties with affordable units at risk of converting to market rate to learn of their plans and explore the possibility of purchasing these developments through HUD or a non-profit corporation, actively seeking out non-profit housing organizations that could assist in the preservation of the at-risk units, and applying for financial assistance from sources such as CDBG and HOME funds to attempt to offer financial incentives to extend the terms of the affordability restrictions. Once a non-profit is identified, the City will assess the non-profit corporations' capacity to acquire and manage, assist or support funding applications, and provide tenant counseling.	Received project application for Solana Highlands in 2014 with 32 affordable units, which will replace units previously monitored by the County of San Diego. The expiration date for these affordable units was 2011 and 18 units currently remain. The project was approved by City Council in December 2018.	The City is required by State law to address the preservation of units at-risk of converting to market-rate within the next 10 years. This analysis is included within the 6 th Cycle Housing Element.
10	Section 8 Rental Assistance	Assist developers in applying for project-based Section 8 rental assistance as opportunities arise and continue to work with the County of San Diego Housing Authority regarding the administration of the Section 8 Rental Assistance Program.	The City will provide flyers in both English and Spanish notifying residents and landlords of the availability of Section 8 rental assistance. The City will also seek out project-based Section 8 vouchers to assist with the operational income of affordable housing projects.	The City has continued to coordinate with the County of San Diego Housing Authority to implement and administer Section 8 Rental Assistance.	The City will continue to provide community members with updated information materials regarding the availability of Section 8 Housing Choice Vouchers so long as funding for the program remains available.
11	Capital Improvements Program	Update the Capital Improvement Program on an annual basis.	The City annually prepares and adopts as part of its annual budget process a multi-year program of capital improvements. The primary focus of the program is repair and maintenance activities.	Continued to implement City's CIP program, annual budget adopted each year.	The City successfully updated and implemented its CIP and will continue to do so in the 6 th Cycle Housing Element planning period.
12	Condominium Conversion Policy	Continue to implement the ordinance.	The City will consider requests for the conversion of existing rental housing of ten or more units to condominium units only when the rental vacancy rate exceeds 6 percent. In the event that a conversion request is granted, the project is subject to the affordable (inclusionary) housing ordinance, which requires that 15 percent of the units be set aside as affordable.	No applications for conversion have been received so far in the planning period.	The City will continue to implement the existing condominium conversion ordinance as detailed within the City's Municipal Code.
13	Residential Code Enforcement	Expand the program to make complaint forms available in Spanish and available to download on the City's website. The City will monitor and review code enforcement activity on an annual basis and identify all housing complaints by type, action taken, and results achieved.	The City will expand its residential code enforcement program by making complaint forms available in Spanish and including additional information on the City's website.	A code action data base for housing complaints is routinely maintained and the complaint form is available in English and Spanish.	The City successfully completed this program as part of the implementation of their 5 th Cycle Housing Element.
14	Residential Rehabilitation	Continue to provide informational materials to promote this County program.	The City of Solana Beach provides information regarding the residential rehabilitation program. The residential rehabilitation program addresses a wide range of rehabilitation needs. These include minor repairs as well as substantial structural, heating, electrical, or plumbing modifications, as well as technical assistance with applying for loans, housing inspections, and construction inspections.	City staff continues to make available informational materials discussing the County's residential rehabilitation program to the public.	The City will continue to make available to residents any existing and updated information discussing this County program for as long as it remains available.
15	Mortgage Credit Certificate (MCC)	Continue to provide informational materials regarding this County program.	The Mortgage Credit Certificate (MCC) program assists low and moderate-income first-time home buyers. Under this program, which is administered by the County of San	No applications have been received, the MCC handout has	The City will continue to make available to residents any existing and updated

Past Performance					
#	Program	Program Objective	Program Action	Current Planning Period Accomplishments	Effectiveness and Appropriateness
			Diego, qualified first-time home buyers are able to take a federal income tax credit of up to 20 percent of the annual interest paid on their mortgage.	been made available at City Counter.	information discussing this County program for as long as it remains available.
16	Distribute Fair Housing Information	Continue to provide informational materials regarding fair housing.	The City will stay informed of the current fair housing complaint process, continue to distribute the FHCSA's information on fair housing, and refer fair housing questions and housing discrimination claims to the FHCSA. The City will distribute and make available informational material at both the Building and Planning Department counters and identify other venues (e.g., libraries and other public venues) and opportunities to distribute the information. The City will also maintain a record of fair housing inquiries, referrals for fair housing assistance, and complaints filed.	The City distributes brochures at the Library and City Hall and participates in Fair Housing Council. No complaints received or referred to FHC during 2016.	The City is required by State law to analyze current and future efforts to affirmatively further fair housing (AFFH) as part of the 6 th Cycle Housing Element Update. The City will continue to make materials and resources regarding fair housing available to the public.
17	Energy Conservation	Complete the development of the energy efficiency program.	<p>The City will continue to implement the Solana Beach Green Building Incentive, which offers expedited permit processing for green building applications, permit fee reimbursement for projects that receive GreenPoint Rated certification, and public recognition.</p> <p>The City will continue to provide information on the City's website regarding steps residents can take to increase their energy efficiency and SDG&E rebate/voucher programs available to Solana Beach residents and businesses. The City will develop an energy efficiency program for the community and continue to monitor pertinent legislation which would make it easier to implement solar installations.</p> <p>The City will continue to utilize the Ad-Hoc Subcommittee on Environmental Sustainability to work closely with the Clean and Green committee to develop additional energy conservation and sustainability programs.</p>	<p>The City implemented the PACE program in winter 2014 and continues to identify areas and programs for reducing energy use in the development of the Climate Action Plan.</p> <p>The City currently has information regarding the programs in the City Website, on the Energy Efficiency Programs page, including links to rebates and services and additional state information.</p>	The City successfully completed this program as part of the implementation of their 5 th Cycle Housing Element.
18	Public Participation	Keep track of public noticing and participation procedures and as part of the annual review of the housing element, identify and implement effective public communication strategies.	The City must make a diligent effort to achieve public participation of all economic segments of the community. As part of the annual review of the housing element, the City will evaluate the effectiveness of its public communication strategies	The City maintains all notices provided to the public and mails, Eblast, places information on the City website and Facebook, and has used surveys to obtain feedback and information.	The City is required by State law to conduct community engagement as part of the 6 th Cycle Housing Element Update process. All community outreach materials, workshop summaries, and written comments are included within the 6 th Cycle Housing Element Update as well as on the City's website.
19	Affordable Housing on City-Owned Property	Issue RFPs to develop affordable housing on the City-owned sites identified in the suitable sites inventory (Sites 3 and 4).	The City will be issuing requests for proposals (RFP) for the development of the other two sites (Sites 3 and 4). To encourage development of these sites, the City will offer incentives such as a reduced fee schedule, land write-downs, and expedited permit processing.	There are currently two RFP's on the City's website.	The City successfully completed this program as part of the implementation of their 5 th Cycle Housing Element. As part of the 6 th Cycle Housing Element Update, the City will evaluate the appropriateness of these sites in using them to meet the City's RHNA need, given the reuse requirements of State law.



Appendix B:

Candidate Sites Analysis

Appendix B: Candidate Sites Analysis

Candidate Sites Analysis Overview

The Housing Element is required to identify sites by income category to meet the City's RHNA Allocation. The sites identified within the Housing Element represent the City of Solana Beach's ability to develop housing at the designated income levels within the planning period (2021-2029). These sites are either residentially zoned or within a commercial zone that permits residential uses at 20 du/ac.

The State Department of Housing and Community Development (HCD) is currently preparing a standardized sites analysis inventory matrix for jurisdictions to complete. This matrix is anticipated to include detailed information on the sites identified to meet the City's RHNA, including:

- Assessor Parcel Number (APN)
- Address
- Size (Net Acres as defined by the City and in Appendix D)
- Zoning
- Description of Existing Use
- Ownership
- Density
- Potential Development Capacity (Dwelling Units)

A summary of this information is included within the Housing Resources section (Section 3) of Solana Beach's 2021-2029 Housing Element.

Table B-1 shows the City's 2021-2029 RHNA need by income category as well as a breakdown of the sites identified to meet that need. The analysis within Appendix B shows that the City of Solana Beach has the capacity to meet their 2021-2029 RHNA allocation through a variety of methods, including:

- Identification of additional capacity on existing, residentially zoned sites and commercially zoned sites that permit residential development at 20 du/ac
- Identification of City owned properties suitable for the development of housing
- Future development of accessory dwelling units (ADUs)

Water, Sewer, And Dry Utility Availability

Each site has been evaluated to ensure there is adequate access to water and sewer connections as well as dry utilities. Each site is situated with a direct connection to a public street that has the appropriate water and sewer mains and other infrastructure to service the candidate site.

Accessory Dwelling Units (ADUs)

As a result of this legislation and an increased effort by the City to promote ADUs, the City has seen an increase in applications so far in 2020. The City has approved 12 ADUs for development in 2020, 2 of which are affordable. Additionally, the City received 24 applications for ADUs in 2020. The City is still processing some of these applications, which will likely receive permits early in 2021. In accordance with State law, ADUs are allowed in all zones that allow single dwelling unit or multiple dwelling unit development. Junior Accessory Dwelling Units (JrADUs) are permitted only in single dwelling unit zones.

The City of Solana Beach has determined based on past performance and HCDs approved methodology that it is appropriate to anticipate the development of 16 accessory dwelling units per year from 2021 to 2029 for a total of 128 ADUs.

Table B-1: Summary of RHNA Status and Sites Inventory					
	Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
2021-2029 RHNA	316	159	160	240	875
RHNA Credit (Units Built)		32	10	61	103
Total RHNA Obligations	316	127	150	179	772
Sites Available					
Existing Residentially Zoned Properties	10		44	34	88
Existing Commercially Zoned Properties	486		--	182	668
Total Potential Capacity Based on Existing GP and Zoning	496		44	216	756
Accessory Dwelling Unit Production	15		113	--	128
Total Sites Available	511		157	216	884
Potential Unit Surplus	68		7	37	112

B.1 Very Low- and Low-Income Sites Inventory

This section contains a description and listing of the candidate sites identified to meet the Solana Beach’s very low and low income RHNA need. A full list of these sites is presented in **Table B-4**.

The City of Solana Beach has identified sites with capacity to accommodate the City’s 2021-2029 RHNA. This capacity is based on existing zoning and does not require the City to complete rezones in order to add capacity to what currently exists. This City has identified 32 parcels within the high density residential, general commercial, and special commercial zones. Each of these zones permits residential as a standalone use. The identified sites have been evaluated to determine the extent to which on-site uses are likely to redevelop within the planning period. It was found that a number of the existing uses (identified in Table B-4) are either temporarily or permanently closed or have reduced hours of operation. Additional sites show no website presence to indicate a viable business. Many of the uses are in multi-tenant commercial centers with one ownership and most show little to no evidence of recent investment or redevelopment. The City does not have access to lease structures as these are private documents but has conducted an analysis to identify sites that show characteristics indicating they are likely to redevelop within the planning period. The analysis also includes several letters of potential residential development interest in **Appendix A**.

As shown below, the City has a past history of developing residential uses within non-residential zones that have existing uses. This is often done in a mixed-use development which retains commercial uses as described in the following section.

Redevelopment of Non-Vacant Sites for Residential Uses

The City’s does not have sufficient vacant land available to accommodate fifty percent of their low/very-low income RHNA. To accommodate the need at those income levels, the City has analyzed sites within the general commercial, special commercial, and high density residential zones. The City has also evaluated recent projects that have redeveloped within commercially zoned areas that included residential units. Those projects, including the zoning use prior to redevelopment, and a project analysis of the approved development plan, are shown in **Table B-2**. The

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City’s analysis showed that prior uses on these redeveloped sites were similar in nature to the existing uses on sites identified within the sites inventory in **Table B-4**.

The City has also conducted a parcel specific analysis of existing uses for each of the identified sites. This analysis of existing uses, including indicators of a likelihood that the existing use will redevelop within the next eight years, are provided in **Table B-4**. This analysis is based on information readily available to the City and research that can be found through online research. The City does not always have access to private lease information but has included information that property owners have shared regarding individual sites.

The following residential development projects have been constructed within the City’s general and special commercial zones:

Table B-2: Example Development of Non-Vacant Sites for Residential Uses				
Project Address/ APN	Dwelling Units	Zoning	Use Prior to Redevelopment	Project Analysis
636 Valley Avenue/ 2981333900	3	C	Small single-family residence on a large lot, mostly undeveloped lot.	Project developed 3 residential units and a small commercial component. At 20 du/ac, the project could accommodate 4 dwelling units but opted to only do 3 to incorporate the commercial component. This justifies the City’s adjustment factor shown in Table B-4 in Appendix B
625 Valley Avenue/ 2981310800	2	C	Commercial dentist offices on a large lot.	Project redeveloped the lot to keep the dentistry office uses and add two residential units at the rear part of the parcel. The parcel. This project had the potential to include additional residential but chose to keep over half of the lot for dentist offices and related parking.
330 S. Cedros Avenue/ 2980761300	8	SC	Commercial nursery with outdoors sales/display areas and a small commercial store structure.	Project developed 8 residential units in addition to ground floor commercial space along Cedros Avenue and additional creative office space for lease within the two story structure. This development could have met the maximum number of residential units but chose to include additional commercial/office space.
343 S. Highway 101/ 2980521400	25	C	Five adjacent parcels consisting of a commercial car repair/autobody shop, vacant mobile home park, vacant residence, and homes converted to office uses.	This 1.95 acre project site consists of 5 parcels in the General Commercial (C) zone that were directly adjacent and consolidated to develop this mixed-use project. The project consists of approximately 52,000 square feet of commercial office, restaurant and dining, and retail space in addition to 25 multi-family residential units. This development could have met the maximum number of residential units permitted within the current zoning but chose to include additional commercial/office space.

While these projects do not contain affordable units, they show that the City has a past performance of developing residential units within the general and special commercial zones. As all of these uses retained a small commercial

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component, the City has included a residential development factor of 0.8 to accommodate for the inclusion of commercial uses in redevelopment. The **Housing Plan** section outlines actions the City will take to promote the development of affordable units within the downtown and commercial areas.

Development of Small Site Parcels

Sites identified to meet the City’s very-low and low income RHNA were selected based on their ability to meet the default density of 20 dwelling units per acre and the AB 1397 size requirements of at least .5 acres but not greater than 10 acres. While several sites identified in the City’s sites analysis do not meet this requirement, the City has a history of developing residential uses on parcels in the downtown that are less than half an acre. This shows the viability of these sites. Additionally, the City has identified sites under a half-acre in size that are either adjacent or share characteristics such as common ownership. This is shown under the consolidation group column of **Table B-4**.

APN	Address	Parcel Size	Consolidated Site (Shown in HCD Site Inventory Template)	Analysis Findings/Description
2982118100	S Sierra Avenue	0.33	A	This parcel is currently a city-owned parking lot with no existing structures. The Sites Analysis shows this parcel as consolidated with 511 S Highway 101 (APN 2982114000), a fit athletic club for which it currently serves as overflow parking. These parcels are directly adjacent, share an ingress/egress point and the parking is not used for any other adjacent use. As the parcel is City-owned, the City has added control over the future use of this parcel and is interested in developing it for residential uses as indicated in the Housing Element.
2980103200	201 S Highway 101	0.35	C	This parcel as well as the parcel directly adjacent to it (APN 2980103100) are both vacant parcels within the City’s downtown core. Both parcels have a common ownership under the Kornberg Family Trust and have no existing structures or developed sections. The properties are in close proximity to a number of multi-family developments which have developed on parcels within similar size, shape, and location.
2980103100	204 S Sierra Avenue	0.43	C	See above description. Parcels are anticipated to be developed together and have been identified as consolidated sites in the City’s Sites Inventory.

Sites were selected based on their realistic viability to accommodate lower income housing within the 2021-2029 planning period. This includes an evaluation of vacant land within the City (**Table B-2**) as well as underutilized sites that may provide the potential for redevelopment to accommodate residential at higher densities. Solana Beach is almost entirely built out, with the little vacant land within the City containing steep slopes or other characteristics

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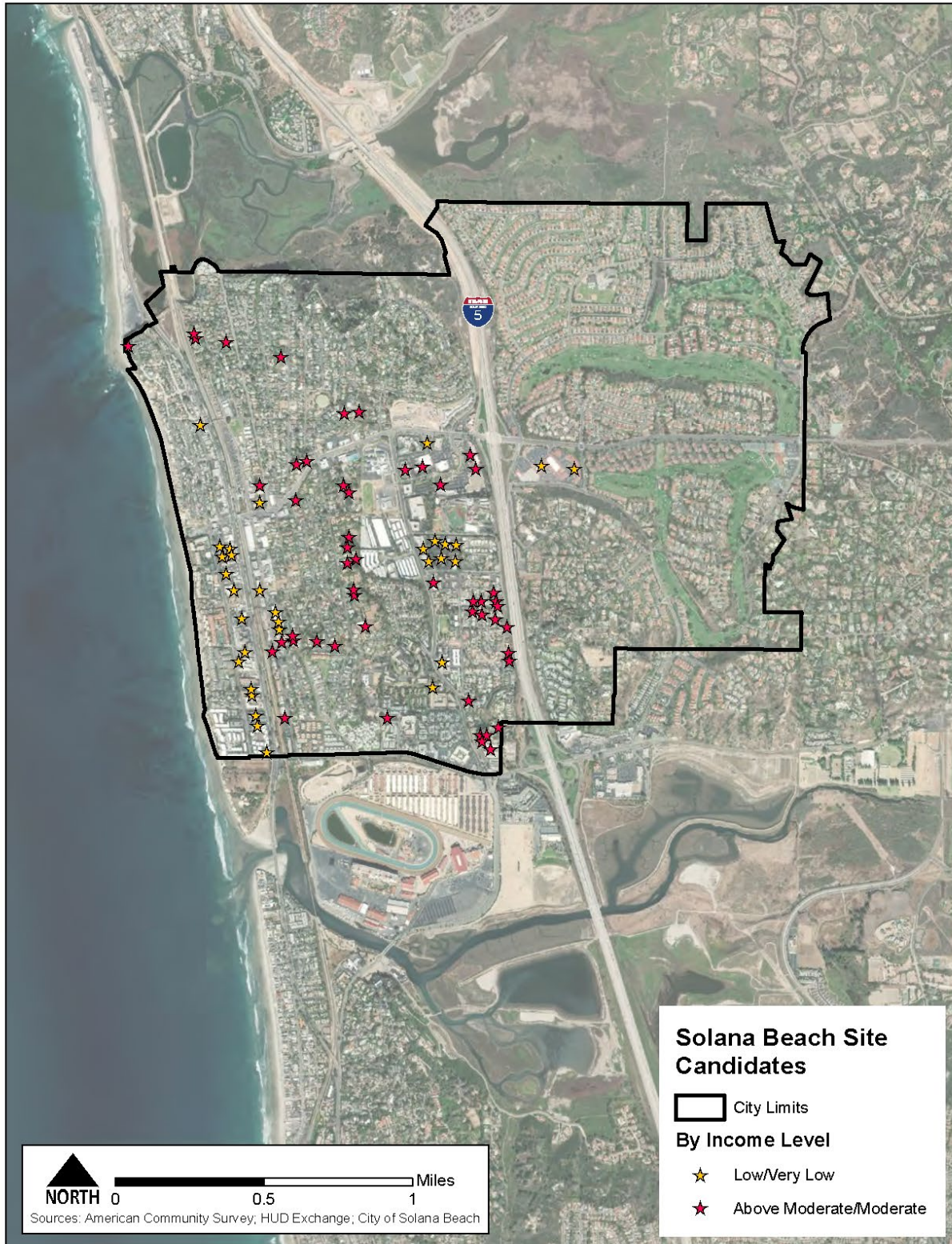
which make it difficult to develop. As such, all sites identified within the housing element are on non-vacant parcels. As shown in the previous section, the City has a history of developing residential units on non-vacant parcels.

Figure B-1 shows the locations of all parcels identified to meet the City's lower income RHNA need. A detailed map and list of candidate sites can be found on the City's website.

Infrastructure Availability

As discussed in **Section 3**, each site has been evaluated to ensure there is adequate access to water and sewer connections. Each site is situated adjacent to a public street that has the appropriate water and sewer mains and other infrastructure to service the candidate site.

Figure B-1: Map of Identified Sites (All Income Levels)



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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
2982118100	C	C	S SIERRA AVE	CITY OF SOLANA BEACH	0.33	20	0.8	5		City-owned surface parking lot that provides parking solely to the adjacent gym facility. City is in the process of issuing RFPs for this property.	A
2982114000	C	C	511 S HIGHWAY 101	HARRISON FAMILY TRUST 01-09-91	1.15	20	0.8	17		FIT Athletic Club. Currently shown as closed on their website and may redevelop in conjunction with City RFP for adjacent parking lot.	A
2980102000	C	C	236 S SIERRA AVE	236 S SIERRA LLC	0.53	20	0.8	7		Small office space for Cruzan (Real Estate Developer), ID Studios, Inc (Interior Designer), and OrangeWallstudios architecture+planning. This site has capacity to add residential uses while maintaining existing commercial, similar to the sample professional dentist office which recently redeveloped.	
2980106100	C	C	155 S OLD HIGHWAY 101	101 PLAZA LLC	0.55	20	0.8	6		Small commercial center including uses such as GC Dance Company, Beach Grass Café, Sotheby's, nail salon, travel agency, and movement center.	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
										Several of these uses, including Beach Grass Café, the Center of Movement and Balance, Choukri Salon, and WorldView Travel were determined to be permanently closed via information available online.	
2980521200	C	C	305 HIGHWAY 101	LONGS DRUG STORES CALIFORNIA INC (SUBLESSEE) <LF>	1.80	20	0.8	27		CVS Pharmacy location with ample surface parking. Single tenant and building show no signs of recent renovations/reinvestment. Directly adjacent to new mixed-use development (343 S. Highway 101)	
2980531700	C	C	405 S HIGHWAY 101	BANK OF AMERICA NATIONAL TRUST&SAVINGS ASSN	0.98	20	0.8	15		Large underutilized parcel with single tenant (Bank of America) Building shows no signs of reinvestment or renovation and market trends point to bank uses going online with smaller physical footprints.	
2980910100	SC	SC	337 S CEDROS ST	HARRISON KEITH&SARA	0.71	20	0.8	7		Small commercial center for Amari Active (currently closed), Devine Grace Today (currently closed),	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
										Imeriti Inc and Investors 1031 Exchange. Building shows no signs of reinvestment or renovation.	
2980920100	SC	SC	410 S CEDROS AVE	SOUTH CEDROS ASSOCIATES LLC	0.93	20	0.8	10		24-7 Towing SOLANA BEACH, AIM Wellness Center, BeachRadish Images and BPI Training Now I Home Star are the current tenants.. Lease structures are not available to the City for these uses. This site may redevelop with sites labeled "B" in the consolidation group.	B
2980921100	SC	SC	0 CEDROS AVE	SOUTH CEDROS ASSOCIATES LLC	0.91	20	0.8	11		The site contains parking spaces and a portion of a commercial center (Pedego Electric Bikes and Shauns California Sunglasses store). This site may redevelop with sites labeled "B" in the consolidation group. Building shows no signs of reinvestment or renovation.	B

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
2981121500	SC	SC	741 ACADEMY DR	ACADEMY HOSPITAL LLC	0.58	20	0.8	6		Single tenant (Academy Animal Hospital) and building shows no signs of recent renovations/reinvestment. Lease terms are not known for this use.	
2981121900	SC	SC	524 STEVENS AVE	CANTERBURY 2008 IRREVOCABLE TRUST 05-22-08	0.62	20	0.8	6		Small Commercial center with tenants such as A Diva's Hidden Hair, Annie's Café's and Deli (currently closed), Bongiorno's and Charco Financial LLC. Charco Financial LLC has no website or information available to show they are still in business. Buildings show no signs of renovation or reinvestment.	
2981122000	SC	SC	532 STEVENS AVE	SOLANA PARTNERS LP	1.79	20	0.8	21		1 Carpet San Diego, Mitchell's Floor Coverings, Studio 540 Jiu Jitsu, Hylete, PERFECT PET SALON and Sydnee's Pet Grooming are the current tenants of the small commercial center. There is surface parking surrounding the building	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
										that may be redeveloped with room for commercial uses.	
2981122100	SC	SC	722 GENEVIEVE ST	SOLANA PARTNERS LP	2.43	20	0.8	29		Small commercial center that currently has A'LaFin Skincare, akovash hardwood (currently closed), Back To Perfection, Beauty & Body Med Spa Salon Solana Beach CA, Busy Moms Fitness Solana Beach & San Diego, Custom Home Audio as tenants. The building is surrounded by surface parking spaces and shows no indications of reinvestments or renovations.	
2981122200	SC	SC	742 GENEVIEVE ST	SOLANA PARTNERS LP	1.61	20	0.8	19		Ballet Arte, Body Design, Breyer's Branches Test, and Dyjak Design Build are the current tenants for the building. There are surface parking lot surrounds the building and no indicator of renovations or reinvestments.	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
2633513500	SC	SC	124 LOMAS SANTA FE	OZAWA FARMS INC <DBAJ&T INVESTMENTS>	1.82	20	0.8	28		A Commercial Shopping Center with Two Buildings with Aliza D. Cierone, ND, American Family Martial Arts, Andeliz Nails & Spa, Balancio Insurance, BioIntelligent Wellness, Blue Water Tackle(currently closed), Capstar Mortgage, Chief's Burgers & Brew, Dr. Alexia Garcia Chiropractor, Foundation Yoga Center, Johnson Air Systems, Linda's Hair Nails & Rfxlgy(currently closed), Local Greens, lu ann for hair, Michele Fry, L.Ac., RYT 500, Old Mission Properties, Purebowl, ShorelineFishing, SMartface, Sneaky Feet Aikido, Solana Beach Fish House, Solana Donur House, Solana Spa, Spark Health – IV Therapy Vitamin B12 & Other Services, Subway, Supeirior Legal Divorce & Mediation Services and Tidewater Chiropracter as	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
										current tenants. There is ample surface parking spaces that surrounds the building and building shows no indications of reinvestments and renovations.	
2982114700	C	C	647 S HIGHWAY 101	PINNACLE SOLANA II L L C	0.82	20	0.8	12		Single tenant building (Parioli Italian Bistro) with front and rear surface parking. The current site is underdeveloped with a large undeveloped portion of the parcel in the rear. This parcel is almost identical in nature to one of the redeveloped parcel examples shown in Table B-2 .	
2982114900	C	C	731 S HIGHWAY 101	BLUE MAX	1.72	20	0.8	27		Mercado del Sol Commercial Shopping Center containing Double Take, Qwik Corner, JI Phone Repair (Permanently Closed), Bravo Salon (no website or indication of operation), Talisman Arts Tarot, Bangkok Bay Thai, a dry cleaner, and others. Many of these uses have	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
										limited hours and little web presence to determine a viable business. The building has surface parking in the front and one side of the building. There are no signs of recent renovations or reinvestments on the building.	
2982118500	C	C	635 OLD HIGHWAY 101	CITY OF SOLANA BEACH	1.08	20	0.8	17		City Hall of Solana Beach is located in the building and has ample parking in the rear. This parcel is city-owned and has been considered for residential uses in the past and the City will continue to pursue developer interest in the site. The site is underdeveloped and shows no indicators of recent renovations or reinvestments	
2982402400	C	C	100 BORDER AVE	COOPER-HARRIS FAMILY TRUST 01-07-04	0.60	20	0.8	9		Dated and underutilized small Commercial/Office Shopping Center. The building has rear parking and is directly adjacent to existing multi-family uses.	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
2982405800	C	C	777 HIGHWAY 101	PACIFIC EXECUTIVE PLAZA L L C	1.11	20	0.8	17		Small Business Park (with tenants including Andrew Moranchel, CPA P.C., Balance Strategies, LLC, Daniel Lowther Law Offices and Dumbeck & Dumbeck Law Office) that has ample surface parking in the front and side of the building. .	
2985301900	SC	SC	761 ACADEMY DR	MAX FIRSTENBERG WEINSTOCK FAMILY L L C	1.03	20	0.8	11		Small Business Park that includes 2 buildings with 2 tenants (Center for Cosmetic Dentistry and David Daughters, DDS, Inc.). The shopping center is dated with no indications that the building has recent renovations or reinvestments and surface parking is in the front.	
2985302000	SC	SC	809 ACADEMY DR	ACADEMY GROUP LLC	1.03	20	0.8	12		Top Tier Training, Stratum Fitness and The Saints Thrifts Store are the present tenants of the building with front parking. Presently there is no sign of renovations or reinvestments.	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
2980103200	C	C	201 S HIGHWAY 101	KORNBERG FAMILY TRUST 08-11-92 PERL FAMILY MARITAL TRUST	0.35	20	0.8	5	VAC	Currently the site is a vacant lot and is clearly underdeveloped. The project may redevelop in conjunction with an adjacent site labeled "C" in the consolidation group.	C
2980103100	C	C	204 S SIERRA AVE	KORNBERG FAMILY TRUST 08-11-92 PERL FAMILY MARITAL TRUST	0.43	20	0.8	6	VAC	Presently the site is a vacant lot and is underdeveloped. The project may redevelop in conjunction with an adjacent site labeled "C" in the consolidation group.	C
2980106300	C	C	140 S SIERRA AVE	CITY OF SOLANA BEACH	1.00	20	0.8	16		City-owned surface parking lot that provides parking solely to the adjacent commercial shopping centers. This parcel has been considered for residential uses in the past and the City will continue to pursue developer interest in the site.	
2634210800	C	C	607 LOMAS SANTA FE DR	SECURITY PACIFIC NATIONAL BANK	1.05	20	0.8	15		A single tenant building (Chase Banking) with ample surface parking and currently underdeveloped.	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
				<LF> ANDERSON CAROL						Building shows no signs of reinvestment or renovation and market trends point to bank uses going online with smaller physical footprints. The City has identified the larger shopping center and is in the process of obtaining a letter of interest for residential development.	
2980920200	SC	SC	444 S CEDROS AVE	SOUTH CEDROS ASSOCIATES LLC	0.48	20	0.8	5		A commercial center (24-7 Towing SOLANA BEACH, AIM Wellness Center, BPI Training Now/Home Star and Cloud Applications & Accounting Services) that has front and side surface parking. This site may redevelop with sites labeled "B" in the consolidation group.	B
2632936000	C	C	971 LOMAS SANTA FE DRIVE	PACIFIC SOLANA BEACH HOLDINGS	3.98	20	0.8	63		Commercial center with multiple tenants such as Samurai Japanese Restaurant, Postal Annex, The Frame Shop, and Craftsman Revival Home. This site has ample surface parking with no	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
										indication of recent renovations or reinvestments.	
2632935900	C	C	LOMAS SANTA FE DRIVE	PACIFIC SOLANA BEACH HOLDINGS	9.85	20	0.8	64		Large commercial center with multiple tenants such as Vons, Big 5 Sports Goods, HomeGoods and 24 Hour fitness(presently closed)but not limited to tenants listed above. This site shows no recent reinvestments or renovations and currently has ample surface parking. The City is in the process of obtaining a letter of interest for residential development from the property owner.	
2633040100	C	C	354 ACACIA AVE	HAGIO MICHIO TRUST01-31-02	0.52	20	0.8	10		The commercial center is located on the corner of a major roadway and shows no signs of recent renovations or reinvestments. The current tenants include Mitch's Surf Shop North, Joe Blair Surfboards and Moreland Choppers. The City is in the process of obtaining a letter of	

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Table B-4: Sites to Accommodate Low and Very Low-Income RHNA											
APN	Zone	GPLU	Address	Owner	Size (AC)	Realistic Density	Capacity Adjustment Factor	Potential Capacity	Vacant	Existing Uses and Redevelopment Analysis	Consolidation Group
										interest for residential development from the property owner.	
2981643200	HRd	HR	802 STEVENS AVE	ARNAIZ RONALD M & HILL- ARNAIZ MAKAYLA R TODD AUDREY	0.51	13	0.8	4		There is an existing 2 single-family detached houses and currently the site is underutilized. A realistic density of 13 du/ac (permits 20 du/ac) has been applied and existing units have been removed from the potential yield.	
2982810900	HRd	HR	841 STEVENS AVE	GRANADOS FAMILY TRUST 10-22-18	0.59	13	0.8	6		There is an existing single-family detached house on a underutilized parcel. The current building shows no signs of any recent renovations or reinvestments into the property. A realistic density of 13 du/ac (permits 20 du/ac) has been applied and existing units have been removed from the potential yield.	

B.2 Moderate and Above Moderate Sites Inventory

This section contains a description and listing of the candidate sites identified to meet the Solana Beach’s moderate and above moderate income RHNA need.

Calculation of Unit Capacity

The capacity for sites identified to meet the City’s above moderate RHNA need was determined by multiplying the net parcel size by the maximum achievable density for that zoning designation and rounding down to the nearest whole dwelling unit. Alternatively, the capacity for sites identified to meet the City’s moderate RHNA need was determined with the same methodology using the minimum achievable density for that zoning designation. In taking this approach, the City is using a conservative methodology. Where information is known, acreage has been netted out for potential constraints to development.

Selection of Sites

This Appendix B contains a selection of those sites that are most likely to be developed for moderate and above-moderate income housing. For the purpose of identifying sites with the potential to be redeveloped within the planning period, this analysis considered existing zoned parcels that permit residential as a primary use within the following zones based on the permitted densities within those zones:

- Above moderate
 - LRC, Low Residential C
 - LRd, Low Residential D
 - LMRc, Low-Medium Residential C
 - LMRd, Low-Medium Residential D
 - C, General Commercial
- Moderate:
 - MRd, Medium Residential D
 - MHRd, Medium-High Residential D

Due to the primarily developed nature of Solana Beach’s communities, sites with a capacity through the existing zoning to develop for at least one additional unit were considered within the analysis. In most instances, additional units are achievable through the subdivision of an existing property and addition of dwelling units.

For the purposes of this analysis, accessory dwelling unit potential was calculated separately as outlined within the Candidate Sites Analysis Overview section above. ADUs represent additional potential units to meet the City’s RHNA.

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Table B-3: Sites to Accommodate Moderate and Above Moderate RHNA

APN	Zone	Address	Owner	Size (AC)	Realistic Density	Potential Capacity	Vacant	Notes
2981331300	MHRd	820 VERA ST	DYER GARY&JOAN	0.16	8	1		Single-family house
2981331100	MHRd	834 VERA ST	CLARK MIRIAM E 1992 TRUST 06-30-92	0.15	8	1	VAC	Vacant Parcel
2982120100	MHRd	601 S CEDROS AVE	GILLIAM FAMILY TRUST 04-27-93	0.30	8	1		Single-family house
2633510600	MHRd	147 N RIOS AVE	FLAGG KENNETH&ANITA	0.29	8	1		Single-family house
2981401400	MHRd	667 IDA AVE	MURO TRUST 10-26-01	0.29	8	1		Single-family house
2982124400	MHRd	755 CEDROS AVE	D J D 2002 TRUST 04-13-02	0.27	8	1		Single-family house
2981400600	MHRd	635 IDA AVE	HERNANDEZ FAMILY TRUST 07-30-07	0.27	8	1		Single-family house
2981340300	MHRd	819 VERA ST	GRACIANO ARTURO	0.27	8	1		Single-family house
2981401800	MHRd	655 IDA AVE	FOWLER CHRYSALYNN	0.26	8	1		Single-family house
2982932100	MHRd	804 IDA AVE	GONZALES FAMILY TRUST 02-11-99	0.51	8	1		Single-family house
2981400900	MHRd	645 IDA AVE	PICKERING JENNIFER A M	0.38	8	2		Single-family house
2981340501	MHRd	833 VERA ST	JONES SETH J&ROBINK	0.46	8	2		Two small single-family structures
2982932000	MHRd	0 IDA AVE	BRISA MAR DEVELOPMENT	0.51	8	4		Underutilized site w/ fence
2981623700	MHRd	0 IDA AVE	K N N MANAGEMENT LLC	0.77	8	6	VAC	Vacant Parcel
2982604400	MHRd	0 DEL MAR DOWNS RD	SAINT JAMES CATHOLIC PARISH IN SOLANA BEACH	0.94	8	7	VAC	Vacant Parcel
2982701800	MRd	2466 MANGO WAY	MARANDINO FAMILY TRUST 08-17-03	0.21	5	1	VAC	Vacant Parcel

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Table B-3: Sites to Accommodate Moderate and Above Moderate RHNA

APN	Zone	Address	Owner	Size (AC)	Realistic Density	Potential Capacity	Vacant	Notes
2982701600	MRd	686 VIA DE LA VALLE	MARANDINO FAMILY TRUST 08-17-03	0.41	5	1		Single-family house
2982703500	MRd	684 VIA DE LA VALLE	MENGLER BRUCE&GRAHAM SUSAN FAMILY TRUST 05-20-15	0.51	5	1	VAC	Vacant Parcel
2630212500	MRd	637 W CIRCLE DR	STEINBERG JOSEPH S&DIANE H	0.46	5	1		Single-family house
2982704400	MRd	690 VIA DE LA VALLE	DOH REVOCABLE LIVING TRUST 01-04-12	0.44	5	1		Single-family house
2982830900	MRd	880 STEVENS AVE	PELLERITO JAMES J	0.62	5	2		Single-family house
2982704100	MRd	990 HIGHLAND DR	M C S DEL MAR CORPORATE CENTER LLC	1.22	5	6	VAC	Parking Structure
2634210900	C	225 STEVENS AVE	SOLANA BEACH PRESBYTERIAN CHURCH	2.02	20	31		Church Facilities
2634211000	C	663 SAN RODOLFO DR	S B T C HOLDINGS L L C	3.49	20	54		Commercial Shopping Center
2634211200	C	114 SOLANA HILLS DR	S B T C HOLDINGS L L C	3.26	20	51		Commercial Shopping Center
2634211300	C	0 SOLANA HILLS DR	S B T C HOLDINGS L L C	0.51	20	8		Commercial Shopping Center
2634211500	C	667 SAN RODOLFO DR	S B T C HOLDINGS L L C	1.55	20	23		Commercial Shopping Center
2981313000	C	616 STEVENS AVE	WINDWARD PLAZA LLC	1.00	20	15		Commercial Shopping Center
2630321800	LMRc	717 SEABRIGHT LN	HARTMAN BLAYNE TRUST 04-27-05	0.53	4	1		Single-family house
2630311200	LMRc	645 N RIOS AVE	POPE S&K FAMILY TRUST 03-24-03	0.54	4	1		Single-family house
2980838600	LMRc	130 S GRANADOS AVE	MUELLER FAMILY TRUST 04-09-01	0.56	4	1		Single-family house

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Table B-3: Sites to Accommodate Moderate and Above Moderate RHNA

APN	Zone	Address	Owner	Size (AC)	Realistic Density	Potential Capacity	Vacant	Notes
2630320800	LMRc	725 SEABRIGHT LN	WAKEHAM RAY H&PATRICIA V FAMILY TRUST 09-16-88	0.53	4	1		Single-family house
2634040100	LMRd	321 EL VIENTO ST	MARTIN JOHN A&LOIS K TRUST 11-06-89	0.73	4	1		Single-family house
2634041000	LMRd	390 LOMAS SANTA FE DR	ZIMMERMAN FAMILY TRUST 08-29-07	0.65	4	1		Single-family house
2980943200	LRc	0 GRANADOS AVE	CARLTON FAMILY TRUST 12-10-93	0.34	3	1	VAC	Vacant parcel
2981215600	LRc	524 S NARDO AVE	SANCHEZ FELIX	1.19	3	2		Single-family house
2630821700	LRc	615 N GRANADOS AVE	GUNTHER HERBERT J&W RUTH TRUST 11-16-77	0.77	3	1		Single-family house
2634020500	LRc	148 S NARDO AVE	CARADINE JON C	1.79	3	4		Single-family house
2634022200	LRc	170 S NARDO AVE	BATCHMAN FAMILY TRUST 10-13-10	1.26	3	2		Single-family house
2980811100	LRc	302 S NARDO AVE	BARTHELL FAMILY TRUST 12-12-02	2.02	3	4		Single-family house
2980812500	LRc	258 S NARDO AVE	BARTHELL FAMILY TRUST 12-12-02	1.56	3	2		Single-family house
2980844400	LRc	422 S NARDO AVE	SWORTWOOD CHRISTOPHER G&HEATHER	0.85	3	1		Single-family house
2980844500	LRc	430 S NARDO AVE	BUSER MARTIN&CYNTHIA FAMILY TRUST 12-03-97	0.86	3	1		Single-family house
2980844700	LRc	326 NARDO AVE	SCHLIFF FAMILY TRUST 05-13-10	0.68	3	1		Single-family house
2980844800	LRc	318 S NARDO AVE	MCHALE FAMILY TRUST 02-23-18	0.74	3	1		Single-family house
2980921000	LRc	526 S CEDROS AVE	ESTRADA EDDIE M&GLORIA A REVOCABLE TRUST 04-08-08	1.10	3	1		Two single-family houses

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Table B-3: Sites to Accommodate Moderate and Above Moderate RHNA								
APN	Zone	Address	Owner	Size (AC)	Realistic Density	Potential Capacity	Vacant	Notes
2980921300	LRc	0 RIOS AVE	ESTRADA EDDIE M&GLORIA A REVOCABLE TRUST 04-08-08	0.42	3	2	VAC	Vacant parcel
2980921400	LRc	0 RIOS AVE	NORTH COUNTY COASTAL LLC	0.40	3	1	VAC	Vacant parcel
2980934400	LRc	535 S GRANADOS AVE	SIHOTA JAGBIR S TRUST 06-14-11	1.05	3	2		Single-family house
2631607100	LRd	403 MARVIEW DR	BURGER FAMILY TRUST 02-07-95	0.78	3	1		Single-family house
2631607500	LRd	404 MARVIEW DR	HOUSTON 1992 TRUST 12-18-92	0.70	3	1		Single-family house



Appendix C:

Community Outreach

Appendix C: Community Engagement Summary

Section 65583 of the Government Code states that, "The local government shall make diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Meaningful community participation is also required in connection with the City's Assessment of Fair Housing (AFH). A discussion of citizen participation is provided below.

As part of the 6th Cycle Housing Element Update process, the City of Solana Beach has conducted extensive public outreach activities beginning in 2020. These recent outreach efforts included presentations, City Council and Planning Commission Study Sessions, Community Workshops, digital media, and noticed Public Hearings. Project materials, including summaries from community workshops and public meetings, notices, and draft public review documents are available on the City's website: <https://www.ci.solana-beach.ca.us/housingelement>

Outreach for the 6th Cycle Housing Element to the Solana Beach community, includes the following actions:

- **Community Workshop#1** – The City conducted a community workshop on March 5, 2020 at City Hall that was advertised using both handouts and flyers as well as the City's website. The Workshop had 13 attendees. The workshop is available for viewing on the City's webpage at <https://www.ci.solana-beach.ca.us/housingelement>. At the workshop participants were provided with an overview of the planning process. The City's RHNA obligations and engaged in an interactive exercise to focus on and identify the responses and creative solutions to the following:
 - What are the biggest challenges to housing in Solana Beach?
 - What creative ways can Solana Beach provide housing in the future?
 - What types of programs or assistance could the City provide to facilitate housing?
 - What other opportunities or ideas do you have to address housing issues in Solana Beach?
- **Community Workshop #2** – The City virtually conducted a second community workshop on October 15, 2020. The workshop was advertised through flyers in both English and Spanish and on the City's Housing Element Update webpage. The workshop is available for viewing at <https://www.ci.solana-beach.ca.us/housingelement>. During the workshop, participants were provided with an overview of the current status of the update process, information on previous outreach efforts, and information on each section of the Draft Housing Element. The workshop also directed participants to take an online housing survey and to provide comments on the public review draft.
- **Community Workshop #3** – On November 12, 2020, the City virtually hosted a third community workshop to review the contents of the Public Review Draft Housing Element and collect comments. The workshop was advertised through flyers in both English and Spanish and on the

City's Housing Element Update webpage. The workshop was held approximately one week before the close of the public review period so that residents and interested parties had an opportunity to review the document, formulate questions or comments, and provide those to the project team. During the meeting, the project team made a short presentation with highlights of the contents of the Public Review Draft Housing Element and received several verbal comments from participants.

- **Online Community Survey** – From October 15, 2020 to November 30, 2020 the City of Solana Beach launched an online community survey to gather additional feedback regarding the Housing Element Update. Participants were asked to consider potential policies and programs to include in the Housing Element, as well as potential housing types and opportunities for housing in the City. The survey also solicited feedback regarding potential barriers to housing access and constraints to the development of housing.
- **City Council Study Session** – The City held a City Council Study Session on October 28, 2020. During the study session, the project team provided a presentation to the Solana Beach City Council with an overview of the Public Review Draft Housing Element and Housing Element update process to date. Community members had the opportunity to give public comments and several were received by the City.
- **City Council Study Session #2** – The City held a City Council Study Session on March 24, 2021. During the study session, the project team provided an updated draft of the Housing Element to review based on HCD comments received.
- **Housing Element Update Website** – A website developed for public consumption, which can be accessed at <https://www.ci.solana-beach.ca.us/housingelement>. The website provides relevant information about the update process, key features of the housing element, project timeline and a calendar of events for outreach activities. The website also provided a link to the community survey tool as well as the contact information of city for residents and community members to send additional comments or request additional information.

As required by Government Code Section 65585(b)(2), all written comments regarding the Housing Element made by the public have previously been provided to each member of the City Council.

This Appendix contains a summary of all public comments regarding the Housing Element received by the City at scheduled public meetings, and the Appendix has been provided to the City Council.

C.1 Community Workshop #1

This section contains all available public oral comments provided during the first Community Workshop, as well as provided workshop materials and handouts. Public comments were received in written and oral form.

City of Solana Beach Housing Element Update 6th Cycle (2021-2029)

Workshop 1, Summary

Date: March 5, 2020



On Thursday, March 5th, 2020 the City of Solana Beach held a public community workshop for the 2021-2029 6th Cycle Housing Element Update. The purpose of the meeting was to provide information on the Housing Element update process and to gather input and ideas from the public that will shape the goals, policies and programs in the Housing Element. The workshop included a PowerPoint presentation as well as an interactive feedback session to answer the following questions:

- What are the biggest challenges to housing in Solana Beach?
- What types of programs or assistance could the City provide to facilitate housing?
- What other opportunities or ideas do you have to address Housing issues in Solana Beach?

A video of the full presentation and the PowerPoint slides are available on the City's website. Below are the comments and responses received at the workshop.

What are the biggest challenges to housing in Solana Beach?

1. Maintain open space balance and permeable land (for runoff)
2. Lack of freely developable property
3. Fear of the types of people who live in affordable housing
4. Cost
5. The parking requirements
6. Already dense
7. Zoning limits
8. Support appropriate setbacks but they can be a limitation
9. How to classify different types of housing?
 - a. Ex: mobile homes, tiny homes
10. High cost of materials and labor to produce housing
11. Cost of land and construction
12. Financing building and permits
13. Calling people NIMBY's does not help and only inflames fears
14. Emerging ways to build, construction changes
 - a. Example: 3D printers
15. High cost of land
16. Excessive taxation
17. Loss of private property rights mandated by the State
18. Regulations with HOA's
19. NIMBY attitudes
20. Lack of vacant land
21. Zoning- a lot of rural zoning on the east side
22. State legislation creating constraints in Cities
23. Population increases – how to accommodate growing numbers

What creative ways can Solana Beach provide housing in the future?

1. Limited and clearly delineated regulatory process

City of Solana Beach Housing Element Update 6th Cycle (2021-2029)

Workshop 1, Summary

Date: March 5, 2020



2. Simplified ADU permitting
3. Golf course
4. ADUs
5. Multi-generational and co-housing (at the train station?)
6. Living units at businesses
7. Adding backyard limits will destroy our neighborhood, too dense, too many cars, parking on streets.
8. Reasonable expectations, cohesive positions, flexibility, education
9. On church parking lots
10. More mixed-use development with studio lofts
11. Co-housing
 - a. Varied designs
 - b. Maybe a contest when property is selected
12. Political will
13. Expedite the permitting process
14. Transit oriented development with minimum parking regulations
15. Tiny villages (Seattle)
16. Live work
17. Accelerated approvals
18. Multi-use TOD development at NCTD transit center
19. ADUs will change the character of the community
20. Utilize parking lot behind Vons for apartments (3 story ok!)
21. Tie parking for ADUs to house on property to help address parking concerns
22. Reduce/restrict short term rentals in residential neighborhoods
 - a. It limits housing for people who want to live and work full time in Solana Beach
 - b. Not against it, just need to regulate it
 - c. You could probably provide/build more housing if you saw that people were actually living full time in the City
23. Eliminate or lower fees for ADUs if deemed affordable
24. Allow single family homes to be split into multiple units
25. Rethink zoning in certain parts of community such as shopping centers near freeways, they might be able to accommodate mixed-use/live-work
26. Micro-units
27. Pre-approve certain types of buildings and plans
28. Shared parking resources
29. To provide more affordable housing we need better public transit
 - a. Frequency and additional routes

What types of programs or assistance could the City provide to facilitate housing?

1. Cohousing
 - a. Micro-units
 - b. Small units

City of Solana Beach Housing Element Update 6th Cycle (2021-2029)

Workshop 1, Summary

Date: March 5, 2020



2. Down payment assistance – affordability issues
3. Accessory Dwelling Unit (ADU)/Junior Accessory Dwelling Unit (JADU) program
 - a. Example: City of Encinitas
4. Land bank/ use of existing structures and lots available
 - a. CVS area
 - b. Existing commercial
5. Vertical development
6. Mixed-use development
 - a. Incentives, planning
7. City approved auxiliary housing units
8. Fee waivers or reduction for ADUs deed restricted affordable
9. Annex and subdivide Rancho Santa Fe
10. Financing for building/splitting to increase density if units are publicly available (not for within family)
11. P3 ground lease any viable empty city property
12. Research and educate on
 - a. Building plans for ADUs
 - b. 3D printers
 - c. Architects builders etc.
13. City can use incentives (go to the front of the line, etc)
14. Limit affordable housing to people who serve Solana beach such as fireman, police, medical personnel, and teachers for instance

What other opportunities or ideas do you have to address Housing issues in Solana Beach?

1. New development should maintain community character (bulk, scale, and maintain buffers/setbacks between property)
 - a. Relax standards within reason
2. HOA issues – Park Del Mar
3. Educate community on new regulations and options
 - a. Architects
 - b. Land owners
 - c. Fliers at hardware stores
 - d. Etc.
4. Funding
 - a. Hold contests
 - b. Promotional
5. Educate community on funding opportunities for ADUs etc
6. Use church parking lots

Question 1 = WHAT ARE THE BIGGEST CHALLENGES TO HOUSING IN COLANA BEACH

Maintain open space balance and permeable land (for runoff)

Lack of Freely Developable Property

fear of the types of people who live in affordable housing

Cost

The parking requirements

Already dense

Zoning limits support approp. setbacks but its a limit

• now to classify or what is suitable

High Cost of materials + labor to produce housing

Cost Land Construction

Financing building + permits

Calling people NIMBYS does not help & only inflames fears

Emerging ways to build
• construction changes
ex: 3D printers

High Cost of Land

Excessive taxation

Loss of private property rights mandated by the State

Regulations with HOA'S

NIMBY attitudes

Lack of vacant ~~proper~~ Land

Zoning
• A lot of rural zoning on East side

QUESTION 2- WHAT ARE CREATIVE WAYS SOLANA BEACH CAN PROVIDE HOUSING IN THE FUTURE?

Limited and clearly delineated regulatory processes

simplified ADU permitting

Golf Course

ADUs

multi-generational co-housing (at the train station?)

Living units at businesses

adding backyard units will destroy our neighborhood. Too dense Too many cars parked on streets

Reasonable expectations, cohesive positions, flexibility, education

On church parking lots

more mixed use development with studios/lofts

~~ADU~~
Co Housing
- Varied designs
- Play be contest when property selected

Political will

Expedite the permitting process.

transit-oriented development with minimum parking req.

Tiny Villages (Seattle)

Live Work

JADUs

Accelerated approvals

Multi-use TOD Development at NCTD Transit Center

ADU's will CHANGE CHARACTER OF THE COMMUNITY

Utilize parking lot behind VONS for apartments (3-story OK!)

Eliminate or Lower Fees for ADUs if deemed affordable

Micro units

Pre-approve certain types of buildings + plans

Tie parking for ADUs to house on property to help address parking concerns

Allow single family homes to be split into multiple units

shared parking

resources

Reduce ^{Restrict} STRs in Residential neighborhoods

Rethink zoning in certain parts of community such as shopping centers near Hwy. that might accom mixed use/live work

To provide more affordable housing we need better public transit

limit housing for ppl who want to live and work full time in SB - not against it just need to closely regulate it.

you could provide more housing if you saw people were actually living full-time

QUESTION 3 - WHAT TYPES OF PROGRAMS OF ASSISTANCE COULD THE CITY PROVIDE TO FACILITATE HOUSING?

CO Housing opportunities

↳ micro-units
small units

Down payment assistance - affordability issues

ADU/JADU program
City/Encinitas ex.

Land bank/
use existing structures,
lots available

vertical development

↳ ex: CVS area
existing commercial

Mixed use devlop

• incentives
• planning

City approved
auxiliary
housing plan

Fee waivers
or reduction
for ADUs
deed restricted
Affordable

Annex &
Subdivide
Rancho Santa Fe

Financing for
building/splitting to
increase density if
units are publically
available (not for w/in
family)

P3/ground
lease any
viable +
empty city
property

Research +
educate on

⊙ bld plans for ADUs

⊙ 3-D printers

⊙ Architects / Builders
etc

City can use
incentives

(go to the front
of the line, etc)

Limit affordable
housing to people
who serve Solana
Beach such as
firemen, police,
medical personnel,
teachers for instance.

QUESTION 4 = WHAT OTHER IDEAS/OPPORTUNITIES DO YOU HAVE TO ADDRESS HOUSING ISSUES IN SOLANA BEACH?

New development should maintain community character (bulk, scale, + maintain buffers/seback betw properties)

↑
relax standards w/in reason

Educate community on new regulations + options

- Architects
- Land owner
- Fliers at hardware stores
- etc

Educate community on funding opportunities for ADUs etc

HGA ISSUES -
PARK DELMAR
EX.

Funding

- hold contests
- promotionals

USE church parking lots

City of Solana Beach Housing Element Update
 6th Cycle (2021-2029)
 Community Workshop #1 – Sign-in Sheet



Date: March 5, 2020

NAME	E-Mail	ADDRESS
Jonathan Goodrich	[REDACTED]	Solana Beach
Judy Malody	[REDACTED]	Solana Beach
Wanda Winters	Wanda.Winters@solonabeach.com	3210 Vista del Mar
Susan Keydel	[REDACTED]	Solana Beach
Becky Rapp	[REDACTED]	
Jewel Edson	[REDACTED]	City Hall
Kristi Becker	[REDACTED]	
Zahra Panahi	[REDACTED]	[REDACTED]
Shawna McGarry	[REDACTED]	[REDACTED]
Judi Strang	[REDACTED]	[REDACTED]
Kelly Harless	[REDACTED]	[REDACTED]

City of Solana Beach Housing Element Update
6th Cycle (2021-2029)
Community Workshop #1 – Sign-in Sheet



Date: March 5, 2020

NAME	E-Mail	ADDRESS
Karen + Bob Daney	[REDACTED]	[REDACTED]
Kaitlin + Daniel Frink	[REDACTED]	[REDACTED]

C.2 Community Workshop #2

This section contains all available public comments provided during the second Community Workshop, as well as provided workshop materials and handouts. Public comments were received in written and oral form.



City of Solana Beach

2021-2029 Housing Element Update Community Workshop #2

The City of Solana Beach is preparing to release the Public Review Draft of the 2021-2029 Housing Element. Please join us for a virtual workshop to learn about the different parts of the draft document as well as how you can provide feedback during the public review period.

WHEN: October 15, 2020, 6 p.m.

WHERE: The link to this virtual meeting will be made available on the City's Housing Element Update page, located on the City's website (www.ci.solana-beach.ca.us)

For questions, please contact Joseph Lim at (858) 720-2434 or by email at jlim@cosb.org



Ciudad de Solana Beach

Actualización del Elemento Vivienda 2021-2029

Taller Virtual



La Ciudad de Solana Beach se está preparando para publicar el Borrador de la Revisión Pública del Elemento Vivienda 2021-2029. Por favor únase a nosotros en un taller virtual para aprender acerca de las diferentes partes del documento preliminar así como también proporcionar sus comentarios durante el periodo de revisión pública.

CUÁNDO: 15 de Octubre de 2020, 6 p.m.

LUGAR: El lugar de enlace para esta reunión virtual estará disponible en la página de Actualización del Elemento Vivienda de la ciudad, ubicada en el sitio web de la ciudad (www.ci.solana-beach.ca.us)

(www.ci.solana-beach.ca.us)

Para preguntas, contactar Joseph Lim a (858) 720-2434 o jlim@cosb.org



Solana Beach Housing Element Update


6th Cycle (2021-2029)

Virtual Community Workshop #2
Thursday, October 15th, 2020

1

Agenda

- Purpose of the Workshop
- Overview of Housing Element Update Process
- Overview of Public Draft Housing Element (2021-2029)
- Next Steps
- Community Conversation



2

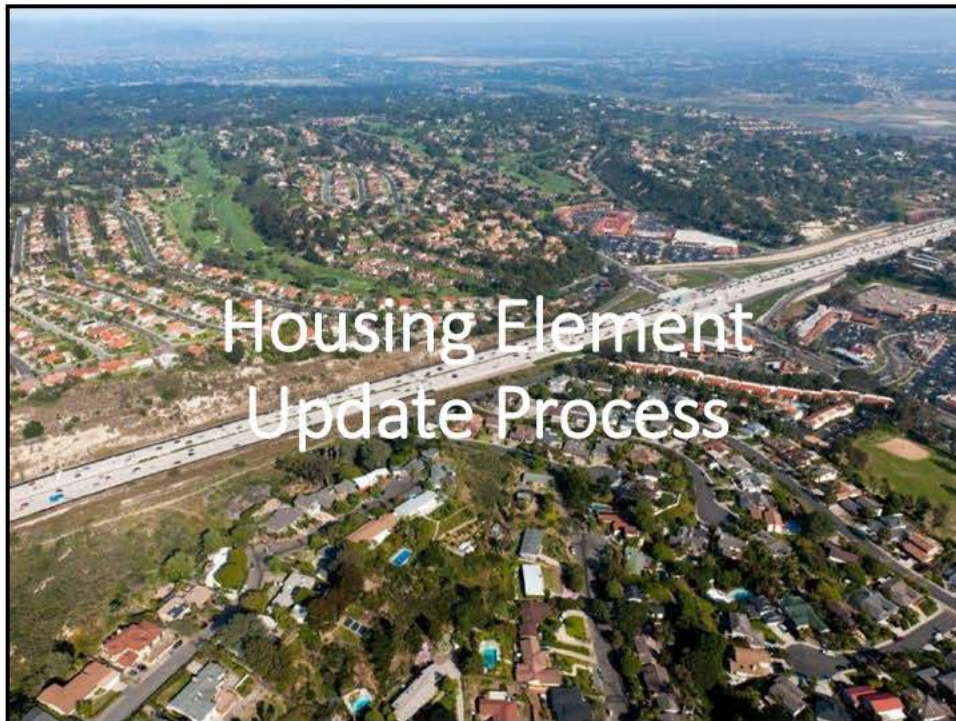
Purpose of the Workshop

This workshop is intended to:

- Provide an opportunity to participate in the Housing Element Update process
- Introduce the Public Draft Housing Element
- Receive feedback from the community



3



4

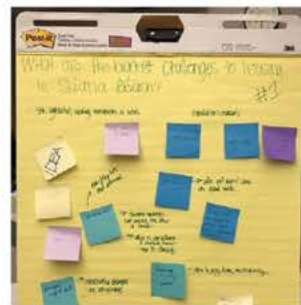
Housing Element Update Process



5

Housing Element Process Overview

- **Workshop #1** gathered input and ideas to shape the goals, policies, and programs in the Housing Element
- Workshop participants identified:
 - Challenges to developing housing in Solana Beach
 - Opportunities to address Solana Beach's housing issues
 - Solutions to provide housing in the future
 - Programs and Assistance the City could consider
- Workshop #1 summary contained in Appendix C




6



7

Housing Element Organization

- **Section 1:** Introduction
- **Section 2:** Demographic and Housing Community Profile
- **Section 3:** Housing Constraints, Resources, and Fair Housing
- **Section 4:** Housing Plan
- Appendices

A photograph of a modern, multi-story apartment building. The building has a light-colored facade with a decorative, grid-like pattern on the upper level. It features a balcony with a white railing and a small outdoor area. The building is situated on a grassy hillside.

8

Section 1: Introduction

- Overview of the City's Housing Element
- State's legal requirements for Housing Element
- Shows Solana Beach's Regional Housing Needs Assessment (RHNA) requirements



9

Section 2: Housing and Demographic Profile

- Demographic Profile
 - Population and Household characteristics
- Socioeconomic Profile
 - Market conditions
- This section informs and supports the development of the identified policies and programs in the Housing Plan



10

Section 3: Constraints, Resources, & Fair Housing

- Analysis of Constraints that may limit the City's ability to develop housing
- Analysis of Housing resources available from programs, services, or funding/financing
- Analysis of Fair Housing within the City



11

Governmental Constraints

- Constraints related to local or regional governmental requirements and processes
- Analysis of Governmental Constraints includes:
 - Land use controls
 - Development Standards
 - Development Fees
 - Local Processing and Permit Procedures



12

Non-Governmental Constraints

- External constraints outside the City's control
- Analysis of Non-Governmental Constraints includes:
 - Land costs and construction costs
 - Availability of financing
 - Economic Conditions



13

Infrastructure Constraints

- Constraints associated with infrastructure needed to serve housing
- Analysis of Infrastructure Constraints includes:
 - Water Supply
 - Wastewater Capacity
 - Stormwater Capacity
 - Fire, Police, and Emergency Services



14

Environmental Constraints

- Constraints due to existing or future environmental conditions
- Analysis of Environmental Constraints includes:
 - Geological/Seismic Hazards
 - Flooding
 - Habitat/Sensitive Areas
 - Topography
 - High Fire Severity Zones



15

Adequate Sites Analysis

City of Solana Beach 2021-2029 RHNA Housing Growth Need

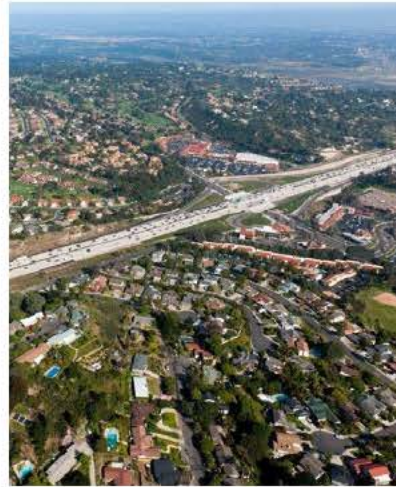
Income Category	% of Area Median Income (AMI)*	Income Range*		RHNA Allocation (Housing Units)
		Min.	Max.	
Very Low Income	0 – 50% AMI	\$0	\$46,350	316 units
Low Income	51 – 80% AMI	\$46,351	\$74,160	159 units
Moderate Income	81 – 120% AMI	\$74,161	\$111,240	160 units
Above Moderate Income	>120% AMI	\$111,241	>111,241	240 units
Total				875 units

* Income Range is based on the 2020 HUD Area Median Income (AMI) for San Diego County of \$92,700.

16

Adequate Sites Analysis

- The City must identify sites to accommodate 2021-2029 RHNA growth need.
- The analysis evaluates all areas of the City they could accommodate development of housing.



17

Adequate Sites Analysis

- “Candidate Sites” are chosen based on a variety of factors, some of which include:
 - adequate zoning,
 - size requirements,
 - proximity to services and transit, and
 - availability of infrastructure.
- State law outlines additional criteria for the selection of adequate sites
- ***Solana Beach’s candidate housing sites strategy is not anticipated to require rezoning of any parcels within Solana Beach***

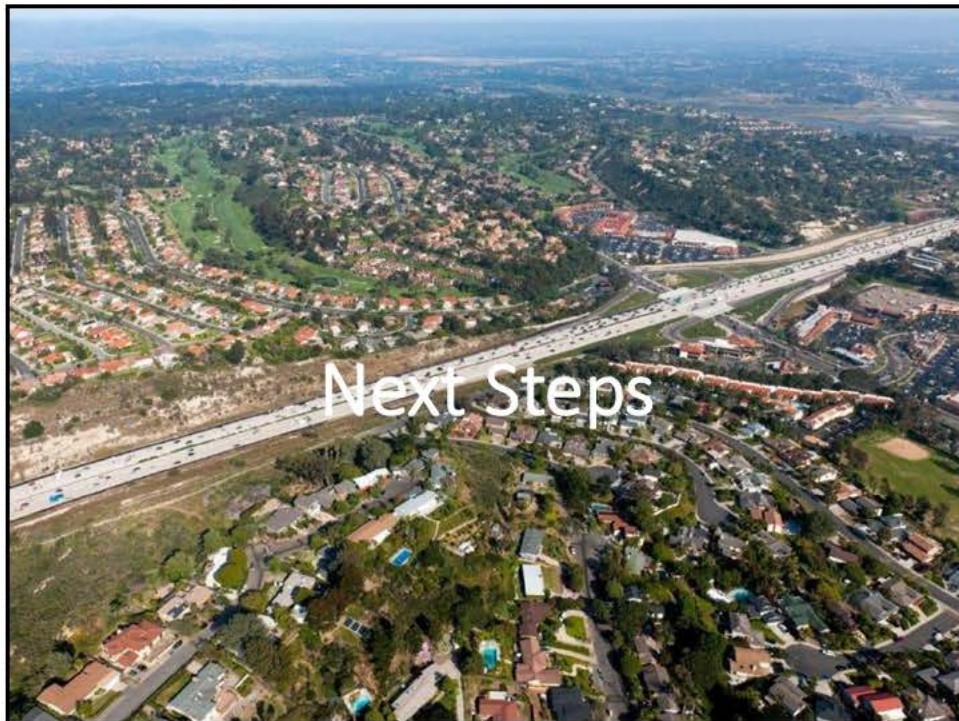


18

Fair Housing

- City is required by law to conduct a Fair Housing Assessment
- **Affirmatively furthering fair housing (AFFH) definition:**
 - Taking meaningful actions that address significant disparities in housing needs and in access to opportunity
 - Replacing segregated living patterns with truly integrated and balanced living patterns,
 - Transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and
 - Fostering and maintaining compliance with civil rights and fair housing laws.

19



20

Next Steps

Next Steps	Date
Public Review Draft Housing Element Available	October 22, 2020
City Council Work Session	October 28, 2020



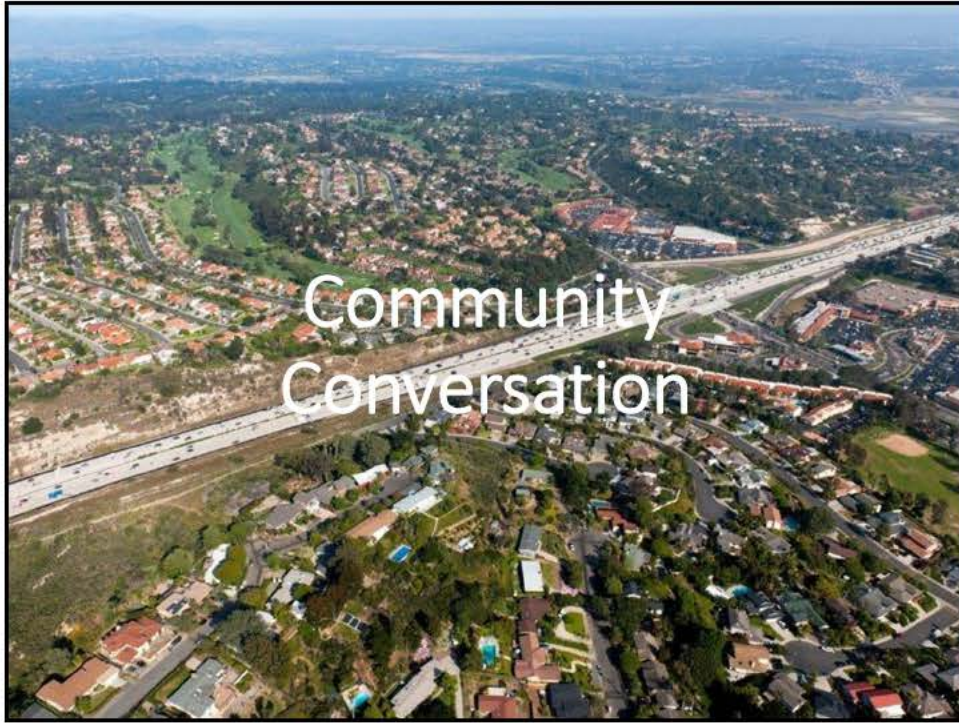
21

Public Survey: Sites and Programs

- Please respond to the Housing Element Update survey located at:
 - [\[Insert surveymonkey link\]](#)
- Purpose of the survey is to gather community input on:
 - Potential additional housing focus areas and locations
 - Issues or opportunities that may be addressed by Housing Programs
 - Any additional relevant feedback



22




23

Live Public Input

- [INSERT INSTRUCTIONS PER CITY]

24



Thank you!
For questions, please contact:
Joseph Lim, Community Development Director
Jlim@cosb.org
(858) 720 - 2434

C.4 Community Survey

The City conducted a community survey which launched on October 15, 2020. This section contains a summary of the survey results, as well as all survey response data.

Housing Element Update Survey

From October 15, 2020 to November 30, 2020 the City of Solana Beach launched an online community survey to gather additional feedback regarding the Housing Element Update. Participants were asked to consider potential policies and programs to include in the Housing Element, as well as potential housing types and opportunities for housing in the City. The survey also solicited feedback regarding potential barriers to housing access and constraints to the development of housing. Below is a summary of the survey's results.

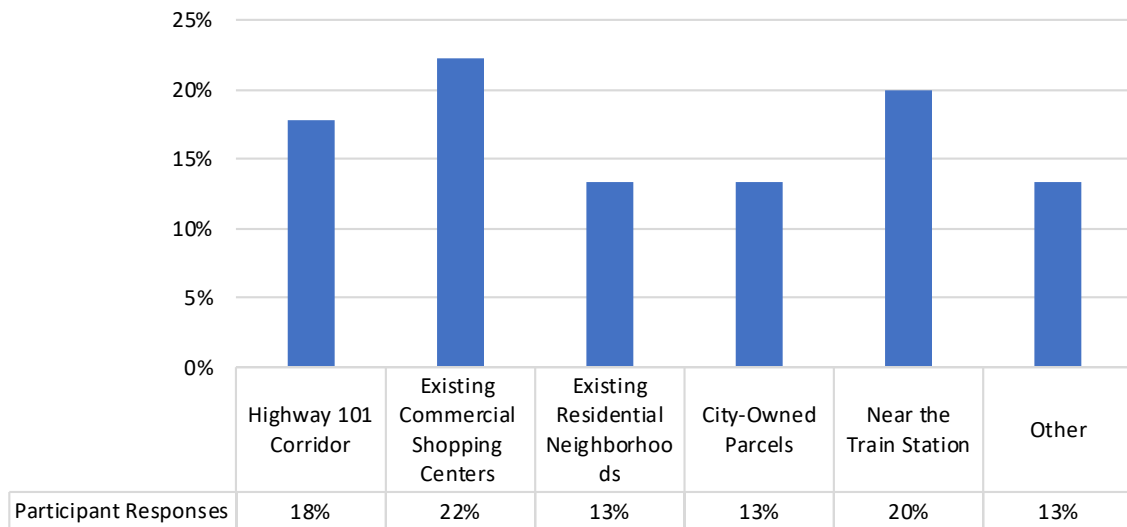
Survey Results

Question 1: Where do you think the City of Solana Beach should prioritize the development of housing?

Participants were provided a multiple-choice question in order to gather information about where residents, stakeholders and other survey participants were most interested in seeing housing.

Figure C 1 displays data results for participant responses to Housing Development Locations. Based on the data, participants were most interested in development in the Existing Commercial Shopping Centers while development in Existing Residential Neighborhoods , City-Owned Parcels and other locations were the least appealing for the participants. Participants showed a variety interest in development Highway 101 Corridor and Near the Train Station.

Figure C-1: Housing Development Locations

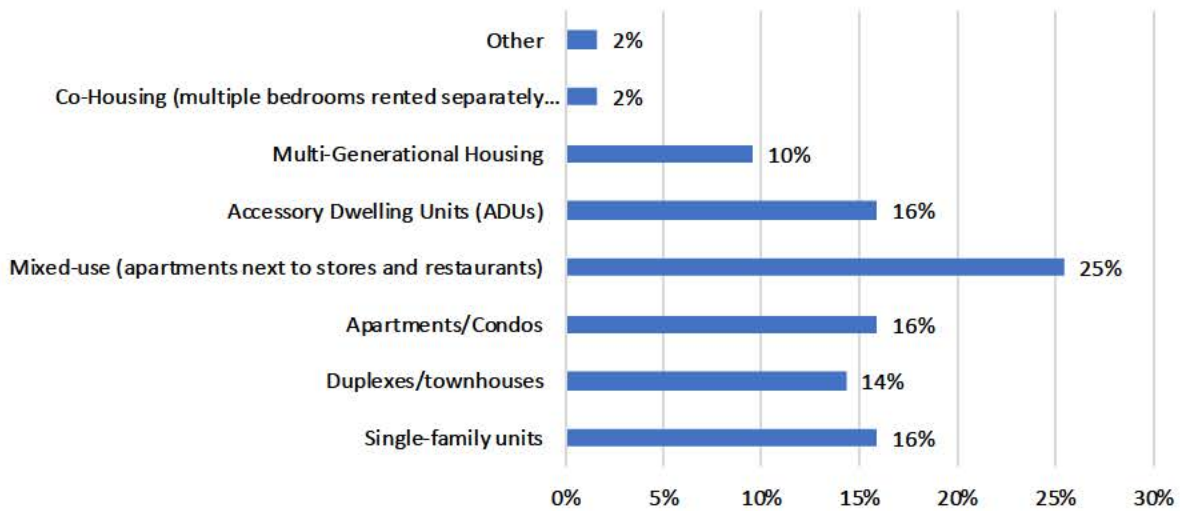


Question 2: What types of housing would you like to see within Solana Beach?

Participants were provided a variety of housing types in multiple choice format and ask to identify or select all the option they are interested in seeing in Solana Beach.

Figure C 2 displays data results of participant responses to question 2. Based on the data, participants favored Mixed Use (apartments next to stores and restaurants), while Co-Housing and Other were the least favored by participants. Participants showed a mixed interest in Single-Family units, Duplexes/townhouses, Apartments/condos, Accessory Dwelling Units (ADUS) and Multi Generation Housing .

Figure C-2: Housing Development Types



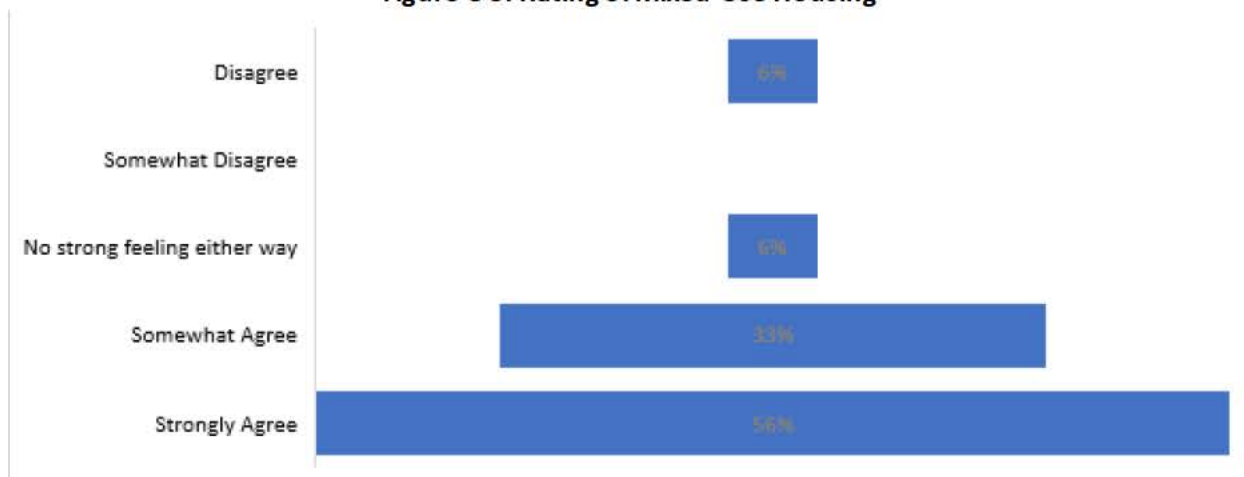
Question 3: Please rate how much you agree with the following statement: Mixed-Use housing (a mixture of housing and other uses, including commercial, office, or other within the same site) is a good solution to addressing Solana Beach's future housing needs.

Participants were asked to rate the above statement on the following scale:

- 1 - Disagree
- 2 - Somewhat Disagree
- 3 - No strong feeling either way
- 4 - Somewhat Agree
- 5 - Strongly Agree

Participants agreed that mixed-use housing is a good solution to addressing Solana Beach's future housing needs at an average of 4.33. The figure below identifies a further breakdown of responses, showing that over half of participants strongly agreed to the above statement.

Figure C-3: Rating of Mixed-Use Housing

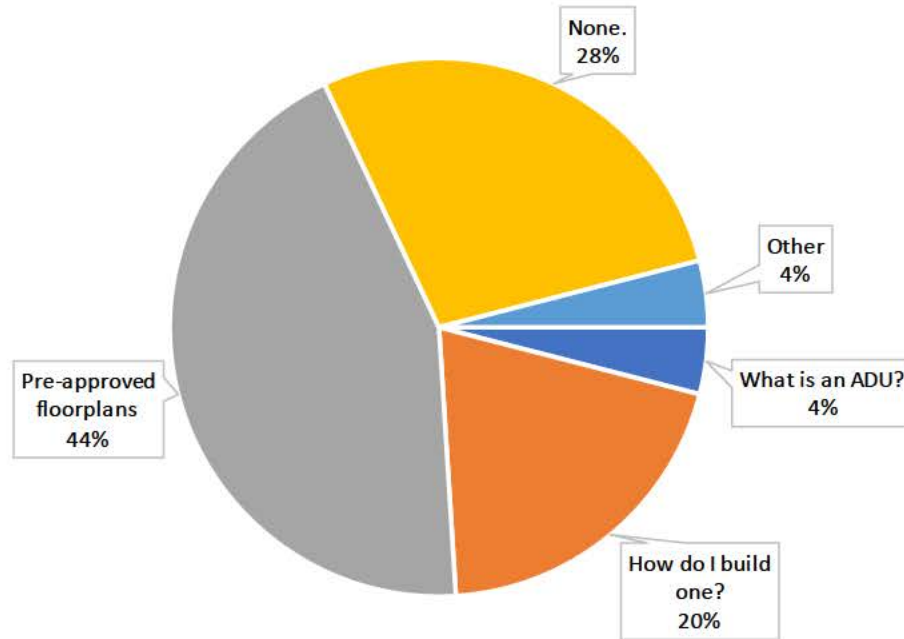


Question 4: What information (if any) would you like provided on Accessory Dwelling Units (ADUs)?

Participants were provided a multiple-choice option regarding ADU information and asked to identify what type of information they would most like the City to provide.

Figure C 4 displays the data results of question 4. Participants identified information on Pre-approved floorplans as the highest priority while information on what an ADU is was the least requested. Participants showed a variety interest on information on “how to build an ADU” and not wanting any information.

Figure C-4: Information on ADU's

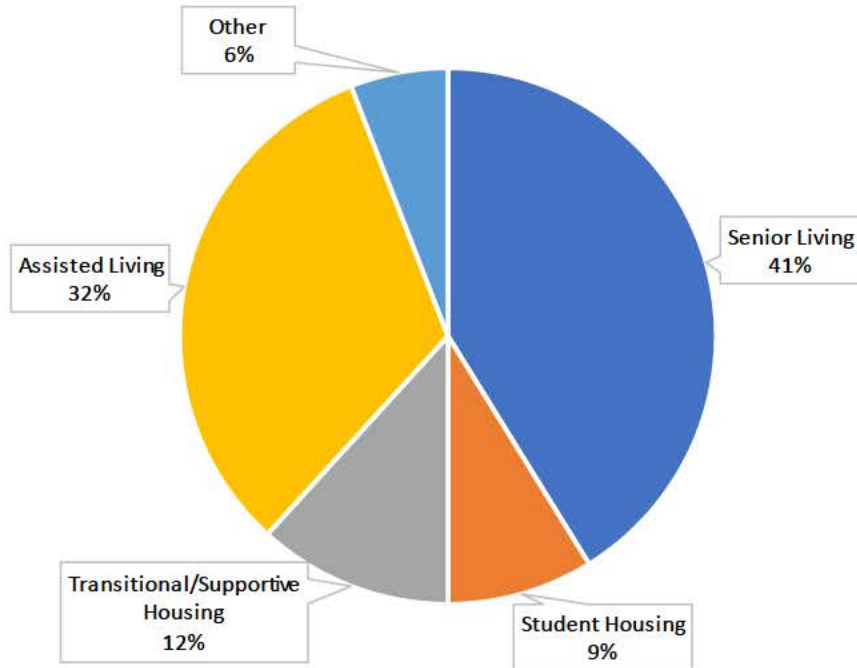


Question 5: What types of housing for special need groups are needed within Solana Beach?

The survey provided participants with the following multiple-choice options: Senior living, Student Housing, Transitional/Supportive Housing, and Assisted Living. Participants were asked to select all housing types which are needed for special needs groups in Solana Beach.

Figure C-5 displays survey results for question 5. The data shows that majority of the participants were the most interested in senior living housing. Participants showed a mixed interest in Transitional/Supportive Housing and Assisted Living while participants were least interested in student housing.

Figure C-5: Special Needs Housing Types



Question 6: Are there any other groups within the community with unique housing concerns that should be considered?

Participants were provided an open comment box to solicit a variety of specific responses. Participants identified housing for low-income families, as well as housing for individuals that work in Solana Beach as topic for consideration in the Housing Element.

Question 7: The Housing Element is the guiding document for housing-related decisions within the City. This document looks at potential constraints, resources, fair housing issues, and action programs to address important topics relating to housing within the community. Knowing that, are there any additional housing-related issues or constraints that the City should review as part of this process?

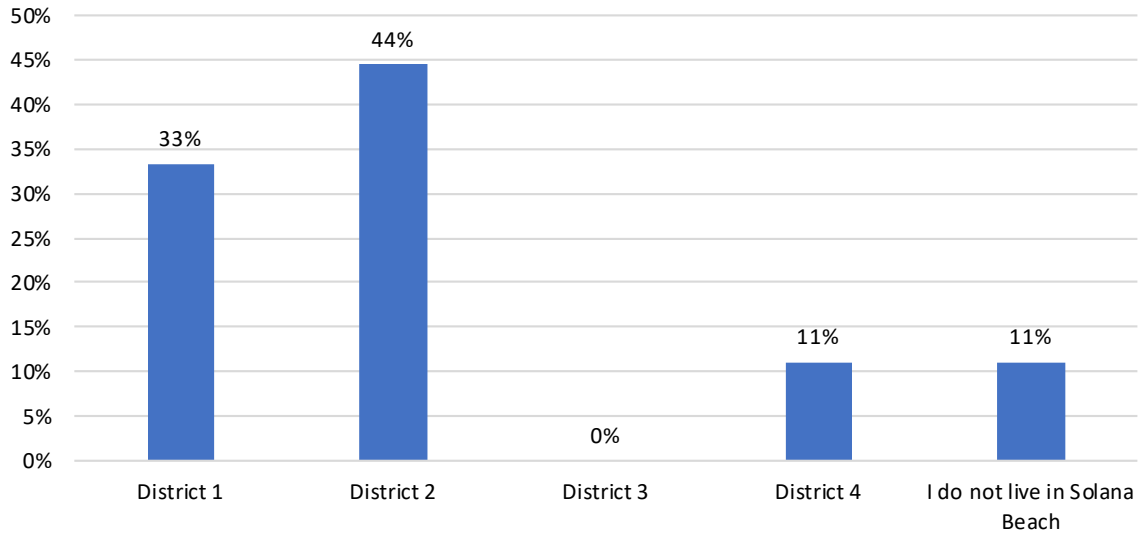
Participants were provided an open comment box to solicit a variety of specific responses. Participants voiced their concerns of ADU's turning into short term rentals as well as support of development of ADU's.

Question 8: What district do you live in?

Participants were provided a list of the four districts in Solana Beach, as well as an option for those who do not reside in the City.

Figure C-6 displays results for question 8. Majority of the participants live in District 2 and there were not participants that lives in District 3. Participants also lived in District 1 and District 4 as well as not living in the City.

Figure C-6: Participant's Districts



ID	Start time	Completion time	Email	Language	Where do you think the City of Solana Beach should prioritize the development of housing?	Please rate how much do you agree with the following statement: Mixed-Use housing (a mixture of housing and other uses, including commercial, office, or other within the same site) is a good solution...	What information (if any) would you like provided on Accessory Dwelling Units (ADUs)? (Please select all that apply.)	What types of housing for special need groups are needed within Solana Beach? (Please select all that apply.)	Are there any other groups within the community with unique housing concerns that should be considered?	The Housing Element is the guiding document for housing-related decisions within the city. This document looks at potential constraints, resources, fair housing issues, and action programs to add...	What district do you live in? Image Source: National Demographics Corporation
1	10/15/20 13 37 55	10/15/20 13 38 06	anonymous	English (United)	TEST;				TEST	TEST	
2	10/15/20 16 31 25	10/15/20 16 33 01	anonymous	English (United)	Highway 101 Corridor;Existing Commercial Shopping Centers ;Near the Train Station	Apartments/Condos;Mixed-use (apartments next to stores and restaurants) Duplexes/townhouses	5 Pre-approved floorplans	Senior Living			District 4
3	10/15/20 17 15 01	10/15/20 17 21 40	anonymous	English (United)	Near the Train Station;	Mixed-use (apartments next to stores and restaurants);	5 None.;	Senior Living;Assisted Living;		Simplify subdivision of large parcels	District 1
4	10/16/20 14 05 10	10/16/20 14 20 40	anonymous	English (United)	I think you're going to need to utilize all of these spaces ;	Single-family units;Duplexes/townhouses;Apartments/Condos;Multi-Generational Housing;Co-Housing (multiple bedrooms rented separately within one unit);Mixed-use (apartments next to stores and restaurants);Accessory Dwelling Units (ADUs);	5 Pre-approved floorplans;	Senior Living;Student Housing;Assisted Living;		There is a lot of vacant housing in Solana Beach, especially in the bluff condo areas. I've rented in there and spoken with friends who live in them currently and hear they are about 50% occupied. I think this is a current constraint and a constraint to future housing that might be built in Solana Beach if we don't implement policies that discourage this. In Canada, there is a tax/fee for housing that is vacant. This could be a good source of income for the city. In addition, the car parking that is required for housing here is outdated in my opinion, especially in light of climate change.	District 1
5	10/16/20 15 10 08	10/16/20 15 16 05	anonymous	English (United)	wherever possible;	Single-family units;Duplexes/townhouses;Apartments/Condos;Mixed-use (apartments next to stores and restaurants);Accessory Dwelling Units (ADUs);	5 None.;	Senior Living;Student Housing;Transitional/Supportive Housing ;	Low income families and singles!		District 2
6	10/16/20 16 08 48	10/16/20 16 12 07	anonymous	English (United)	Existing Commercial Shopping Centers ;Existing Residential Neighborhoods	Mixed-use (apartments next to stores and restaurants) Apartments/Condos Single-family units	4 None.		Low Income	Ability to maintain available facilities to support additional residents. How to realize adequate park space, open space, and other recreational opportunities if we're being asked to measurably grow.	District 2
7	10/17/20 10 30 41	10/17/20 10 34 20	anonymous	English (United)	Highway 101 Corridor;Existing Commercial Shopping Centers ;	Mixed-use (apartments next to stores and restaurants);Multi-Generational Housing;	5 None.;	Assisted Living;	Affordable units for those on disability		District 1
8	10/17/20 21 41 03	10/17/20 21 45 40	anonymous	English (United)	Existing Residential Neighborhoods;	Accessory Dwelling Units (ADUs);Mixed-use (apartments next to stores and restaurants);	5 Pre-approved floorplans;How do I build one?;	Senior Living;Transitional/Supportive Housing ;Assisted Living;			District 2
9	10/18/20 14 11 50	10/18/20 14 13 31	anonymous	English (United)	Existing Commercial Shopping Centers ;Existing Residential Neighborhoods Near the Train Station	Apartments/Condos;Multi-Generational Housing;Mixed-use (apartments next to stores and restaurants)	4 None.	Senior Living Assisted Living			I do not live in Solana Beach
10	10/19/20 9 05 35	10/19/20 9 10 28	anonymous	English (United)	Highway 101 Corridor;Existing Commercial Shopping Centers ;Near the Train Station;Existing Residential Neighborhoods;City-Owned Parcels;There are many avenues of opportunity to allow for the needed housing. More favorable mixed-use zoning in commercial areas, along with relaxations for granny flat or duplex type builds in the more traditional residential areas.	Single-family units;Duplexes/townhouses;Apartments/Condos;Mixed-use (apartments next to stores and restaurants) Accessory Dwelling Units (ADUs) Multi-Generational Housing	5 Pre-approved floorplans	Senior Living Assisted Living	homes for blue collar workers, and blue collar salaries - restaurant workers, etc... Yes. Housing for special needs adults. Wondering about the impact on existing infrastructure and services such as providing more classrooms for children especially now that classes are necessarily smaller and likely to remain so because of pandemics. Parking is essential since it is unlikely that commuters would take the train until that service is expanded both in frequency and destinations within the County. What is the impact on our Climate Action Plan with this increase in housing?	If a site is constrained either by physical properties and/or economic qualities from a build for low income housing to come to fruition, the City should be realistic with that and honest in where they are identifying where this type of housing can actually be built.	District 2
11	10/24/20 9 00 07	10/24/20 9 28 43	anonymous	English (United)	Please hold another public workshop now that the map is available;-Highway 101 Corridor;Existing Commercial Shopping Centers ;City-Owned Parcels;	Single-family units;Mixed-use (apartments next to stores and restaurants);Accessory Dwelling Units (ADUs);	4 Pre-approved floorplans;	Senior Living;Assisted Living;		Obviously the RHNA numbers address the need for affordable housing. We don't need more luxury units. ADUs should be specifically for this use not available for offices and vacationing family members. The ADUs should not qualify as VBRO or AIRB&B units.	District 1
12	10/24/20 9 30 16	10/24/20 9 44 28	anonymous	English (United)	Highway 101 Corridor;Existing Commercial Shopping Centers ;City-Owned Parcels;Near the Train Station;	Single-family units;Mixed-use (apartments next to stores and restaurants);Accessory Dwelling Units (ADUs);	4 Pre-approved floorplans;	Senior Living;	People who work in Solana Beach should have priority for new housing here.	Don't change existing zoning beyond allowing ADUs. Who will pay for the added infrastructure necessary for the added RNHA units (schools, parks, etc.)? There are probably many unauthorized units already existing within "single family" homes. Consider an amnesty program that doesn't penalize - maybe even rewards - homeowners who come out of the shadows with their existing rentals toward our RNHA target.	District 1
13	10/28/20 10 36 17	10/28/20 10 38 25	anonymous	English (United)	Existing Residential Neighborhoods;Near the Train Station;City-Owned Parcels;	Mixed-use (apartments next to stores and restaurants);Multi-Generational Housing;Apartments/Condos;Single-family units;Duplexes/townhouses;	4 Pre-approved floorplans;	Transitional/Supportive Housing ;	The underpaid.	Multi family limitations	I do not live in Solana Beach
14	11/2/20 17 44 51	11/2/20 17 47 58	anonymous	English (United)	Closer to Lomas Country Club where the traffic can be accommodated and there is much more space	Duplexes/townhouses Single-family units	1 None.	Senior Living		Solana Beach is ideally sized and the density is appropriate for the area and topography.	District 1
15	11/6/20 15 17 36	11/6/20 15 23 56	anonymous	English (United)	Existing Residential Neighborhoods;City-Owned Parcels;	Single-family units;Duplexes/townhouses;Apartments/Condos;Mixed-use (apartments next to stores and restaurants);Accessory Dwelling Units (ADUs);Multi-Generational Housing;	5 Pre-approved floorplans;How do I build one?;	Senior Living;Student Housing;Transitional/Supportive Housing ;Assisted Living;	Existing property owners that may want to split their land yet are not allowed to do so. Allow flag lots again. Waive fees for ADU's and offer free plans. Make the setbacks less restrictive.	Ease requirements, approve faster, offer incentives, and be easier to work with.	District 2
16	11/6/20 16 01 12	11/6/20 16 02 56	anonymous	English (United)	Existing Commercial Shopping Centers ;Highway 101 Corridor;	Accessory Dwelling Units (ADUs);	5 floorplans;	Assisted Living;			District 2
17	11/6/20 16 43 10	11/6/20 16 48 12	anonymous	English (United)	Near the Train Station;	Mixed-use (apartments next to stores and restaurants);Accessory Dwelling Units (ADUs);Apartments/Condos;	5 How do I build one?;Pre-approved floorplans;	Senior Living;Assisted Living;		Make is easier and simpler to build AUD. Encourage people thru incentives. Also, maintain the ability to enable homeowner to use their property for short term rentals. It is NOT a problem in our community and provides the city income and our businesses customers.	District 2
18	11/12/20 12 59 56	11/12/20 13 27 27	anonymous	English (United)	Highway 101 Corridor;Existing Commercial Shopping Centers ;Near the Train Station	Single-family units;Mixed-use (apartments next to stores and restaurants);Accessory Dwelling Units (ADUs) Duplexes/townhouses	3 Pre-approved floorplans How do I build one?	Senior Living	Would like to see more people living close to work, to minimize commute. Those include people working in Solana beach on permanent jobs, such as fire fighters, police, teachers, other local government employees and young professionals.	Land cost, lack of available vacant land, high construction costs for coastal areas.	District 2
19	11/12/20 19 06 01	11/12/20 19 21 16	anonymous	English (United)	Highway 101 Corridor;City-Owned Parcels;Existing Commercial Shopping Centers ;Near the Train Station;	Apartments/Condos;Mixed-use (apartments next to stores and restaurants);Duplexes/townhouses;	4 None.;	Senior Living;Assisted Living;	City of Solana Beach workers and public school teachers should have places to live near work.	I'm concerned that ADUs or apartments built in or over garages will become short term rentals, taking them out of the available long term housing stock and leading to a degradation of single family residential areas and a loss of the sense of community due to constant turnover.	District 4

Solana Beach Housing Element Update (2021-2029) Community Survey

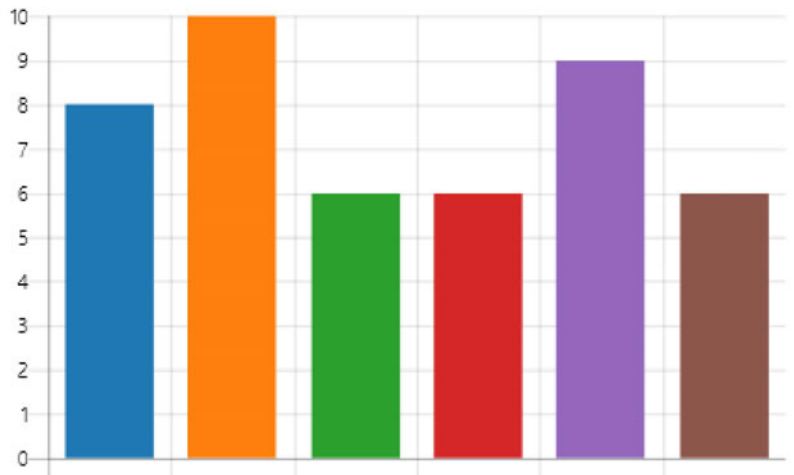
19
Responses

07:59
Average time to complete

Active
Status

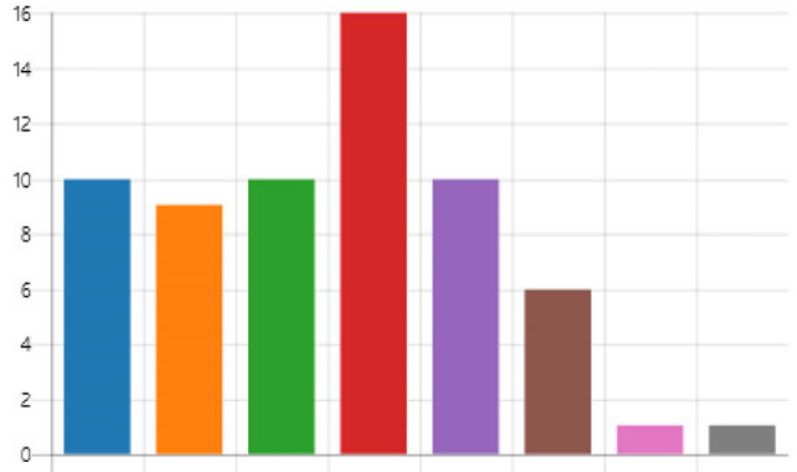
1. Where do you think the City of Solana Beach should prioritize the development of housing?

- Highway 101 Corridor 8
- Existing Commercial Shopping... 10
- Existing Residential Neighbor... 6
- City-Owned Parcels 6
- Near the Train Station 9
- Other 6



2. What types of housing would you like to see within Solana Beach? (Please select all that apply.)

● Single-family units	10
● Duplexes/townhouses	9
● Apartments/Condos	10
● Mixed-use (apartments next t...	16
● Accessory Dwelling Units (AD...	10
● Multi-Generational Housing	6
● Co-Housing (multiple bedroo...	1
● Other	1



3. Please rate how much do you agree with the following statement: Mixed-Use housing (a mixture of housing and other uses, including commercial, office, or other within the same site) is a good solution to addressing Solana Beach's future housing needs. 1 - Disagree 2 - Somewhat Disagree 3 - No strong feeling either way 4 - Somewhat Agree 5 - Strongly Agree Image Source: Solana 101

💡 Insights

18

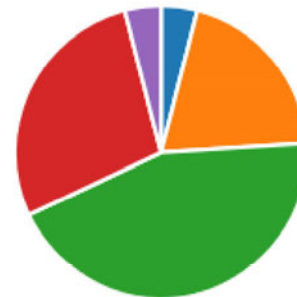
Responses

4.33

Average Number

4. What information (if any) would you like provided on Accessory Dwelling Units (ADUs)? (Please select all that apply.)

● What is an ADU?	1
● How do I build one?	5
● Pre-approved floorplans	11
● None.	7
● Other	1



5. What types of housing for special need groups are needed within Solana Beach? (Please select all that apply.)

● Senior Living	14
● Student Housing	3
● Transitional/Supportive Housi...	4
● Assisted Living	11
● Other	2



6. Are there any other groups within the community with unique housing concerns that should be considered?

11
Responses

Latest Responses

- "City of Solana Beach workers and public school teachers should have pl...*
- "Would like to see more people living close to work, to minimize commu...*

7. The Housing Element is the guiding document for housing-related decisions within the city. This document looks at potential constraints, resources, fair housing issues, and action programs to address important topics relating to housing within the community. Knowing that, are there any additional housing-related issues or constraints that the City should review as part of this process?

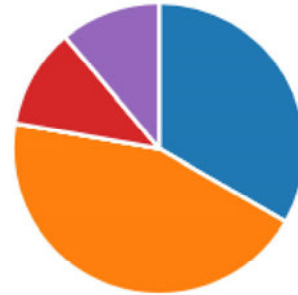
13
Responses

Latest Responses

- "I'm concerned that ADUs or apartments built in or over garages will bec...*
- "Land cost, lack of available vacant land, high construction costs for coas...*
- "Make is easier and simpler to build AUD. Encourage people thru incenti...*

8. What district do you live in? Image Source: National Demographics Corporation

● District 1	6
● District 2	8
● District 3	0
● District 4	2
● I do not live in Solana Beach	2



C.5 City Council Study Session Notes

The City held a City Council Study Session on October 28, 2020. This section contains all associated materials of the studysession.



CITY OF SOLANA BEACH

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

MINUTES

Joint REGULAR Meeting

Wednesday, October 28, 2020 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California
This meeting was conducted in accordance with Governor Newsom's Executive Order N-29-20 related to the COVID-19 virus.

CITY COUNCILMEMBERS

Jewel Edson, **Mayor**

Judy Hegenauer, **Deputy Mayor**

Kristi Becker, **Councilmember**

Kelly Harless, **Councilmember**

David A. Zito, **Councilmember**

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Edson called the meeting to order at 6:13 p.m.

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

Absent: None

Also Greg Wade, City Manager

Present Johanna Canlas, City Attorney

Angela Ivey, City Clerk

Dan King, Assistant City Manager

Mo Sammak, City Engineer/Public Works Dir.

Rodney Greek, Interim Finance Dir.

Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT:

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1) - Voice of San Diego v. City of Solana Beach & Does (Case No. 37-2020-00024389-CU-WM-NC)

Johanna Canlas, City Attorney, reported that the City Council, by a vote of 5-0, authorized the City Manager to execute the settlement agreement resolving litigation. The material terms include: Voice of San Diego will dismiss the action with prejudice in exchange for consideration in the amount of \$16,474.06 and revision to Administrative Policy #32 extending email retention to 2 years before emails are automatically deleted from the City's mail server.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zito and second by Mayor Edson to approve.

Approved 5/0. Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None.

Motion carried unanimously.

ORAL COMMUNICATIONS:

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

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 speaker is THREE MINUTES (SBMC 2.04.190).

Lisa Montes spoke about her opposition to Measure S on the upcoming election, that La Colonia de Eden Garden successfully fought to rid its community of drugs in the 1980's, having family affected by drugs in the past, and marijuana being a gateway to heavier drug use.

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.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the following City Council meetings, September 9 and September 23, 2020.

Approved Minutes http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. **Motion carried unanimously.**

A.2. Register of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for September 26, 2020 – October 9, 2020.

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

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. **Motion carried unanimously.**

A.3. General Fund Adopted Budget Changes for Fiscal Year 2020/21. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2020-2021 General Fund Adopted Budget.

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

Motion: Moved by Councilmember Zito and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. **Motion carried unanimously.**

A.4. Closing City Hall Between the Christmas and New Year's Holidays. (File 0110-75)

Recommendation: That the City Council

1. Adopt **Resolution 2020-138** authorizing the closure of City Hall and all non-public safety facilities on Monday, December 28th, Tuesday, December 29th, and Wednesday, December 30th for miscellaneous, confidential and management employees, and approve 12-hours of additional leave to the fire employees' leave banks and 24-hours of additional leave to the marine safety employees' leave banks.

[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 Councilmember Zito and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Edson, Hegenauer, Becker, Harless, and Zito. Noes: None. **Motion carried unanimously.**

B. PUBLIC HEARINGS: None

C. STAFF REPORTS: (C.1. – C.4.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

C.1. 6th Cycle Housing Element Update Discussion. (File 0610-10)

Recommendation: That the City Council

1. Discuss and provide guidance regarding the Draft Housing Element Update.

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

[Item C.1. Supplemental Docs \(Updated 10-28 at 525pm\)](#)

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.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Council and Staff discussed the November 12th public workshop, identification and

modification of sites, affordable/junior accessory dwelling units (ADUs), parking requirements and calculation of ADUs (Accessory Dwelling Units) towards meeting the housing needs allocation.

Shawna McGarry said she submitted a letter prior to the meeting with most of her comments, that the challenge to locate space for 875 units was difficult and that some of the methodology and data did not make sense for such a small town, and that she supported a housing seminar on ADUs to educate the community.

Tracy Richmond spoke about the lack of funds to build local affordable housing, the State needing to return funds/abilities to cities that was taken away years ago, difficulty in solving at a local level, and the need to equitably distribute the needed units between different sides of town.

Greg Wade, City Manager, responded to some public comments stating that the map was based primarily on existing multi-family zoning, that fewer areas on the east side of town were zoned for multi-family, that the funding of affordable housing was challenging due to the elimination of Redevelopment, as well as small lots, high land values and limited vacant land.

Council and Staff discussed site development, sites east of I-5 such as the shopping center, flexibility of site locations, affordable units in commercial zones that would allow for residential, the census data, high vacancy rate and low overcrowding factors that impact housing allocations, and ADUs allowed within Home Owner Associations (HOA).

Council, Staff, and Consultant (Nick Chen, Kimley-Horn) discussed the census data used by SANDAG, that overcrowding assessments are often due to the number of households that are primary residences rather than second homes and the number of people per household, and how each housing cycle affected a new allocation process.

Council discussed considering identifying the Vons shopping center for potential affordable housing, avoiding zoning changes to meet housing allocations, the disproportionate allocation between different cities, affordable requirement of 20 units per acre, goal of housing or units (i.e. vacation rentals) from Housing and Community Development (HCD), HOA's ability to restrict but not prohibit ADUs, and concern for number of units identified in southwest quadrant of City.

Greg Wade, City Manager, stated that he understood direction and Staff would review some slight revisions to the map/list including looking at the East side, staff would further research ADU development, and that public comment would be received at the November 12th public workshop.

C.2. Senate Bill 1383 Organic Waste Requirements and Impacts. (File 1030-50)

Recommendation: That the City Council

1. Receive a presentation from Staff on SB 1383 and provide direction to Staff as appropriate. Direction could include to draft regulations and ordinances as required by SB 1383 for Council to consider and to explore options to



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: October 28, 2020
ORIGINATING DEPT: Community Development
SUBJECT: **6th Cycle Housing Element Update Discussion**

BACKGROUND:

The Housing Element is a State-mandated policy document. The Housing Element is required by State Housing law to be updated every eight years. The City's current Housing Element is for the 5th Cycle planning period which covers 2013-2021. The next planning period is the 6th Cycle which covers 2021-2029.

Housing Element Law, enacted in 1969, mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development.

All California municipalities are required by Article 10.6 of the Government Code (Sections 65580-65590) to adopt a Housing Element as part of their General Plan. Distinct from the other General Plan elements, the Housing Element is subject to detailed statutory requirements and mandatory review by the California Department of Housing and Community Development (HCD).

This item is before the City Council to discuss and provide guidance regarding the Draft Housing Element Update.

DISCUSSION:

COUNCIL ACTION:

AGENDA ITEM C.1.

The Housing Element is a guiding document that is used to implement goals, policies, objectives and programs that further the development of housing for all income levels in the City. The Housing Element is one of seven mandatory Elements of the General Plan that identifies ways to address housing needs of current and future residents.

As mandated by state law, the City is required to include specific content within the Housing Element in an effort to provide each jurisdiction's "fair share" of regional housing needs. The San Diego Association of Governments (SANDAG) is responsible for preparing the Regional Housing Needs Assessment (RHNA) for all jurisdictions within the SANDAG region. For the 6th Cycle planning period (April 15, 2021 to April 15, 2029), the City of Solana Beach was allocated a total 875 units, including 316 very low-income units, 159 low-income units, 160 moderate income units, and 240 above-moderate income units.

The City has conducted two workshops (March 5, 2020 and October 15, 2020), during which, City Staff and Kimley-Horn Associates, the City's Housing Element consultant, updated the community about the State's requirements for the Housing Element Update process and solicited input from the community regarding various housing challenges, facilitation of housing programs, and housing opportunities within the community. Comments received from the community and City Council have contributed to the draft Housing Plan section of the Housing Element which lays out the goals, policies and programs aimed to facilitate housing development in the community.

The draft Housing Element also includes a map and list of candidate sites where the housing for each income category could be developed. After review and evaluation of the City's existing zoning and General Plan land use capacity, it has been determined that the City can accommodate the 2021-2029 RHNA allocation through a variety of methods and among the candidate sites identified without the need to rezone any properties in the City. While the City has very little vacant/undeveloped land, the draft Housing Element identifies vacant and City-owned properties suitable for development of housing, identifies additional capacity on existing residentially zoned and commercially zoned sites, and identifies future development capacity for accessory dwelling units (ADUs) throughout the City. Details of this analysis are contained in Appendix B – Candidate Sites Analysis of the Housing Element.

Sites identified to meet the City's very-low and low income housing categories were selected based on factors established by the State (AB 1397), which include a default density of 20 dwelling units per acre and a minimum parcel size of ½ acre, but not greater than 10 acres. There were some exceptions to the minimum parcel size requirement either where there had been examples of recent development on similarly sized sites or where sites were identified as having common ownership to adjacent parcels that could possibly be combined into suitable site for housing or mixed use development. Due to City's existing land use and zoning designations, the candidate sites analysis resulted in a greater concentration of very low and low-income housing sites being located in the southwestern quadrant of the City, where higher density zoning designations currently exist.

For moderate-income and above moderate-income housing, sites were identified based on properties that had the greatest possibility to be redeveloped on existing medium- and low-density zoned properties. In most instances, the sites identified would allow for development of one or more units based on the permitted densities.

As noted in the draft Housing Element, the RHNA allocation of residential units by income category is summarized in the following table:

	Extremely Low/ Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
2021-2029 RHNA	316	159	160	240	875
RHNA Credit (Units Built)				2	2
Total RHNA Obligations	316	159	160	238	873
Sites Available					
Existing Residentially Zoned Properties	23		44	34	107
Existing Commercially Zoned Properties	506		--	190	650
Total Potential Capacity Based on Existing GP and Zoning	529		44	224	757
Accessory Dwelling Unit Production	43		120	29	192
Total Sites Available	572		164	253	949
Potential Unit Surplus	97		4	15	76

The draft Housing Element is being made available for public comment on October 22, 2020 through November 23, 2020. Comments from the public and City Council will be incorporated into the final draft of the City’s 2021-2029 Housing Element which is scheduled to be forwarded to HCD in December 2020. HCD will provide comments to the final draft within 60 days of City submittal. Based on HCD comments, edits will be made for final consideration and adoption by City Council prior to April 15, 2021.

CEQA COMPLIANCE STATEMENT:

This discussion item is not a project as defined by CEQA.

FISCAL IMPACT:

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

OPTIONS:

City Council may wish to consider including any number of policies that would further housing development. The following are a list of items that City Council may consider:


- Suggest, modify, and/or comment on candidate sites.
- Incentives to encourage affordable ADU construction.
- Less restrictive development standards for ADU development.
- Explore zoning modifications that would support ADU and affordable housing development.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council discuss and provide guidance regarding the Draft Housing Element Update.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Legislative Fact Sheet
2. SANDAG RHNA Allocation Per Income Category
3. Solana Beach Candidate Housing Sites
4. Draft Housing Element Update

From: [Shawna McGarry](#)
To: [EMAIL GRP-City Clerk's Ofc](#)
Subject: Cool Article on ADU opportunities
Date: Wednesday, October 28, 2020 4:19:08 PM

Hello Angela,

This might be of interest to Council/Staff with regard to ADUs, <https://www.dwell.com/article/tiny-home-no-cost-construction-roundup-c58d3abe>.

Thanks!
Shawna

CAUTION: External e-mail. Do not click links or open attachments unless you recognize the sender and know the content is safe.

C.6 City Council Study Session #2 Notes

The City held a City Council Study Session on March 24, 2021. This section contains all associated materials of the study session.



CITY OF SOLANA BEACH

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

ACTION AGENDA

The Action Agenda of the City Council Meeting is a document provided immediately following the Council Meeting in order for staff and the public to be aware of the business transacted and actions taken by Council. This is a preliminary draft and not a public record. The meeting's legal record is the Minutes approved by the City Council.

Joint REGULAR Meeting

Wednesday, March 24, 2021 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California
This meeting will be conducted in accordance with Governor Newsom's Executive Order N-29-20 related to the COVID-19 virus.

MEETING LOCATION WILL NOT BE OPEN TO THE PUBLIC

Due to the Executive Order to stay home, in person participation at City Council meetings will not be allowed at this time. In accordance with the Executive Order to stay home, there will be no members of the public in attendance at Council Meetings. Alternatives to in-person attendance for viewing and participating in City Council meetings are being provided under provided below.

AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is posted online www.cityofsolanabeach.org Closed Session Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings.

WATCH THE MEETING

- Live web-streaming: Meetings web-stream live on the City's website on the City's [Public Meetings](#) webpage. Find the large Live Meeting button.
- Live Broadcast on Local Govt. Channel: Meetings are broadcast live on Cox Communications - Channel 19 / Spectrum (Time Warner)-Channel 24 / AT&T U-verse Channel 99.
- Archived videos online: 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.

PUBLIC COMMENTS

- Written correspondence (supplemental items) regarding an agenda item at an open session meeting should be submitted to the City Clerk's Office at clerkoffice@cosb.org with a) Subject line to include the meeting date b) Include the Agenda Item # as listed on the Agenda.
- Correspondence received after the official posting of the agenda, but before 3:00 p.m. (or 3 hrs. prior to the meeting start time) on the meeting day, will be distributed to Council and made available online along with the agenda posting. All submittals received before the start of the meeting will be made part of the record.
- Written submittals will be added to the record and not read out loud.
- The designated location for viewing supplemental documents is on the City's website www.cityofsolanabeach.org on the posted Agenda under the relative Agenda Item.

OR

Verbal comment participation: If you wish to provide a live verbal comment during the meeting, attend the virtual meeting via your computer or call in.

Before Meeting

- Sign up (register) to speak at the virtual meeting for the Zoom webinar as early as possible and at least 3 hours prior to the start of the meeting so that Staff can manage the speaker list.
Public Participation Link: https://us02web.zoom.us/webinar/register/WN_MuqaK8NYR1urX4Ly83lxtg
- Follow the prompts to enter your name and email address and identify the item you are speaking on.
- Join the meeting by locating your confirmation email, that was sent immediately following registration, which will provide your log-in link.
- Join/Log-In to the meeting at least 15 minutes prior to the start time so that the City Clerk can verify you are ready to speak before the meeting begins.
- If your computer does not have a mic to speak or you have sound issues, you can use the call-in audio information (Zoom ID, Participant ID) from a landline or cell phone to join the meeting for the audio accessibility.
- If you call in as well for better audio, mute your computer's speakers to eliminate feedback so that you do not have two audios competing when you are speaking.

During Meeting:

- Choose Gallery View to see the presentations, when applicable.
- Participants will be called upon from those who have Registered and their name is identified by the City Clerk calling from the registration list. You will be called on by name and unmuted by the meeting organizer and then you may provide comments for the allotted time. Allotted speaker times are listed under each [Agenda](#) section.

SPECIAL ASSISTANCE NEEDED - AMERICAN DISABILITIES ACT TITLE 2

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

CITY COUNCILMEMBERS			
Lesa Heebner, Mayor			
Kristi Becker Deputy Mayor	Kelly Harless Councilmember	David A. Zito Councilmember District 1	Jewel Edson Councilmember District 3
Gregory Wade City Manager	Johanna Canlas City Attorney	Angela Ivey City Clerk	

SPEAKERS:

See Public Participation on the first page of the Agenda for publication participation options.

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:

FLAG SALUTE:

APPROVAL OF AGENDA:

COUNCIL ACTION: Approved 5/0

ORAL COMMUNICATIONS:

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

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 speaker is THREE MINUTES (SBMC 2.04.190).

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

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

A. CONSENT CALENDAR: (Action Items) (A.1. - A.8.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the February 24, 2021 City Council meetings.

Approved Minutes http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC

COUNCIL ACTION: Approved 5/0

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

Recommendation: That the City Council

1. Ratify the list of demands for February 20, 2021– March 05, 2021.

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

COUNCIL ACTION: Approved 5/0

A.3. General Fund Budget Adjustments for Fiscal Year 2020/21. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2020-2021 General Fund Adopted Budget.

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

COUNCIL ACTION: Approved 5/0

A.4. Housing Element Annual Progress Report (File 0610-10)

Recommendation: That the City Council

1. Adopt **Resolution 2021-032** approving the 2020 Housing Element Annual Progress Report and the 2019/20 Housing Successor Annual Report as submitted and direct City Staff to file the report with the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

[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.

COUNCIL ACTION: Approved 5/0

A.5. Destruction of Obsolete Records. (File 0170-50)

Recommendation: That the City Council

1. Adopt **Resolution 2021-036** authorizing the destruction of officially obsolete records.

[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.

COUNCIL ACTION: Approved 5/0

A.6. National Wildlife Federation's Mayors' Monarch Pledge. (File 0480-75)

Recommendation: That the City Council

1. Adopt **Resolution 2021-034** authorizing the Mayor to Sign the National Wildlife Federation's Mayors' Monarch Pledge.

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

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

COUNCIL ACTION: Approved 5/0

A.7. Temporary Art Compensation Increase (File 0910-41)

Recommendation: That the City Council

1. Adopt **Resolution 2021-035** authorizing a modification to the Temporary Public Arts Program artist compensation from \$500 to \$1,500 for a one-year loan.

[Item A.7. Report \(click here\)](#)

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

COUNCIL ACTION: Approved 5/0

A.8. SEA Long-Term Renewable Power Purchase. (File 1010-45)

Recommendation: That the City Council

1. Approve **Resolution 2021-039** authorizing the City Manager to execute a long-term power purchase agreement, in a form approved by the City Attorney, with Shell Energy to satisfy SEA's long-term procurement obligation under SB 350.

[Item A.8. Report \(click here\)](#)

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

COUNCIL ACTION: Approved 5/0

B. PUBLIC HEARINGS: (B.1. – B.2.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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.

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.

B.1. Public Hearing: 537 North Granados Ave., Applicant: Gladnick, Case DRP20-005/SDP20-009. (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 2021-033** conditionally approving a DRP and SDP to demolish a single family residence, construct a replacement two-story, single-family residence with an attached two-car garage and single carport, and perform associated site improvements at 537 North Granados Avenue, Solana Beach.

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

[Item B.1. Updated Report #1 \(added 3-24 at 4:30pm\)](#)

[Item B.1. Supplemental Docs \(added 3-24 at 1:26pm\)](#)

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 ACTION: Approved 5/0 with the update d landscape plan and additional language that states conditions would not supersede the conditions of the City's water efficient landscape regulations.

B.2. Solana Energy Alliance Rate Schedule. (File 1010-45)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Adopt **Resolution 2021-038** amending the rate schedule for Solana Energy Alliance.

[Item B.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 ACTION: Approved 5/0

C. STAFF REPORTS: (C.1. – C.2.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

C.1. 6th Cycle Housing Element Update Status. (File 0610-10)

Recommendation: That the City Council

1. Provide comments and direction on the proposed Draft 6th Cycle Housing Element Update changes.

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

[Item C.1. Updated Report #1 \(added 3-24 at 10:00am\)](#)

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.

Discussion.

C.2. La Colonia Park/Fletcher Cove Park Playground Design. (File 0720-30, 0730-40)

Recommendation: That the City Council

1. Adopt **Resolution 2021-030** authorizing the City Manager to execute a Professional Services Agreement, in an amount not to exceed \$111,250, with Van Dyke Landscape Architects for design of a new playground at La Colonia Park and design of new playground equipment at Fletcher Cove Park.

[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 ACTION: Approved 5/0

WORK PLAN COMMENTS:

Adopted June 12, 2019

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 "City" 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-Heebner, Alternate-Edson
- b. Clean Energy Alliance (CEA) JPA: Primary-Becker, Alternate-Zito
- c. County Service Area 17: Primary- Harless, Alternate-Edson
- d. Escondido Creek Watershed Authority: Becker /Staff (no alternate).
- e. League of Ca. Cities' San Diego County Executive Committee: Primary-Becker, Alternate-Harless. Subcommittees determined by its members.
- f. League of Ca. Cities' Local Legislative Committee: Primary-Harless, Alternate-Becker
- g. League of Ca. Cities' Coastal Cities Issues Group (CCIG): Primary-Becker, Alternate-Harless
- h. North County Dispatch JPA: Primary-Harless, Alternate-Becker
- i. North County Transit District: Primary-Edson, Alternate-Harless
- j. Regional Solid Waste Association (RSWA): Primary-Harless, Alternate-Zito
- k. SANDAG: Primary-Heebner, 1st Alternate-Zito, 2nd Alternate-Edson. Subcommittees determined by its members.
- l. SANDAG Shoreline Preservation Committee: Primary-Becker, Alternate-Zito
- m. San Dieguito River Valley JPA: Primary-Harless, Alternate-Becker
- n. San Elijo JPA: Primary-Zito, Primary-Becker, Alternate-City Manager
- o. 22nd Agricultural District Association Community Relations Committee: Primary-Edson, Primary-Heebner

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

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

CITIZEN COMMISSION(S)

- a. Climate Action Commission: Primary-Zito, Alternate-Becker

ADJOURN:

Next Regularly Scheduled Meeting is April 14, 2021

Always refer the City's website Event Calendar for Special Meetings or an updated schedule.

Or Contact City Hall 858-720-2400

www.cityofsolanabeach.org

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 24, 2021 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 17, 2021 at 1:20 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., May 24, 2021, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk * City of Solana Beach, CA

CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, are posted on each Citizen Commission's Agenda webpage. See the [Citizen Commission's Agenda webpages](#) or the City's Events [Calendar](#) for updates.

- **Budget & Finance Commission**
- **Climate Action Commission**
- **Parks & Recreation Commission**
- **Public Arts Commission**
- **View Assessment Commission**

C.7 Community Workshop #3

This section contains all available public comments provided during the third Community Workshop, as well as, provided workshop materials and handouts. Public comments were received in written and oral form.



City of Solana Beach

2021-2029 Housing Element Update Community Meeting

The City of Solana Beach is hosting a Community Meeting following the release of the City's Public Review Draft Housing Element. Please join us to discuss the draft 2021-2029 Housing Element and ask any questions you have.

WHEN: November 12th, 6 p.m.

WHERE: Please visit [www.ci.solana-beach.ca.us] for a link to access the Community Meeting.

For questions, please contact Joseph Lim at (858) 720-2434 or by email at jlim@cosb.org.





Ciudad de Solana Beach

Reunión Comunitaria de Actualización del Elemento Vivienda 2021-2029

La Ciudad de Solana Beach está organizando una reunión comunitaria después de la publicación del Borrador de Revisión Pública del Elemento Vivienda. Por favor únase a nosotros para discutir el borrador del Elemento Vivienda 2021-2029 y hacer cualquier pregunta que tenga.

CUÁNDO: 12 de Noviembre, 6 p.m.

DÓNDE: Por favor visite [www.ci.solana-beach.ca.us] para obtener un enlace para tener acceso a la reunión comunitaria.

Si tiene preguntas, comuníquese con Joseph Lim al (858) 720-2434 o a jlim@cosb.org.



C.8 Public Comments

This section contains all available public comments provided during the Public Review Draft open comment period and any additional comments received by the City relating to the Housing Element update process. Public comments were received in written form.

From: Margaret Walker [REDACTED]
Date: November 10, 2020 at 4:37:30 PM PST
To: Joseph Lim [REDACTED] >
Cc: Judi Strang <[REDACTED]>, Barbara Gordon <[REDACTED]>
Subject: Housing Element Workshop #3

To: [REDACTED]

RE: Smoke-free/Vape-free Policies in Solana Beach Housing Element Update

As work continues on updating the city's housing element plan, San Dieguito Alliance for Drug Free Youth would like to respectfully recommend that the city adopt and enforce a comprehensive smoke-free/vape-free ordinance for multifamily housing (MUH) properties as part of the Housing Element Update 2021-2029.

We fully support the suggestion of Dr. Wilma J. Wooten, Public Health Officer and Director for San Diego County, that all cities, including Solana Beach, consider such an ordinance and incorporate language into Housing Element goals and policies to:

Reduce secondhand and thirdhand smoke and vapor death and disability, and that such policy "cover all exclusive-use areas, exterior areas (such as private balconies and decks) and interior unit spaces, as well as common areas not already covered by state law."

We believe this action is critical as it will impact housing developed in the city over the next nine years far [for](#) all income levels.

As Dr. Wooten pointed out, this action provides an opportunity to increase health equity for all residents, sparing them exposure to harmful chemicals from secondhand smoke/vapor and its lingering residues (thirdhand smoke/vapor). Inclusion of the wording *vape-free* will spare MUH occupants from chemicals and vapor resulting from vaping aerosols, known to be equally as harmful as secondhand smoke.

The U.S. Surgeon General has stated there is no safe level of secondhand smoke and the risk of harm is most acute in MUH. [Thank you.](#)

Respectfully,

Peggy Walker
San Dieguito Alliance for Drug Free Youth
Public Health Educator
Solana Beach Resident
[REDACTED]

From: Peggy Walker [REDACTED] >
Sent: Wednesday, November 18, 2020 8:21 AM
To: Joseph Lim [REDACTED] >
Subject: Re Housing Update

Hello Joe,

Thanks for a great public workshop last week on the Housing Element Update. In checking with the county, it appears a letter from Dr. Wilma Wooten, the County's Public Health Officer, regarding Smoke-free Multi Unit Housing (MUH) policy was sent to Solana Beach but it went to Greg Wade -- and that was back in August. I can understand that with all the fray around putting such a complicated plan together it may have missed your desk or been overlooked.

I've attached below Dr. Wooten's August 7th letter to the City below for your information, and do so with all due respect for the work that's been done.

Our organization and others associated with the San Diego County Tobacco Coalition are concerned about the adverse health effects of secondhand and thirdhand smoke on MUH residents, especially the low-income populations targeted. In a move toward environmental equity, many cities including Berkeley, Long Beach and Pasadena have already implemented exemplary smoke-free policies that may be of interest to you.

Another aspect of social equity associated with smoke-free MUH policies is that those of lower income levels and/or families with children disproportionately live in MUH complexes. I've attached a sample smoke-free ordinance for your perusal.

Thank you again, for considering smoke-free MUH policy as you move forward.

Please let me know if I can provide you with further information regarding the value of smoke-free MUH.

Regards,
Peggy Walker
San Dieguito Alliance for Drug Free Youth
Public Health Educator, Youth Program Development
San Diego County Tobacco Control Coalition
[REDACTED]

Letter from Dr. Wooten to City of Solana Beach
August 7, 2020

TO: Greg Wade
City Manager

FROM: Wilma J. Wooten, M.D., M.P.H.,
Public Health Officer & Director, Public Health Services

RE: Smoke-free Housing in Housing Element Update

As the Public Health Officer for the San Diego County, I am contacting you to discuss your City's mandated housing element update. The update of the housing element is an opportunity to increase health equity by ensuring all residents live in safe and healthy conditions. As the Governor's Office of Planning and Research has stated, in its recent guidance on environmental justice in general plans, exposure to harmful chemicals from secondhand smoke and its lingering residues (thirdhand smoke) is a threat to safe housing. The U.S. Surgeon General has declared that there is no safe level of exposure to secondhand smoke, which annually causes an estimated 41,000 deaths by people who do not smoke. The risk of harm is most acute in multifamily housing, where drifting smoke from one person can contaminate many living units and is expensive and difficult to clean up.

As you work on updating your housing element, we would ask that you consider incorporating the following language into your goals and policies:

To reduce secondhand and thirdhand smoke death and disability, adopt and enforce a comprehensive smoke-free ordinance for multifamily housing properties that covers all exclusive-use areas, both exterior areas (such as private balconies and decks) and interior unit spaces, as well as common areas not already covered by state law.

Attached is the document, entitled *Prohibiting Smoking in Multifamily Housing: Model Language and Rationale Statement for Inclusion in General Plan Housing Elements, July 2020*. This document explains the rationale for including tobacco elements in general plan housing elements. Also, included for your reference are two information fact sheets, from the California Department of Public Health, on the dangers of secondhand and thirdhand smoke.

Staff from the Public Health Services Tobacco Control Resource Program, in the County of San Diego Health and Human Services Agency, would be happy to discuss opportunities to include tobacco protections in your city's housing element. For further information of questions, please feel free to contact Parke Troutman at [REDACTED] or [REDACTED]. Additionally, San Diego County is a center of research on thirdhand smoke. Staff would be pleased to connect you with leading local scientists if you would like a presentation on the state of current research on this topic.

Sincerely,

Wilma J. Wooten, M.D., M.P.H., Public Health Officer and Director,
Public Health Services
County of San Diego Health and Human Services Agency
[REDACTED]

From: Don Glatthorn <[REDACTED]>
Sent: Thursday, October 15, 2020 3:29 PM
To: Joseph Lim <[REDACTED]>
Cc: Tiffany Wade <[REDACTED]>
Subject: Housing Element Workshop #2

Joseph,

I am the Owner and Manager for South Tracy Land Partners LLC (STLP) and VDM 383 LLC (VDM).

STLP and VDM are the tenants in common owners of the property at [REDACTED] and the vacant land on [REDACTED] all located in Solana Beach, Ca.

I have a sincere interest in furthering housing opportunities in north county San Diego and intend to bring a development application forward on the above referenced properties at some point in the future. I am fairly well informed on Housing Element programs and State guidelines for incentivizing the construction of new market rate and affordable units. I also understand the ongoing controversy on RHNA allocations to small coastal cities.

My experience in developing housing is largely based on my recent and ongoing attempts to bring housing to the City of Del Mar. After seven years of effort, our Del Mar results have been a mix of good and very bad. We have been successful in gaining approval of the 941 Camino Del Mar project which will build two affordable and six market rate units with a groundbreaking of summer 2021. If interested, you can view a video of the project on the 941caminodelmar website. Unfortunately our efforts to gain approvals for the Watermark project in Del Mar have been unsuccessful to date. We remain undaunted and are continuing our efforts to seek approvals for Watermark despite the recent failure of the Del Mar City Council to amend the Community Plan allowing residential in the NC Zone and refusal to adopt reasonable development standards to incentivize the construction of housing which address unique the physical constraints of the NC Zone. All of which are required pursuant to the 2013 certified Del Mar Housing Element.

The Watermark project could bring 38 market rate plus 10 affordable housing units to the City of Del Mar if approvals are gained.

I provide the background on my Del Mar efforts in order to color my unique insights into the extreme housing challenges facing cities and property owners in affluent coastal communities. My experience in Del Mar highlights many challenges and include the following:

1. Many members of the public have incorrect misconceptions regarding the realities of affordable housing. Those misconceptions include: the income levels and jobs of affordable occupants, a perception of diminished property values to adjacent neighboring properties, higher traffic counts, extreme noise impacts, poor maintenance and diminished curb appeal.
2. Property owners use affordable housing law as a "get rich quick" scheme to circumvent local control. State required development standard incentives which balance the economic challenges of integrating affordable components such as increases for FAR, height and others will ruin the character of a community in appearance and soul.
3. Affordable housing will overcrowd schools and diminish the quality of education in those schools.

All of the above are flagrantly incorrect and often times based on rumor and ignorance.

I am proud to live Solana Beach and fully support the efforts of the our Planning Department and City Council to do educate the public public on the importance and benefits of a more integrated community both socially and economically. The public outreach for the HE update has been robust and effective.

I applaud the inclusive and honest dialogue regarding housing challenges in Solana Beach and the sincere efforts of staff and City Council to incentivize new housing opportunities across all income levels. Generally the City of Solana Beach currently establishes reasonable development standards to facilitate housing construction with the notable exception of height. About four years ago the City amended the Highway 101 Specific Plan to reduce height from three stories to two stories. In my opinion this was done without sufficient public outreach, specifically failure to notify each individual property owner. I believe the catalyst to this botched and rushed literal down zoning was the Solana 101 project. I encourage the City to revisit height measurement in the Highway 101 Specific Plan and reset it back to three stories to incentivize housing construction in mixed use projects along Highway 101.

With respect to my Solana Beach properties referenced above and the City of Solana Beach Housing Element I have the following comments.

1. I have attempted to look at the HE online and believe the reference to size and capacity may be incorrect. I emphasize MAY be incorrect because I am not 100% sure. The document is extremely large and I may be missing some things. My property consist of five different parcels APN's [REDACTED] [REDACTED] Those parcels total about 27,000 SF and are ideal candidates for redevelopment of a mixed use project with housing including an affordable component. Please confirm the proper size and density calculations in the HE if not already correct. They very well may be correct and I am simply missing the information.
2. Please consider height amendments and reverting back to 3 stories in the Highway 101 Specific Plan area.

Thank you for your consideration of my comments. I appreciate your outreach for comments and sincerely appreciate our City Council for its honesty and a desire to be inclusive and do housing right.

Sincerely

Don Glatthorn

Manager
STLP and VDM

From: Rev. Gerard Lecomte CJM [REDACTED]
Sent: Wednesday, October 14, 2020 11:46 AM
To: Joseph Lim <[REDACTED]>
Cc: deacon Peter [REDACTED]
Subject: City of SB

To whom it may concern,

Joseph Lim, Community Development Director, City of Solana Beach

Re: Solana Beach Housing Element Update

St. James Catholic Parish, located at 625 S. Nardo Avenue in Solana Beach, has been working with the San Diego chapter of Catholic Charities in identifying potential uses for available land we possess at the south end of our property. We would like to go on record expressing an interest in developing this land for public benefit, specifically housing to support low-income individuals. Please consider including this intention in your Housing Element Update.

Sincerely,

Fr. Gerard Lecomte

Pastor

From: Heather Dinsmore <[REDACTED]>
Sent: Thursday, October 8, 2020 9:55 AM
To: Joseph Lim [REDACTED]
Subject: bring flag lots back to SB

Hi, Joe-

Regarding the virtual workshop next week, I wanted to suggest the idea of bringing back the option to do flag lots and relaxing the restrictions for people wanting to split them. It would be a win for the landowner that could sell a portion of their property and it would create another lot that would pay property taxes.

I also love that ADU's are being allowed now and I think that SB should follow suit of some of the other local cities by offering free building plans, loosening restrictions, and waiving fees to encourage homeowners to build them.

Just my two cents. I'll try and listen in on the call. I hope that you are doing well and staying healthy.

Best,
Heather Dinsmore
247 South Rios Ave
[REDACTED]



October 28, 2020

Mr. Joseph Lim
Community Development Director
City of Solana Beach
635 S. Highway 101
Solana Beach, CA
Submitted via email: [REDACTED]

Re: Draft 6th Cycle Housing Element

Dear Mr. Lim:

On behalf of the San Diego Housing Federation, we are writing to provide comments and feedback on the draft 6th Cycle Housing Element for the City of Solana Beach.

The draft Housing Element contains several actionable items that will help Solana Beach make progress toward meeting its housing goals. We applaud these components of the draft Housing Element and would like to make some additional recommendations to strengthen the plan's impact on achieving housing goals.

Implementing State Legislation

The San Diego Housing Federation was a proud co-sponsor of AB 1486, a bill that strengthened and clarified the state's Surplus Land Act. City implementation of this bill will advance Housing Goal #1 (page 4-2) to accommodate Solana Beach's share across all income levels. Identifying unused City-owned sites for housing can help to ensure the City is compliant with the State Surplus Land Act and helps support the development of affordable housing.

We are pleased to see Housing Program 1J (page 4-5) included in this plan to update the City's Density Bonus Ordinance. We recommend that the City move quickly to implement AB 1763, a bill we supported which provides a density bonus for developments that are 100 percent affordable, to serve as a tool for building affordable housing. The City should also work to implement AB 2345, a bill we supported that builds on the success of the City of San Diego's Affordable Homes Bonus Program (AHBP) by taking the program statewide. A report by Circulate San Diego, "[Equity and Climate for Homes](#)," found that 63 percent of AHBP projects were located in high and highest resource census tracts, demonstrating the program's role in affirmatively furthering fair housing. Just passed and signed into law this year, AB 2345 is a valuable tool to achieve the City's housing goals.

Local funding for affordable housing

The draft Housing Element recognizes the need for funding to build housing that is affordable to low-income individuals and families. As is recognized throughout the draft Housing

Element, federal and state funding is a critical piece to the resources puzzle. We recommend that the Housing Element specifically include a goal to prioritize funds made available through the Permanent Local Housing Allocation (PLHA), also known as the Building Homes and Jobs Act ([SB 2, 2017](#)), for the development of deed-restricted affordable housing. Maximizing the use of these funds to build housing for extremely low-, very low-, and moderate income households will help the City meet its RHNA obligations. Additionally, as local gap financing is critical, we encourage the City to consider dedicating former redevelopment funds, sometimes called “boomerang funds,” as a local source of funding for affordable housing.

Affirmatively furthering fair housing and equity

As noted in the housing element, the majority of the City of Solana Beach is classified as a high opportunity zone as identified by the Regional Opportunity Index (Figures 3-2, page 3-50) and the city is predominantly White with the White population 12.6 percent higher than San Diego County (page 2-3). The City of Solana Beach should take the opportunity in its Housing Element to recognize the role that the City has played in segregation on a regional level. In particular, constraints on increasing housing supply such as the Growth Management Measures described on pages 3-9 to 3-10 should be examined for their role in creating exclusion.

We recommend that the City review the California Department of Housing and Community Development (HCD) 2020 Analysis of Impediments to Fair Housing Choice and include the recommendations and actions outlined in the report. We additionally recommend that the City work with HCD on AFFH recommendations as they relate specifically to Housing Elements and incorporate those recommendations in the plan.

Housing and Climate Change

Our September 2016 report, “[Location Matters: Affordable Housing and VMT Reduction in San Diego County](#),” found that lower-income households are more likely to live in transit-rich areas, own fewer cars, are likely to live in larger building and smaller units, all factors that make affordable housing near transit a key greenhouse gas reduction strategy. In addition, the City’s Climate Action Plan calls for reducing average commuter trip distances (Measure T-3) and increasing commuting by mass transit (Measure T-4). However, the few mentions of the Climate Action Plan in the Housing Element are in relation to energy conservation measures and makes no mention of dense, deed-restricted affordable housing as a greenhouse gas reduction tool. We urge the City to examine the role of affordable housing in helping the City to meet both its RHNA obligations and its Climate Action Plan goals.

We thank you for consideration of our feedback and comments. We appreciate the time and effort that Planning Department staff have dedicated to the draft Housing Element document and look forward to supporting the City of Solana Beach in adopting a robust plan that will help to meet the City’s housing goals.

Sincerely,

Laura Nunn

Laura Nunn
Director of Policy & Programs



Appendix D:

Glossary of Terms

Appendix D: Glossary of Housing Terms

Above-Moderate-Income Household. A household with an annual income usually greater than 120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available legibility limits established by the U.S. Department of housing and Urban Development (HUD) for the Section 8 housing program.

Acreage, Net. The total land area within the lot lines of a lot or parcel minus land area which will be required for public streets, easements or other areas to be dedicated or reserved for public use or open space (including undevelopable slopes, bluffs, and sensitive lands).

Affirmatively Furthering Fair Housing (AFFH): Affirmatively Furthering Fair Housing (AFFH) is a legal requirement that federal agencies and federal grantees further the purposes of the Fair Housing Act. AFFH means "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

Apartment. An apartment is one (1) or more rooms in an apartment house or dwelling occupied or intended or designated for occupancy by one (1) family for sleeping or living purposes and containing one (1) kitchen.

Assisted Housing. Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs including, but not limited to Federal state, or local housing programs including, but not limited to Federal Section 8 (new construction, substantial rehabilitation, and loan management set-asides), Federal Sections 213, 236, and 202, Federal Sections 221 (d) (3) (below-market interest rate program), Federal Sections 101 (rent supplement assistance), CDBG, FmHA Sections 515, multi-family mortgage revenue bond programs, local redevelopment and in lieu fee programs, and units developed pursuant to local inclusionary housing and density bonus programs.

Below-Market-Rate (BMR). Any housing unit specifically priced to be sold or rented to low- or moderate-income households for an amount less than the fair-market value of the unit. Both the State of California and the U.S. Department of Housing and Urban Development set standards for determining which households qualify as "low income" or "moderate income." (2) The financing of housing at less than prevailing interest rates.

Build-Out. That level of urban development characterized by full occupancy of all developable sites in accordance with the General Plan; the maximum level of development envisioned by the General Plan. Build-out does not assume that each parcel is developed to include all floor area or housing units possible under zoning regulations.

Community Development Block Grant (CDBG). A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitled communities and administered by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

City of Solana Beach
2021-2029 Housing Element

Condominium. A development consisting of an undivided interest in common for a portion of a parcel, coupled with a separate interest in space in a residential or commercial building on the parcel.

Covenants, Conditions, and Restrictions (CC&Rs). A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

Deed. A legal document which affects the transfer of ownership of real estate from the seller to the buyer.

Density Bonus. The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.

Density, Residential. The number of dwelling units per net acre.

Developable Land. Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

Down Payment. Money paid by a buyer from his own funds, as opposed to that portion of the purchase price which is financed.

Duplex. A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

Dwelling Unit (DU). One or more rooms including bathrooms(s) and a kitchen, designed as a unit for occupancy by one family for living and sleeping purposes.

Emergency Shelter. A facility that provides immediate and short-term housing and supplemental services for the homeless. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs. (See "Homeless" and "Transitional Housing.")

Extremely Low-Income Household. A household with an annual income equal to or less than 30% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Fair Market Rent. The rent, including utility allowances, determined by the United States Department of Housing and Urban Development for purposes of administering the Section 8 Program.

Family. Two or more persons living together as a bona fide single housekeeping unit.

General Plan. The city of Solana Beach general plan as adopted by the city council.

Goal. A general, overall, and ultimate purpose, aim, or end toward which the City will direct effort.

Green Building. Green or sustainable building is the practice of creating healthier and more resource-efficient models of construction, renovation, operation, maintenance, and demolition. (US Environmental Protection Agency)

City of Solana Beach
2021-2029 Housing Element

Historic Preservation. The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

Historic/Cultural Landmark (Site). Any building, structure, or site (including significant trees or other plant life located thereon) which has been determined by the city council, pursuant to SBMC 17.60.160, to have significant historical, cultural, architectural or archaeological value.

Household. All those persons—related or unrelated—who occupy a single housing unit. (See “Family.”)

Housing and Community Development Department (HCD). The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low- and moderate-income households.

Housing Element. A State-mandated element of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains adopted goals, policies, and implementation programs for the preservation, improvement, and development of housing. Under State law, Housing Elements must be updated every eight years.

Housing Payment. For ownership housing, this is defined as the mortgage payment, property taxes, insurance and utilities. For rental housing this is defined as rent and utilities.

Housing Ratio. The ratio of the monthly housing payment to total gross monthly income; also called Payment-to-Income Ratio or Front-End Ratio.

Housing Unit. The place of permanent or customary abode of a person or family. A housing unit may be a single-family dwelling, a multi-family dwelling, a condominium, a modular home, a mobile home, a cooperative, or any other residential unit considered real property under State law.

Housing and Urban Development, U.S. Department of (HUD). A cabinet-level department of the federal government that administers housing and community development programs.

Implementing Policies. The City’s statements of its commitments to consistent actions.

Implementation. Actions, procedures, programs, or techniques that carry out policies.

Infill Development. The development of new housing or other buildings on scattered vacant lots in a built-up area or on new building parcels created by permitted lot splits.

Land Use. A description of how land (real estate) is occupied or utilized.

Live-Work Units. Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

Low-Income Household. A household with an annual income usually no greater than 51%-80% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

City of Solana Beach
2021-2029 Housing Element

Low-income Housing Tax Credits. Tax reductions provided by the federal and State governments for investors in housing for low-income households.

Manufactured Housing. Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See “Mobile home” and “Modular Unit.”)

Mixed-Use Development. The development of a parcel(s) or structure(s) with two or more different land uses such as, but not limited to, a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

Moderate-Income Household. A household with an annual income usually no greater than 81%-120% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.

Monthly Housing Expense. Total principal, interest, taxes, and insurance paid by the borrower on a monthly basis. Used with gross income to determine affordability.

Multifamily. Multiple separate housing units for residential (i.e., noncommercial) inhabitants contained within one building or several buildings within one complex. Includes multi-bedroom units, one-bedroom units, efficiency units, studios, and single room occupancy.

Ordinance. A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Overcrowded Housing Unit. A housing unit in which the members of the household, or group are prevented from the enjoyment of privacy because of small room size and housing size. The U.S. Bureau of Census defines an overcrowded housing unit as one which is occupied by more than one person per room.

Parcel. A parcel of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

Planning Area. The area directly addressed by the general plan. A city’s planning area typically encompasses the city limits and potentially annexable land within its sphere of influence.

Policy. A specific statement of principle or of guiding actions that implies clear commitment but is not mandatory. A general direction that a governmental agency sets to follow, in order to meet its objectives before undertaking an action program. (See “Program.”)

Poverty Level. As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or “poverty thresholds” varying by size of family, number of children, and age of householder. The income cutoffs are updated each year to reflect the change in the Consumer Price Index.

Program. An action, activity, or strategy carried out in response to adopted policy to achieve a specific goal or objective. Policies and programs establish the “who,” “how” and “when” for carrying out the “what” and “where” of goals and objectives.

City of Solana Beach
2021-2029 Housing Element

Redevelop. To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

Regional. Pertaining to activities or economies at a scale greater than that of a single jurisdiction and affecting a broad geographic area.

Regional Housing Needs Assessment. A quantification by the local council of governments of existing and projected housing need, by household income group, for all localities within a region.

Rehabilitation. The repair, preservation, and/or improvement of substandard housing.

Residential. Land designated in the General Plan and zoning ordinance for building consisting of dwelling units. May be improved, vacant, or unimproved. (See "Dwelling Unit.")

Residential Care Facility. A facility that provides 24-hour care and supervision to its residents.

Retrofit. To add materials and/or devices to an existing building or system to improve its operation, safety, or efficiency. Buildings have been retrofitted to use solar energy and to strengthen their ability to withstand earthquakes, for example.

Rezoning. An amendment to the map to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Section 8 Rental Assistance Program. A federal (HUD) rent-subsidy program that is one of the main sources of federal housing assistance for low-income households. The program operates by providing "housing assistance payments" to owners, developers, and public housing agencies to make up the difference between the "Fair Market Rent" of a unit (set by HUD) and the household's contribution toward the rent, which is calculated at 30% of the household's adjusted gross monthly income (GMI). "Section 8" includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

Senior Housing. Typically, one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them.

Shared Living Facility. The occupancy of a dwelling unit by persons of more than one family in order to reduce housing expenses and provide social contact, mutual support, and assistance. Shared living facilities serving six or fewer persons are permitted in all residential districts by Section 1566.3 of the California Health and Safety Code.

Single-Family Dwelling, Attached. A dwelling unit occupied or intended for occupancy by only one household that is structurally connected with at least one other such dwelling unit. (See "Townhouse.")

Single-Family Dwelling, Detached. A dwelling unit occupied or intended for occupancy by only one household that is structurally independent from any other such dwelling unit or structure intended for residential or other use. (See "Family.")

Single Room Occupancy (SRO). The smallest dwelling unit allowed by the Uniform Building Code which provides full living quarters, including kitchen and bathroom facilities (see current UBC Chapter 12). Also referred to as Efficiency Unit.

City of Solana Beach
2021-2029 Housing Element

Subsidize. To assist by payment of a sum of money or by the granting to terms or favors that reduces the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or state income taxes, sale or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

Substandard Housing. Residential dwellings that, because of their physical condition, do not provide safe and sanitary housing.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in California Health and Safety Code Section 53260(d), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. "Target population" means adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people. [California Health and Safety Code Sections 50675.14(b) and 53260(d)]

Target Areas. Specifically, designated sections of the community where loans and grants are made to bring about a specific outcome, such as the rehabilitation of housing affordable by Very-Low and Low-income households.

Tax Increment. Additional tax revenues that result from increases in property values within a redevelopment area. State law permits the tax increment to be earmarked for redevelopment purposes but requires at least 20 percent to be used to increase and improve the community's supply of very low- and low-income housing.

Tenure. A housing unit is owner-occupied if the owner or co-owner lives in the unit, even if it is mortgaged or not fully paid for. A cooperative or condominium unit is owner-occupied only if the owner or co-owner lives in it. All other occupied units are classified as renter-occupied including units rented for cash rent and those occupied without payment of cash rent.

Townhouse. A building subdivided into individual units such that each owner owns the unit structure and the land on which the unit is located, plus a common interest in the land upon which the building is located.

Transitional Housing. Shelter provided to the homeless for an extended period, often as long as 18 months, and generally integrated with other social services and counseling programs to assist in the transition to self-sufficiency through the acquisition of a stable income and permanent housing. (See "Homeless" and "Emergency Shelter.")

Undevelopable. Specific areas where topographic, geologic, and/or superficial soil conditions indicate a significant danger to future occupants and a liability to the City.

City of Solana Beach
2021-2029 Housing Element

Acronyms Used

ACS: American Community Survey
BMPs: Best Management Practices
CALTRANS: California Department of Transportation
CEQA: California Environmental Quality Act
CHAS: Comprehensive Housing Affordability Strategy
CIP: Capital Improvement Program
DDS: Department of Developmental Services
DIF: Development Impact Fee
DU/AC: Dwelling Units Per Acre
EDD: California Employment Development Department
FAR: Floor Area Ratio
FEMA: Federal Emergency Management Agency
HCD: Department of Housing and Community Development
HOA: Homeowners Association
HUD: Department of Housing and Urban Development
LAFCO: Local Agency Formation Commission
MFI: Median Family Income
NPDES: National Pollutant Discharge Elimination System
RTFH: Regional Task Force on the Homeless
RTP: Regional Transportation Plan
SANDAG: San Diego Associations of Governments
SDCAA: San Diego County Apartment Association
SPA: Sectional Planning Area
STF: Summary Tape File (U.S. Census)
TOD: Transit-Oriented Development
TDM: Transportation Demand Management
TSM: Transportation Systems Management
WCP: Water Conservation Plan

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2021-041 adopting the 6th Cycle Housing Element and submitting the document to the California Department of Housing and Community Development for certification.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager

Attachments:

1. Final 6th Cycle Housing Element
2. Resolution 2021-041
3. YIMBY Law Letter and email
4. Technical Memorandum
5. Solana Beach Housing Element Update Program Review Matrix
6. Environmental Checklist

RESOLUTION 2021-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ADOPTING THE 6TH CYCLE HOUSING ELEMENT UPDATE AND AUTHORIZING SUBMITTAL OF THE 6TH CYCLE HOUSING ELEMENT UPDATETO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, the City's General Plan provides strategic planning for community sustainability and evaluates, defines, and sets goals for development preservation and rehabilitation of distinct neighborhoods and commercial areas; and

WHEREAS, the General Plan was initially adopted in 1988 and although it has been amended throughout the years, has never been comprehensively revised; and

WHEREAS, the State requires periodic updates to reflect changes in the community and current laws; and

WHEREAS, all California municipalities are required by Article 10.6 of the Government Code (Sections 65580-65590) to adopt a Housing Element as part of their General Plan; and

WHEREAS, the 6th Cycle Housing Element Update was subject to detailed statutory requirements and reviewed by the California Department of Housing and Community Development (HCD); and

WHEREAS, the 6th Cycle Housing Element Update was circulated for a 30-day public review beginning October 22, 2020, and ending on November 23, 2020, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15105; and

WHEREAS, the proposed Project is exempt under State CEQA Guidelines §15061(b)(3) common sense exemption, because the Project involves policies, programs, and actions to meet the City's RHNA allocation that either would not cause a significant effect on the environment or were previously analyzed adequately in the Solana Beach General Plan EIR (SCH No. 1987071508). Given their nature and scope, the proposed Housing Element Update programs and policies would not result in physical environmental impacts. Additionally, the Housing Element Update does not grant any development entitlements or authorize development beyond what is allowed under the City's current General Plan and Zoning Code (Municipal Code Title 17). Future housing development pursuant to the Housing Element Update would be subject to compliance with the established regulatory framework, namely federal, state, regional, and local (i.e., General Plan policies, Municipal Code, Standard Conditions) regulations. Moreover, future housing development pursuant to the Housing Element Update would be subject to further discretionary review or approval by the City,

including environmental review under CEQA. Based on these factors, it can be seen with certainty that there is no possibility that the proposed 2021-2029 Housing Element Update would have a significant effect on the environment; therefore, the 2021-2029 Housing Element is exempt from CEQA under the common sense exemption; and

WHEREAS, upon adoption of the 6th Cycle Housing Element Update, the document will be submitted to the California Department of Housing and Community Development for certification.

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

1. That the foregoing recitations are true and correct.
2. That the City Council authorizes the submittal of the final draft 6th Cycle Housing Element Update to the California Department of Housing and Community Development.
3. That the City Council directs the City Manager or his designee to file associated CEQA documents with the applicable agencies.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 14th day of April 2021 by the following vote.

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

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



YIMBY LAW

YIMBY Law
1260 Mission Street
San Francisco, CA 94103
hello@yimbylaw.org

04/05/2021

City Manager Gregory Wade
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

gwade@cosb.org, jlim@cosb.org, auruburu@cosb.org, Jose.Ayala@hcd.ca.gov,
Suzanne.Hemphill@hcd.ca.gov
Via Email

Re: Solana Beach 6th Cycle RHNA Final Draft Housing Element and March 2021 Revisions

Dear Mr. Wade:

This letter is a detailed analysis of the City of Solana Beach's 2021-2029 Final Draft Housing Element for the 6th Cycle RHNA. We wish to express our concern regarding a myriad of issues in that document, including the city's public outreach efforts, the likelihood of development, forecasted ADU production and the affordability of those ADUs, AFFH, constraints on development, the site inventory, and a few other topics. Please note that we have also emailed this letter to the community development director, as well as the executive assistant for the city manager's office to be disseminated to the city council. We have also forwarded a copy of this letter and its enclosure to the city's housing element reviewer at HCD, as well as to HCD's Fair Housing Office in its Housing Policy Division.

Public Participation

State law requires that every city and county "shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort."¹ In HCD's February 16, 2021 letter to Solana Beach, it reminds the city of this obligation. While the city reported the number of attendees to its first workshop—13 individuals—it did not report the number of attendees in either of its subsequent workshops. Assuming 13 different individuals attended all the workshops, as well as the city council study session, 52 different people attended various housing element-related events, or 0.4% of the city's population.² Additionally, while the city reported it circulated a Spanish-language flyer for its second and third workshops, it did not report such accommodation for any other public outreach event, nor did it report that Spanish-language translation

¹ [Government Code § 65583\(c\)\(7\)](#)

² [U.S. Census Bureau, Population Estimates Program](#)



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services—or translation services for the 7% of city residents who speak a language other than English or Spanish in their home—were available at any of the workshops or at the council study session.^{3,4}

Another concern about the city’s reporting of its outreach efforts is that its housing element survey only listed responses as percentages, not the actual number of responses, so it is unclear how many people truly participated. If this is incorrect and the unlabeled, unnumbered page immediately preceding Page C-6 of the housing element is the summary of survey participants, that only 19 survey responses were received is cause for alarm and an indication of a failure of this tool to produce meaningful data.⁵ Moreover, not a single person from Council District 3 participated in the survey; Council Districts 1 and 2 were significantly overrepresented amongst those who responded.⁶ This is particularly troubling because, according to Exhibit A of City of Solana Beach Ordinance 488, Council District 3 has the fewest white voters, the most immigrants, the most language diversity and isolation, the least amount of residents with graduate degrees, and the highest proportion of lower-income households.⁷ A simple fix to this problem would have been focused outreach to households in that district. Furthermore, when the city receives comments to its draft housing element, it must actually incorporate them into its thinking and manifest them as housing element policies and programs, or otherwise justify not doing so.

Last, it does not appear as though the City of Solana Beach made a serious effort to solicit input from key stakeholders, such as the public housing authority; affordable housing developers; civic organizations, like NAACP, LULAC, and AAPI groups; disability advocates; the area Continuum of Care; the area chamber of commerce; the area workforce development board; local and area daycares, school districts, colleges, and universities; public interest lawyers; and tenants’ rights groups, to name but a few. Any housing element that lacks solid grounding in the needs of its community is *prima facie* deficient and HCD should not certify such an element. To be clear, *community* is an inclusive term meaning those who work, live, work and live, and own property in the city, as well as and **especially those who cannot afford to live in the city because of the arbitrarily exclusionary and constrained land use decisions that make the city unaffordable to lower-income households**. For reference, the median home price in Solana Beach was \$1,623,242 as of February 2021.⁸

Likelihood of Development

An accurate assessment of the site inventory’s zoned capacity is necessary in order for the housing element to support sufficient housing production. The site capacity estimate should account for the following two factors:

- 1. What is the likelihood that the site will be developed during the planning period?**
- 2. If the site were to be developed during the planning period, how many net new units of housing are likely to be built on it?**

³ [Exhibit A, Ordinance 488, City of Solana Beach](#)

⁴ [U.S. Census Bureau, Population Estimates Program](#)

⁵ Unlabeled, unnumbered page of City of Solana Beach Final Draft Housing Element (December 2020), p. 158 of PDF document

⁶ City of Solana Beach Final Draft Housing Element (December 2020), p. 5 of Appendix C

⁷ [Exhibit A, Ordinance 488, City of Solana Beach](#)

⁸ [Zillow](#)



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These are the **likelihood of development** and **net new units if developed** factors, as required by HCD guidelines.^{9,10} The portion of the jurisdiction's RHNA target that a site will realistically accommodate during the planning period is:

$$\text{(likelihood of development)} \times \text{(net new units if developed)} = \text{realistic capacity}$$

The City of Solana Beach's site inventory identifies 82 candidate sites; only 11 of all 82 sites are vacant, and only 2 out of 53 total residential sites, both nonvacant, are appropriate to accommodate the very low- and low-income RHNA.¹¹ These 82 sites' total zoned capacity is 513 dwelling units for very low- and low-income households and 260 dwelling units for moderate- and above moderate-income households, or 773 total dwelling units, but there is no estimate at all of the likelihood of development.^{12,13} Instead, the December 2020 Final Draft Housing Element and the March 2021 revisions thereto assume all sites have a 100% probability for (re)development, which is to say the draft housing element assumes every single site will be (re)developed, with no quantitative evidence to support this assumption.

Additionally, all but 2 of the 32 very low- and low-income candidate sites are envisioned to be built on commercially zoned sites, with only 10 units of lower-income housing—out of the city's total lower-income RHNA of 475 units and claimed total lower-income capacity of 513 units—planned on residentially zoned land.^{14,15} Moreover, the city claims a “development factor” of 80% for its *commercial* and *special commercial* zones, assuming that the commercial component and requisite site improvements of mixed-use projects will use only 20% of the buildable area of those sites. That such a calculation exists is proper; however, the city fails to demonstrate that this 80% factor is a verifiable, evidence-based metric. In the one example the city provides to substantiate its past performance in nonvacant site development, only one of the four example sites includes information about the maximum number of dwelling units the site could have accommodated. Specifically, 636 Valley Avenue was redeveloped from a single-family home into a commercial use with three dwelling units.¹⁶ Since 636 Valley Avenue could have developed four dwelling units but instead only developed three, the development factor the city claims should be 75%, not 80%.¹⁷ Additionally, since there was already a residential use at this site and the number of net new units is only two, the net development factor is two out of four, or 50%. The city should include this level of detail for 625 Valley Avenue, 330 S. Cedros Avenue, and 343 S. Highway 101 if it wishes to claim a development factor greater than 75% for nonresidential nonvacant sites and 50% for residential nonvacant sites.

Nevertheless, there is no consideration for the likelihood of development that these sites will be developed during the 6th Cycle, especially considering many were not developed in the 5th Cycle. This is evidenced by the city confusing *realistic capacity* and *likelihood of development* when discussing the past redevelopment of commercial sites, for which they report “that an 80% factor is appropriate to realistically

⁹ [HCD Site Inventory Guidebook, p. 20](#)

¹⁰ [HCD Site Inventory Guidebook, p. 21](#)

¹¹ City of Solana Beach Revised Final Draft Housing Element (March 2021), pp. B-9 through B-22

¹² City of Solana Beach Revised Final Draft Housing Element (March 2021), p. B-2

¹³ Tables B-1 and 3-16 were not updated to reflect the increase in zoned capacity from 756 to 773 total dwelling units between the December 2020 final draft and the March 2021 revisions.

¹⁴ [California Government Code § 65583.2\(c\)\(3\)\(B\)](#)

¹⁵ City of Solana Beach Final Draft Housing Element (December 2020), pp. 3-3, 3-42, and 3-43

¹⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-51

¹⁷ City of Solana Beach Revised Final Draft Housing Element (March 2021), pp. B-3 and B-4



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gauge the residential development potential.”¹⁸ This describes realistic capacity, not the likelihood that any of these nonvacant sites would be redeveloped at all, which is made clear when they write in the next sentence, “the City has a past history of developing residential uses within the general commercial and special commercial zones at approximately 80% of the maximum capacity.”¹⁹ If this is incorrect and the city believes both its realistic capacity and likelihood of development of nonvacant sites are 80%, there is no calculation within the housing element to account for such.

Another area of concern is that the draft housing element identifies high residential zoning as a maximum of 20 dwelling units per acre when, according to HCD’s *Building Blocks*, a suburban city within a metropolitan jurisdiction should have a lower-income density of “at least 20 dwelling units per acre.”²⁰ Moreover, the city reported that its Highway 101 Corridor Specific Plan “promotes the development of mixed-use residential and commercial uses along Highway 101 at a range of densities;” however, if those densities are less than at least 20 dwelling units per acre, they are neither in compliance with state law nor a development incentive.²¹

Specifically, of the 295 residential units that were forecasted to be developed on nonvacant sites in the 5th Cycle Housing Element, only 30 units in total were entitled, permitted, or constructed before June 30, 2020. Of those 30 units, 25 were assigned to a project that included five APNs, four of which were developed and one of which will remain undeveloped and available on the 6th Cycle Housing Element site inventory.²² Since the mixed-use project with 25 units used only four of five APNs, we credit that site as only 80% developed, before applying the development factor, and, thus, reduce for the following calculation the number of units from 25 to 20. That said, the aggregate amount of units developed on nonvacant sites was 25, out of a total of 295 dwelling units of total zoned capacity—just 8.475%.

Therefore, the 6th Cycle Housing Element should be bound to the local, evidence-based trend of 8.475% of all nonvacant sites in the site inventory being redeveloped, which would, consequently, require the city to identify enough parcels where the RHNA target can be achieved, whether through rezoning existing sites or expanding the site inventory. If the city were to realistically plan for 475 very low- and low-income units during the 6th Cycle, it would need to identify sites to plan for 5,605 units, based on its own data that support such a statistically low likelihood of development.

For instance, 100 Border Avenue, which is Site 4.46 on the site inventory, is a two-story commercial building on a 0.60-acre site.²³ There are currently no residential units at this site, and the site inventory identifies it as appropriate for 20 dwelling units per acre, which would support affordable housing in a suburban city within a metropolitan area, so long as that is at least 20 dwelling units per acre, not a maximum of 20 dwelling units an acre. The site inventory properly applies a development factor of 80% to satisfy curb, gutter, sidewalk, landscaping, setbacks, and other improvements, which results in:

$$0.60 \text{ acres} * 20 \text{ dwelling units per acre} * 0.80 \text{ development factor} = 9.6 \text{ dwelling units}$$

¹⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), pp. 3-44 and 3-45

¹⁹ *ibid.*

²⁰ [HCD Building Blocks, Analysis of Sites and Zoning](#); City of Solana Beach Final Draft Housing Element (December 2020), p. 3-3; City of Solana Beach Revised Final Draft Housing Element (March 2021), pp. 3-45 and 3-47

²¹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-45

²² Of note, this project was approved in 2017, but as of the date of this comment letter, no construction activity has begun.

²³ [Non-Residential Sites Draft 10/21/20](#)



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Additionally, with a true development factor of 75%, not 80%, the correct number of units is:

$$0.60 \text{ acres} * 20 \text{ dwelling units per acre} * 0.75 \text{ development factor} = 9.0 \text{ dwelling units}$$

However, the city failed to include the likelihood of development in its calculation, which drastically changes this site's realistic capacity. When including the likelihood of development calculation, and when using the more accurate development factor of 75%, the true site capacity equals:

$$0.60 \text{ acres} * 20 \text{ dwelling units per acre} * 0.75 \text{ development factor} * \\ 0.08475 \text{ likelihood of development} = \mathbf{0.76275 \text{ dwelling units}}$$

When factoring the likelihood of development, as calculated from the city's own data about development of nonvacant sites during the city's 5th Cycle Housing Element, this site that was assumed to yield nine dwelling units instead yields less than one. Importantly, no density bonus applies to projects with only one unit, so relying on State Density Bonus Law or policies and programs championing the success of a local density bonus are of little value in such circumstances. This calculation is a critical step that is not only called for in HCD's own guidance but must be strictly adhered to in order for the city and the state to have a truly realistic assumption about how much constructed, habitable housing a local agency's housing element will accommodate.²⁴ While the statewide housing crisis is not the fault of any one city, unrealistic or incomplete calculations not grounded in reality will not produce a meaningful amount of new homes, which will continue to perpetuate homelessness and segregation.

Solana Beach must, therefore, include the calculation of the likelihood of development for all candidate sites in its site inventory and make the subsequent adjustments to its housing element. The City of Sacramento's [draft site inventory](#) provided a high-quality, numerical analysis of the likelihood of their sites' development through a "tiered classification system to classify the non-vacant underutilized sites."²⁵ This approach offers a model for Solana Beach to adapt to its unique circumstances. Additionally, Table 3-11, *Project Timing from Entitlements to Building Permits*, identifies the number of projects entitled and permitted since 2018.²⁶ In 2018, two-thirds of entitled projects received building permits, in 2019, it was less than two-thirds of entitled projects, and in 2020, it was exactly one-half of entitled projects.²⁷ These data further support the reality that the likelihood of development is well below 100% in Solana Beach.

Frustratingly, the city totally misinterpreted market conditions with regard to Millennials and Generation Z, the latter also known as "Zoomers" and being born after 1996.²⁸ While it is certainly true that Millennials, as a group, wish to purchase homes and build wealth like every other generation before them, that so many live and rent homes in suburbs like Solana Beach instead of main downtown areas is a function of cost, not desire—as was misunderstood by the city. That 63% of Millennials live in suburbs and "other city neighborhoods" is related to the unaffordability crisis, not a desire to commute long distances, need a car at all, or live exclusively in single-family homes.²⁹ Consequently, when Millennials, and, soon, Zoomers, are pushed into suburbs and exurbs to find housing, the communities they settle in are not exempt from

²⁴ [HCD Site Inventory Guidebook, p. 21](#)

²⁵ [Public Review Draft, City of Sacramento Housing Element 2021-2029, p. H-2-15](#)

²⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-34

²⁷ *ibid.*

²⁸ [Pew Research Center](#)

²⁹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-52



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their duty to plan for, entitle, and permit more affordable and market-rate housing stock. This is important because the city's housing element admits that, without more affordable housing choices, Millennials and Zoomers will continue to be pushed farther away and will likely also be excluded from the city due to the rising cost of housing.³⁰

Furthermore, it is ironic if not tragic that Solana Beach describes itself as “built out” when it provides *estate residential* zoning with a maximum density of 1 and 2 dwelling units per acre, depending on location; *low residential* with a maximum density of 3 dwelling units per acre; *low medium residential* with a maximum density of 4 dwelling units per acre; and *medium residential* with a maximum density of 7 dwelling units per acre.³¹ This is a particularly jarring reality when one considers that approximately 25% of all zoned land within the city is set aside for estate residential zones; approximately 50% of all zoned land within the city is set aside for low, low medium, and medium residential zones; and approximately 15% of all zoned land within the city is set aside for zones that allow 8 or more dwelling units per acre.³²

Last, the city reported that its 5th Cycle Housing Element RHNA was 43 units of extremely low-, 42 units of very low-, 65 units of low-, and 59 units of moderate-income housing; however, during that period, it permitted no units of extremely low- or very low-income housing, 6 units of low-income housing, and 14 units of moderate-income housing.³³ That the previous planning period yielded only 6 out of 150 planned extremely low-, very low-, and low-income homes is incredibly instructive, and a 4% likelihood of development for these income categories during the previous planning period should be taken into consideration when estimating how much housing the city can reasonably anticipate during the 6th Cycle planning period. This is not a unique circumstance within California, and the housing crisis is a direct result of this arbitrary zoning constraint that perpetuates unaffordability and reinforces segregation.

Forecasts of ADU Development and Affordability of ADUs

The city reported that it permitted 6 ADUs in 2018, 10 ADUs in 2019, and 12 ADUs in 2020; two of the ADUs permitted in 2020 were claimed to be affordable to households with lower incomes.³⁴ Unfortunately, while the city acknowledged HCD's safe harbor guidelines for estimating ADU production, it failed to properly perform the safe harbor calculation.³⁵ The correct safe harbor calculation in forecasting ADU production is the average of production in 2018, 2019, and 2020, which results in 9 ADUs per year ($6 + 10 + 12 = 28$; $28 / 3 = 9.33$). Therefore, the appropriate estimate is 75 ADUs during the planning period, not 128 as stated ($12 * 9.33 = 74.64$).³⁶ Even if the city estimated that it would permit 28 ADUs every 3 years ($9.33 * 3 = 28$), this forecast calculation does not change, and the city should therefore amend its *Summary of RHNA Status and Sites Inventory* as listed in Tables B-1 and 3-16.³⁷

This more accurate forecast will likely result in the city failing to plan for a sufficient amount of moderate-income housing. If the city wishes to claim a higher number, it must present findings and

³⁰ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-52

³¹ City of Solana Beach Final Draft Housing Element (December 2020), p. 3-3

³² [City of Solana Beach Official Zoning Map](#)

³³ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-78

³⁴ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-54

³⁵ [HCD Site Inventory Guidebook, p. 31](#)

³⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-48

³⁷ City of Solana Beach Final Draft Housing Element (December 2020), pp. B-2 and 3-49



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substantial evidence that its local programs and policies incentivize the development of ADUs more than current state law, and, should the city demonstrate success in exceeding their recent performance, it can amend the relevant sections of its housing element. Program 1C anticipates this permitting shortfall but conditions action on said shortfall being 20% or more of the anticipated number of permitted ADUs.³⁸ This is insufficient because if the number of ADUs actually permitted falls below the number of ADUs anticipated to be permitted, the city will likely drop below its relevant RHNA income category and would automatically be noncompliant with Housing Element Law and subject to housing element decertification.

Similar to the city's claims regarding its forecasted production of ADUs, the data Solana Beach relies upon to determine the affordability of ADUs should be included in the housing element. The city's report about affordability casually explains that 2 out of 12 ADUs permitted in 2020 were affordable, but there is no evidence of the circumstances that result in these ADUs' affordability to lower-income households. Are those affordable ADUs rented at below market rate-rents to friends or family members of the owner of the ADU, are those ADUs rented at no charge to friends or family of the owner of the ADU, or is there some other circumstance, such as access to or favorable terms for construction financing in exchange for a certain term of affordability? If the city wishes to claim 15 ADUs affordable to lower-income households throughout the planning period, it must provide some evidence that such a prediction is valid and not a sweetheart deal for a small, exclusive group of people personally known to the owner of the ADU or who otherwise have special access to the homeowner's social network.³⁹ On balance, an ADU that is not held out for rent to the public rental market is not affordable within the meaning of affordable housing. We do not contest that all new housing relieves pressure on the housing market; however, rental housing that is not accessible to all renters only skews the data related to the amount of affordable housing in a region.

Additionally, in Table 3-14, *Approved Entitlements Counted as Credit Towards 2021-2029 RHNA*, the city reported it issued 10 ADU permits in the current planning period that began June 30, 2020, but, interestingly, all 10 ADUs were counted as affordable to moderate-income households, even when the new single-family home they accompany was counted toward being affordable to above moderate-income households.⁴⁰ Barring a deed restriction, how can the city know the affordability of a permitted-but-unbuilt ADU, and why were all of these ADUs counted toward the moderate-income RHNA category? If the city has evidence that all ADUs that are simultaneously permitted when a building permit for a single-family home is issued, it should provide it; otherwise, claiming all new ADUs are affordable to moderate-income households is improper and should be disallowed.

Furthermore, for ADUs permitted and built since January 1, 2018, has the city claimed credit in its Annual Progress Reports more than once, e.g., one ADU being permitted in October 2019 and built in July 2020, with the former's building permit counted in the 5th Cycle planning period's April 2020 APR and the latter's certificate of occupancy counted in the 6th Cycle Housing Element? **Moreover, reducing the number of ADUs counted as affordable to moderate-income households would likely cause the city to fail to plan for enough dwelling units to accommodate its moderate-income RHNA obligation, precluding HCD from certifying the city's housing element and also having No Net Loss consequences.** Even more, the city claims that all ADUs not affordable to very low- and low-income households will automatically be affordable to moderate-income households, but without

³⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 4-3

³⁹ *ibid.*

⁴⁰ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-47



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findings or substantial evidence, we find this to be an unjustifiable claim.⁴¹ This is further supported by the city identifying that it has several unpermitted ADUs within its community and that it has a track record of converting one per year into a legal, permitted use.⁴² While the city offers no evidence of this, it should be noted that all eight of these unpermitted ADUs are, when brought into compliance, expected to be affordable to above moderate-income households, signifying the city is well aware that not all of its ADUs are naturally affordable to moderate-income households.

Additionally, the city has authorized its city manager to reduce “development impact fees by 75 percent for accessory dwelling units (ADU)...provided that a deed restriction for state law affordability provisions is recorded for the term of 99 years.”⁴³ However, earlier in the same chapter of the housing element, the city states that it will consider offering incentives to owners of ADUs who “elect to file a 30-year deed restriction to rent the unit to lower income households.”⁴⁴ Those incentives include waiving fees and reducing parking and development standards or “or providing other incentives consistent with the Costa Hawkins Act.”⁴⁵ We are confused by this conflicting information about ADU development incentives, not understanding whether the city requires 99- or 30-year deed restrictions to receive an incentive or whether these are in fact parallel incentive programs with the more lengthy deed restriction having fewer and the shorter having a greater suite of options. Moreover, after examining the relevant Solana Beach Municipal Code section, we are unable to locate any mention of 30-year deed restrictions and what incentives they might be coupled with.⁴⁶ In addition to relying upon the 99-year timeframe for ADU development incentives, as described in Title 17 of the Solana Beach Municipal Code, we are uncertain as to what precisely the city believes Program 1B will accomplish, since the city will only “continue to incentivize and promote the construction of Accessory Dwelling Units, especially those that may be leased at affordable rates” and “develop outreach collateral for public dissemination, including updates to the City’s website, information at City Hall and via other appropriate print and digital media.”^{47,48} The city goes on to state that “[t]he intent of [Program 1B] is to make sure residents are aware of this incentive and have information readily available that may ease the development of ADUs at affordable levels.”⁴⁹ Without clear, actionable objectives, Program 1B will have little if any value.

While this is superficially a good policy, in actuality, it has no practical benefit. First, reducing or waiving fees is a public benefit, which makes the ADU “paid for in whole or in part out of public funds” and triggers prevailing wage law; second, while the city manager is *authorized* to reduce fees, they are not required to; third, a 99-year period of rental affordability would make almost any ADU project infeasible; and fourth, ADUs smaller than 800 square feet are exempt from development impact fees.^{50,51} For instance, if a person took out a \$200,000 commercial loan with a repayment period of 20 years and an interest rate of 5%, they would have a monthly payment of \$1,320. Assuming prevailing wage adds 30% to construction costs, that would increase the loan amount to \$260,000; however for this example, we omit that number.

⁴¹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-54

⁴² City of Solana Beach Revised Final Draft Housing Element (March 2021), Table 4-1, *Summary of Quantified Objectives*

⁴³ City of Solana Beach Revised Final Draft Housing Element (March 2021), pp. 3-24 and 3-25

⁴⁴ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-17

⁴⁵ *ibid.*

⁴⁶ [SBMC § 17.20.040\(D\), as amended by Ordinance No. 508 dated January 23, 2020](#)

⁴⁷ [SBMC § 17.70.060, as amended by Ordinance No. 500 dated March 29, 2019](#)

⁴⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 4-3

⁴⁹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 4-3

⁵⁰ Prevailing Wage Compliance Monitoring: Practical Advice for City Officials, pp. 3 and 4

⁵¹ [League of California Cities](#), Prevailing Wage Compliance Monitoring: Practical Advice for City Officials, pp. 3 and 4



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Adding an additional \$200,000 of assessed value—although, it would likely be higher—this example homeowner’s insurance and property taxes would also increase by approximately \$200 per month, for a total of \$1,520 per month. Since underwriters typically count 75% of rental income toward a borrowers’ debt to income ratio, this example homeowner would need to charge \$2,027 per month to cover the cost of the loan, increased premiums and taxes, and ADU vacancy.⁵² If this example homeowner wanted to enjoy positive cashflow and generate passive income, they would ignore these calculations and charge whatever the market would bear; as of April 4, 2021, the median rent for a studio apartment in Solana Beach was \$2,100.⁵³ If this example homeowner needs \$2,027 per month to break even but can only expect to charge \$2,100 per month in rent, that makes any deed-restricted affordability infeasible and would kill the project. While this ordinance has no practical effect on smaller ADUs, ADUs 800 square feet and larger would be similarly affected because, in addition to costing more but not being rented for more, the development impact fees would be substantial and cost-prohibitive. All of this is to say that the city’s ADU development impact fee waiver program is of little if any value and should not be used to justify any development incentive to claim increased rates of production.

With the city’s overreliance on ADU production to accommodate its RHNA, as well as the city’s overreliance on ADU affordability, we find an automatic biennial review is acceptable, but an automatic annual review is more appropriate. If the city should fail to permit the number of ADUs it claims it will, and if the ADUs it permits do not achieve the anticipated level of affordability it claims they will, not only is it almost certain that No Net Loss would be triggered, but there is also cause for HCD to decertify the city’s housing element. An automatic annual review would allow the city to better evaluate Programs 1B and 1C, then work to mitigate constraints and / or incentivize development. Last, we find the city’s arbitrary 20% underperformance metric to be insufficient and request the city provide stricter performance standards and program revision timelines. With so few moderate-income dwelling units planned for in the housing element, a 20% shortfall is not appropriately responsive. We also encourage the city to update Page 3-54 to more accurately reflect the language of Program 1C and not use the phrase “mid-cycle” for what will be either four or eight housing element program reviews throughout the planning period.

Affirmatively Furthering Fair Housing

The City of Solana Beach is a community with a wealth of resources, having zero census tracts that qualify as racially and ethnically concentrated areas of poverty under either HUD definition.⁵⁴ The other side of that same coin is either a) the city is an egalitarian utopia free of the national and international forces of segregation, racism, and capitalism, or b) the city is an exclusive enclave of wealthy white people. Unfortunately, that latter is true, as it is in many areas of California and most coastal areas of California. In the beginning of its AFFH chapter, the city reported that, according to its Regional Opportunity Index score, three out of its four census tracts were classified as *highest opportunity* and the remaining census tract was classified as *high opportunity*, and, therefore, “the analysis indicates that access to opportunity is not a substantial issue within Solana Beach.”⁵⁵ This is a misguided interpretation.

⁵² [Free and Clear](#)

⁵³ [Zumper](#)

⁵⁴ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-60

⁵⁵ City of Solana Beach Revised Final Draft Housing Element (March 2021), pp. 3-62 and 3-63



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According to 2019 Census Bureau data, the City of Solana Beach is 76.2% white but not Hispanic or Latino, 0.7% Black, 0.9% Native American, 4.9% Asian, 0% Native Hawaiian and Pacific Islander, and 15.5% Hispanic or Latino.⁵⁶ There are fewer Black people in Solana Beach than in both Encinitas and Carlsbad, and there are also fewer people who identify as Native Hawaiian and Pacific Islander in Solana Beach than in both Encinitas and Carlsbad. Solana Beach has less than half as many Hispanic or Latino residents per capita as the County of San Diego, and aside from white people who do not identify as Hispanic or Latino, Solana Beach is less diverse than the County of San Diego in every racial category.⁵⁷ Said clearly, Solana Beach is whiter and less diverse than the county in which it is located.

We dispute the use of the ROI tool as the reference document for AFFH analysis given that it uses data from the 2010 decennial census and was last updated in 2014; there are newer, more robust sources of demographic data available. For instance, the state's *Opportunity Map* categorizes all of the city's census tracts—the entire city—as areas of highest opportunity, and all of the “tract opportunity indicators” in the *Mapping Opportunity in California* map exceed the average score within SANDAG, except for the adult employment rate in Census Tract 173.06, which is, presumably, due to the immense wealth in a mostly estate residential, 1 dwelling unit per acre zone.^{58,59} Additionally, roughly 55% of K-5 students in the SANDAG region live in poverty, but no more than 20% of K-5 students in any census tract in Solana Beach live in poverty.⁶⁰ Furthermore, the only census tract that does not have a percentage of adults with bachelor's degrees roughly 75% or higher is Census Tract 173.04, where that number is slightly below 60%.⁶¹ Of note, Census Tract 173.04 includes the majority of both Council Districts 2 and 3, which are 57% and 58% multifamily housing, respectively, compared to Council Districts 1 and 4, which are 29% and 15% multifamily housing, respectively.⁶²

Other demographic differences between Census Tract 173.04 and the others—again, Census Tract 173.04 includes the majority of households in Council Districts 2 and 3—include 30% and 32% of households making between \$0 and \$50,000 per year, respectively, while households in Council Districts 1 and 4, primarily in other census tracts, have 14% and 21% making between \$0 and \$50,000 per year, respectively.⁶³ Council Districts 2 and 3 have 21% and 18% of households making more than \$200,000 per year, but Council Districts 1 and 4 have 36% and 29% of households making more than \$200,000 per year.⁶⁴ Council districts 2 and 3 have less than half as many immigrant-residents who have not yet become naturalized citizens, and have the lowest percentage of white residents.⁶⁵ Council District 2 is 32% Hispanic or Latino, Council District 3 is 17% Hispanic or Latino, Council District 1 is 8% Hispanic or Latino, and Council District 4 is 5% Hispanic or Latino.⁶⁶ Frankly, Census Tract 173.04 is an entirely different community than Census Tracts 173.03, 173.05, and 173.06, which together comprise Council Districts 1 and 4. While there are no statutorily defined RECAPs in Solana Beach, there is clear and obvious segregation and homogeneity throughout the city.

⁵⁶ [U.S. Census Bureau, Population Estimates Program](#)

⁵⁷ *ibid.*

⁵⁸ [2021 Tax Credit Allocation Committee and HCD](#)

⁵⁹ [University of California, Berkeley, Othering and Belonging Institute](#)

⁶⁰ *ibid.*

⁶¹ *ibid.*

⁶² [Exhibit A, Ordinance 488, City of Solana Beach](#)

⁶³ *ibid.*

⁶⁴ *ibid.*

⁶⁵ *ibid.*

⁶⁶ *ibid.*



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Despite the low quality of the ROI map, we reviewed these data, since they are the dataset analyzed by the city. Even as far back as 2014, all four census tracts in the City of Solana Beach had *lowest opportunity* housing scores for the ROI Place analysis, meaning all four census tracts were unaffordable as compared to the mean census tract in the region. Additionally, Census Tract 173.04's "civic life" score was also ranked as *lowest opportunity*, again, as compared to the mean census tract in the region.⁶⁷ *Civic life* is defined as "the relative social and political stability of an area, in the form of neighborhood stability (living in same residence for one year) and US citizenship."⁶⁸ For the "housing opportunity" metric in the ROI People analysis, which "measures the relative residential stability of a community, in the form of homeownership and housing costs," only Census Tract 173.04 had unaffordable housing, which is likely a function of the high number of households earning between \$0 and \$50,000 per year and more than half of the census tract being composed of households living in multifamily housing.⁶⁹ Again, the thesis of the city's AFFH chapter is "everyone in our wealthy enclave has great access to our exclusive resources!", which is flatly untrue, as evidenced by the realities lower-income households face in Census Tract 173.04. As seen in Figure 3-23(b), *Regional Opportunity Index, Place, 2014*, approximately two miles beyond Solana Beach's eastern boundary lies an area of *lowest* and *low* health, environmental, housing, and economic opportunity.⁷⁰ This level of resource hoarding and segregation, intentional or unintentional, is anathema to the idea of creating opportunity. To wit, affirmatively furthering fair housing means making some extraordinary effort, beyond whatever legal mandate or obligation exists, to create opportunities for disadvantaged communities and people comprising lower-income households.

With regard to the continued ghettoization of lower-income households, the overwhelming majority of the city's lower-income site inventory candidate sites are located in the southwest quadrant of Solana Beach—Census Tract 173.04 and most of Council Districts 2 and 3. Of the city's 32 very low- and low-income housing candidate sites, only 2 are located to the east of I-5 in Census Tract 173.06, and they are adjacent, nonvacant parcels with newer-construction buildings containing grocery stores, restaurants, and retail stores covering nearly 14 acres. There are also only two very low- and low-income candidate sites located north of Lomas Santa Fe Drive in Census Tract 173.03, and they are both nonvacant commercial uses.⁷¹ That 93.5% of the city's candidate sites for very low- and low-income housing are located in the census tract that already has the lowest income, least housing stability, lowest rate of homeownership, lowest rate of adults with bachelor's and graduate degrees, and most Asian and Hispanic / Latino residents demonstrates the City of Solana Beach is not serious about "replacing segregated living patterns with truly integrated and balanced living patterns."⁷² Furthermore, we strongly object to the city claim that Programs 1B and 1D, concerning ADUs, AFFH.⁷³ Again, a local agency cannot claim that it is affirmatively furthering fair housing by complying with established laws. Creating a class of serfs who have no opportunity to become homeowners, build equity, and bequeath generational wealth to their children or other family members is exactly the opposite of AFFH.

⁶⁷ [University of California Davis, Center for Regional Chance](#)

⁶⁸ University of California Davis, Center for Regional Chance, [Regional Opportunity Index Overview](#), p. 13

⁶⁹ [University of California Davis, Center for Regional Chance](#); University of California Davis, Center for Regional Chance, [Regional Opportunity Index Overview](#) p. 5

⁷⁰ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-64

⁷¹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-69

⁷² [Exhibit A, Ordinance 488, City of Solana Beach](#); City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-68

⁷³ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-77



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Figure 3-6, *Candidate Sites – Ethnicity Analysis*, reveals that 10 out of 32 very low- and low-income candidate sites are in areas with a Hispanic / Latino population greater than 13% of the total population, 3 very low- and low-income candidate sites are in areas with a Hispanic / Latino population between 10% and 13% of the total population, and 19 very low- and low-income candidate sites are in areas with a Hispanic / Latino population between 7% and 10% of the total population; 0 very low- and low-income candidate sites are in areas with a Hispanic / Latino population between 2% and 7% or less than 2% of the total population.⁷⁴ Furthermore, as seen in Figure 3-7, *Candidate Sites – Racial Analysis*, only 2 very low- and low-income candidate sites are in areas with a nonwhite population between 2% and 4%, and 0 very low- and low-income candidate sites are in areas with a nonwhite population below 1%; 30 candidate sites are located in areas with larger nonwhite populations.⁷⁵ By its own admission, nearly 50% of the city’s very low- and low-income candidate sites are located in the parts of the city that have the fewest white residents.⁷⁶

Furthermore, in Figure 3-8, *Candidate Sites – Income Level*, the city continues to prove our point that it will continue to segregate lower-income households. This graphic shows that 10 out of 32 very low- and low-income candidate sites are in areas that already have more than 22% of the city’s low- and moderate-income households, 14 out of 32 very low- and low-income candidate sites are in areas that already have between 16% and 22% of the city’s low- and moderate-income households, and 5 out of 32 very low- and low-income candidate sites are in areas that already have between 10% and 16% of the city’s low- and moderate-income households; 1 very low- and low-income candidate site is in areas that already have between 9% and 10% of the city’s low- and moderate-income households, and 2 very low- and low-income candidate site is in areas that already have less than 9% of the city’s low- and moderate-income households.⁷⁷

While we wish to give the city the benefit of the doubt, we fundamentally disagree that “[t]he data shows [*sic*] that the proposed candidate sites to meet the very-low and low income RHNA need are evenly dispersed throughout the community with an emphasis on locating units where there is a high level of access to important public services and transit.”⁷⁸ Again, it is facially nonsensical to claim such a thing when there is not a single unit of lower-income housing integrated into any area of estate residential (ER-1, ER-2), low residential (LR), low medium residential (LMR), medium residential (MR), or medium high residential (MHR) zones anywhere in the city. **Placing 98.5% of the city’s lower-income RHNA capacity on nonvacant sites zoned as commercial and special commercial is not affirmatively furthering fair housing, and simply saying it is does not make it true.**

Constraints

ADUs

The city’s draft housing element identifies medium high residential- and high residential-zoned sites as requiring conditional use permits for the construction of ADUs; however, the housing element states “all residential zones also allow one Accessory Dwelling Unit on lots with existing or proposed single-family

⁷⁴ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-71

⁷⁵ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-73

⁷⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-72

⁷⁷ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-75

⁷⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-70



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homes or multifamily developments.”^{79,80} Which is it? Regardless of whether MHR- and HR-zoned sites are areas for multifamily housing, a requirement for CUPs runs counter to state law providing relief for construction of ADUs on any residentially zoned parcel, including parcels with multifamily housing.⁸¹ Furthermore, the draft housing element describes conditions the city requires by ordinance for the entitlement of ADUs, including minimum lot sizes, prohibition on detached ADUs, maximum square footage, aggregate FAR calculation, owner occupancy requirements, impact fees, and parking replacement, all of which are now incompatible with and preempted by state law. While the city acknowledges its ordinance is preempted by state law, it commits only to “develop outreach collateral for public dissemination, including updates to the City’s website, information at City Hall and via other appropriate print and digital media” and lists the timeline for revision to its ordinance as within 12 months of housing element adoption.⁸² A simple, efficient, and prompt solution to this unenforceable law is simply a rescission of the ordinance; however, if the city chooses to schedule revisions to their ADU law, no more than three years to complete that work is appropriate and twelve months is preferred.

Land Use Element

The city’s land use element provides for special overlay zones, which the city claims will not be a constraint. Practically, all development restrictions and requirements are a constraint to some degree, so we reject the city’s claim that its *Scenic Area Overlay Zone* “is not considered a constraint to the development of housing currently as recent development applications indicate that proposed projects are able to meet density assumptions.”⁸³ The Solana Beach Municipal Code constrains ADU development by requiring a development review permit for all ADUs that exceed the floor area ratio of the primary structure and “any development on properties along Highway 101 or Lomas Santa Fe Drive, which is not visible from Highway 101 or Lomas Santa Fe Drive.”⁸⁴ This permit, for ADUs and especially for multifamily projects, adds time and cost to development, which is incompatible with state law and reduces project feasibility, respectively. Additionally, this overlay zone requires that the “placement of buildings and structures shall not detract from the visual setting or obstruct significant views,” which interferes with and is preempted by by-right development laws for ADUs on residential parcels.⁸⁵ The intent of the *Scaled Residential Overlay Zone* is to “preserve and enhance the existing community character and aesthetic quality of the City of Solana Beach, by providing regulations to ensure and protect the character of established residential neighborhoods; and by preserving the traditional scale and seaside orientation of residential areas in the City of Solana Beach.”⁸⁶

Given the history of race- and protected class-based housing discrimination, the implementation of programs and policies that are described by the use of the phrase *neighborhood character* or *community character* may very well constitute a Fair Housing Law violation. Furthermore, both the SAOZ and SROZ include candidate sites from the city’s site inventory, but the city claims “the SROZ does not apply to any of the site [*sic*] the City has identified to meet their lower income RHNA need.”⁸⁷ Without a separate ordinance or a revision to Title 17 of the city’s municipal code to exempt very low-and low-income

⁷⁹ City of Solana Beach Final Draft Housing Element (December 2020), p. 3-13

⁸⁰ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-6

⁸¹ California Government § 65852.2 et seq.

⁸² City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 4-3

⁸³ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-4

⁸⁴ [SBMC §§ 17.48.010.C, D2, and D5](#)

⁸⁵ [SBMC § 17.48.010.F2](#)

⁸⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-4

⁸⁷ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-5



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candidate sites from the provisions of these overlay zones, these overlays zones substantially constrain the likelihood of development and the realistic capacity of development.

Minimum Lot Size

Minimum lot sizes generally constrain the ability to build denser housing. The city provides no analysis of how much of any one category of zoning exists within its boundaries, so it is difficult to assess whether there is a fair and equitable distribution of residential sites in Solana Beach. Also, larger minimum lot sizes reduce walkability and auto-independent travel options, resulting in reduced pedestrian and bicyclist safety, higher greenhouse gas emissions, and sprawl into the wildland-urban interface. Furthermore, it is completely detached from reality to insist that state law that preempts local control concerning the development of ADUs acts as relief to the substantial constraint of more than half of Solana Beach's zoning being less than 7 dwelling units per acre. If Solana Beach truly wished to remove this development constraint, it would legalize plex zoning on all of its residential parcels, especially in the estate residential zones. Having between two and six attached homes on parcels half an acre and one acre in size is both a smarter and more practical use of land, especially as it concerns AFFH.

Setbacks play a significant role in limiting the developable area of a parcel, and we disagree with the city's claim that "there is enough flexibility in the current ordinances that setback requirements do not constitute a significant constraint on residential development."⁸⁸ As described in Table 3-3, *Residential Development Standards in Solana Beach - Setbacks* and the city's zoning map, the setback for a parcel in the medium high residential zone is 25 feet to the front and to the rear, 5 feet to the side, and 10 feet to the streetside.⁸⁹ The minimum lot size in the medium high residential zone is 5,000 square feet, and, according to Table 3-2, *Residential Development Standards in Solana Beach - Dimensions*, the minimum lot dimensions are 50 feet wide and 100 feet long for interior lots.⁹⁰ For a typical lot in the interior medium high residential zone the buildable area is 40 feet wide and 50 feet deep or 2,000 square feet—only 40% of the lot size. The medium high residential zone supports a maximum density of 12 dwelling units per acre, but with a floor area ratio of 75%, the maximum allowable square footage of all site improvements is 1,500 square feet.^{91,92} Practically speaking, a development on this example site could fit four 375 square foot efficiency units; however, the project would be denied because of the required 1.5 parking spots per unit required for studios, efficiency units, and single-room occupancy, plus one additional spot because this hypothetical development has four dwelling units.⁹³

However, even on a 5,000 square foot medium high residential interior lot with no setbacks and 100% FAR, the maximum allowable square footage of all site improvements would be 5,000 square feet. To accommodate the on-site parking requirements for twelve 416 square foot efficiency units, a developer would need to plan for 22 parking spaces.⁹⁴ At 8.5 feet wide by 19 feet long, 22 parking spots would consume 3,553 square feet of the 5,000 square foot lot.⁹⁵ If the city had an ordinance exempting parking from FAR calculations for multifamily development—it does not—a developer would be able to build a

⁸⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-6

⁸⁹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-8; [City of Solana Beach Official Zoning Map](#)

⁹⁰ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-7

⁹¹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-3

⁹² City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-7

⁹³ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-10

⁹⁴ *ibid.*

⁹⁵ [City of Solana Beach Off-Street Parking Design Manual, p. 6](#)



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four-story building with three 416 square foot efficiency units on each floor. Unfortunately, the medium high residential zone has a height limit of 25 feet, so the remaining 1,447 square feet of buildable area would be enough to build 3.48 of the 12 homes allowable in that zone on one floor or two larger studios or one-bedroom apartments on a bottom floor and one on a second floor. If FAR was ignored and all 12 units were permissible, the city would still require a CUP to exceed the 25-foot height limit, but this would be a fool's errand because the CUP permits a maximum height of 30 feet.⁹⁶ These scenarios present polar opposite development goals: maximizing units or maximizing parking. In reality, only a fraction of the density allowed in each zone can actually be built, which presents a significant government constraint.

Setbacks

Aside from both variations of estate residential zones, all residential lots are required to be no less than 100 feet long in depth.⁹⁷ All residential lots except for those located in the estate residential zones have *Setback Designators C and D*, both of which have front and back setbacks of 25 feet each.⁹⁸ For interior lots, Setback Designator C requires 10-foot side setbacks, and Setback Designator D requires 5-foot side setbacks.⁹⁹ While low medium residential zoning has 10,000 square foot lots, which allows for 4,000 square feet of buildable area, the maximum density in this zone is four dwelling units per acre. Requiring parcels to be more than 50% private open space constitutes a significant governmental constraint.

Lot Coverage and FAR

The city's FAR requirements are incompatible with the site characteristics necessary for the construction of affordable housing. While the city says it uses lot coverage and FAR standards "to control bulk, mass, and intensity of a use," arbitrarily requiring so much private open space—at the expense of building more housing—for no other reason than *because it can*, reduces the likelihood of development and realistic capacity of affordable housing.¹⁰⁰ What is the virtue of a public park, and why does the entire city lie within the Coastal Zone, if it is so necessary to consume more than half of a given parcel with private open space? Concerning residential development, the city writes "these standards may only limit the size of dwelling units, and do not limit the number of units..."; however, it then writes immediately thereafter that "FAR, combined with height limitations, can potentially prevent maximum density from being achieved in certain cases."¹⁰¹ It is deeply concerning that the city can identify and describe such a substantial governmental constraint but then fail to acknowledge that the constraint only exists because the city created it, and, thus, the city must be the one to mitigate it.

Maximum Building Height

In its description of this government constraint, the city writes, "[a]ll properties within the City of Solana Beach are located within the Coastal Zone as defined in the California Coastal Act. Therefore, the City's Local Coastal Program, as approved by the California Coastal Commission, restricts the maximum building height within the City to 25 feet in residential zones."¹⁰² This is illogical: Not only was the city not required to develop, adopt, and have certified a Local Coastal Program, but when it pursued creating an LCP, the city invented this 25-foot height limit of its own volition. To use the same logic as the city does in

⁹⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-7

⁹⁷ *ibid.*

⁹⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-8

⁹⁹ *ibid.*

¹⁰⁰ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-6

¹⁰¹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-7

¹⁰² *ibid.*



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justifying this self-imposed height limit, one might say “all of my money is deposited in my savings account; therefore, I can’t buy groceries because I don’t have any money in my checking account.” This sounds ridiculous for the same reason the city’s explanation about its maximum building height does. The simple solution to this metaphorical problem is for the individual to move some of their money from their savings account to their checking account, just like the simple solution to the city’s actual problem is to increase its maximum building height in its LCP.

The city reported that its “maximum building height may be increased to 30 feet pursuant a Development Review Permit” and “35 feet for civic uses” with a CUP for projects in the medium high residential and high residential zones.¹⁰³ That such a variation exists demonstrates that there is no adverse impact on public health or safety related to taller buildings. Since the city created its LCP and the city controls its zoning code, the only valid activity that would mitigate this substantial governmental constraint is the city amending its LCP to allow an increase in maximum building height. If the city is concerned about visual corridors and viewsheds, a uniform maximum building height of 45 feet—and 50 feet with a DRP—makes coastal resources no less accessible than a uniform maximum building height of 25 feet—and 30 feet with a DRP—since no human being has ever grown to be 25 feet tall, much less 45 feet tall.

Parking Standards

One of the greatest failures of the planning profession is the steadfast belief that every car is entitled to a home but not every person is. The corrupted prioritization of auto-centric planning has led to the City of Solana Beach requiring an unreasonably high amount of parking, such that it makes infeasible affordable housing. In addition to these project-bankrupting parking requirements, the city has chosen to maintain its parking standards for ADUs, even though they could have chosen to eliminate them under SB 1069.¹⁰⁴ Not only is the requirement to provide replacement parking for garage-conversion ADUs and new parking for new-construction ADUs, but the overzealous parking requirements for multifamily housing, as well as the type of deed-restricted single-family homes a nonprofit developer like Habitat for Humanity would build, make it a near impossibility to build affordable housing in Solana Beach.

Specifically, requiring 1.5 parking spaces for efficiency units, studios, and SROs is unreasonable.¹⁰⁵ Not only are efficiency units typically occupied by a single individual and SROs legally occupied by only a single individual, but, oftentimes, occupants of these types of homes are in transition between various life events, need supportive services, or intend to live in such accommodations for a limited amount of time.¹⁰⁶ Occupants of these housing types should not be assumed to own or have cars without such a constraint on development being supported by evidence. Furthermore, studios are smaller homes, typically suitable for one person, so while it *may* be appropriate to require parking for studios, requiring more than 1.0 parking spaces per studio—and more than 1.0 parking spaces per efficiency unit and SRO unit—is a substantial government constraint.

Furthermore, requiring two parking spaces for apartments with two or more bedrooms, plus an additional parking space for guests for every four dwelling units, is phenomenally cost-prohibitive. Surface parking costs approximately \$20,000 per space and garages and covered parking spaces cost approximately

¹⁰³ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-7

¹⁰⁴ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-7; [California Government § 65852.2 et seq.](#)

¹⁰⁵ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-10

¹⁰⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-19



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\$50,000 per space.¹⁰⁷ Underground parking costs an astronomically high \$80,000 per space.¹⁰⁸ For a 12-unit affordable housing development, the city would require 27 parking spaces, costing more than half a million dollars. This amount is likely more than 10% of the entire project's cost, making development designed for very low- and low-income development nearly infeasible. The very existence of the parking concession in SDBL seeks to remedy this issue, and the city's unwillingness to reduce its parking requirements actively constrains development. This might explain the dearth of affordable housing in Solana Beach, and until the city removes this substantial constraint, that condition will remain unchanged.

Growth Management

SB 166, the Housing Crisis Act of 2019, renders moot growth management controls and residential caps under certain conditions.¹⁰⁹ Those conditions include that the enacting local agency's electors approved the ordinance before January 1, 2005 and that the local agency is located in a predominantly agricultural county, defined as one that is composed of at least one-half agricultural land and that has more than 550,000 acres of agricultural land.¹¹⁰ According to most recent version of the California Farmland Conversion Report, not only does the County of San Diego have just 340,111 acres of important farmland, well below the threshold of 550,000 acres, but the entire county measures 2,712,200 acres in size, placing the proportion of county farmland at just 12.5%.¹¹¹ Therefore, Ordinance No. 251 and Proposition T are deficient, making both laws null and void.¹¹² While unenforceable laws do not necessarily create a government constraint, the city should nevertheless conspicuously advertise that, until the Housing Crisis Act of 2019 sunsets, prospective housing developers should ignore these laws.

Zoning Controls

According to Table 3-6, *Permitted, Conditional, and Prohibited Uses in Solana Beach*, single-family homes are allowed in all residential zones, including medium high and high residential zones.¹¹³ Not surprisingly, the city appears to be totally oblivious to the segregated conditions it perpetuates when it defined a single-family home as “[a]ny building designed and used to house not more than one family including all domestic employees of such family.”¹¹⁴ Both group residential facilities and senior citizen and congregate care housing with any number of units are forbidden in both estate residential, the low residential, and the low medium residential zones.¹¹⁵ Group residential facilities with any number of units are forbidden in the medium residential zone but allowed with a CUP issued by the planning director in the medium high and high residential zones. Senior citizen and congregate care housing with any number of units is permitted with a CUP issued by the city council in the medium residential, medium high residential, and high residential zones. Since senior citizen and congregate care housing requires discretionary approval by the city council, and, thus, the city council may deny this type of housing from ever being constructed in the City of Solana Beach, regardless of the zone type or the number of units the development would have, **we find this subjective condition affecting a protected class to be a facial violation of Fair Housing Law.**

¹⁰⁷ [New CA Database Shows How Much Parking Costs and How Little It's Used](#)

¹⁰⁸ *ibid.*

¹⁰⁹ [California Government Code § 66300 et seq.](#)

¹¹⁰ *ibid.*

¹¹¹ [California Department of Conservation](#)

¹¹² City of Solana Beach Revised Final Draft Housing Element (March 2021), pp. 3-10 and 3-11

¹¹³ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-13

¹¹⁴ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-14

¹¹⁵ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-13



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Additionally, the city described its compliance with employee housing laws, stating that while it believes its ordinances comply with California Health and Safety Code §§ 17021.5 and 17021.6, it will complete Program 1M to update its codes and make explicitly clear that it is not in violation of these laws.¹¹⁶ However, the city failed to update Table 3-6, *Permitted, Conditional, and Prohibited Uses in Solana Beach*, omitting pertinent information required to be published in the housing element.¹¹⁷ Disappointingly, the city also continues to demonstrate a fundamental misunderstanding of how access to opportunity works, stating with regard to farmworker housing, “[a]ccording to the American Community Survey, less than two percent of Solana Beach’s workforce was employed in the farming industry. Therefore, there is no need for farmworker housing in Solana Beach.”¹¹⁸ **We find this statement and the subsequent regulatory environment it produces to be discriminatory and a facial violation of Fair Housing Law.**

Local agencies are prohibited not only from exercising bias based on race, sex, familial status, age, or religion, but from discriminating against any individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use because the residential development is subsidized, multifamily, or occupancy will include low- or moderate-income persons.¹¹⁹ Local agencies may also not impose different requirements on assisted developments than those imposed on non-assisted developments.¹²⁰ However, local agencies may extend preferential treatment to local, state or federally assisted developments, and developments intended for occupancy by low- and moderate-income households or agricultural employees. This preferential treatment may include, but is not limited to, reduction of fees, changes in architectural requirements, site development and property line adjustments, building setback requirements, or vehicle parking requirements that reduce development costs of these developments.¹²¹

Additionally, the city makes no distinction between senior citizen and congregate care housing with six or fewer units and those with seven or more units.¹²² Again, the legal requirement described in California’s AFFH law means “taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.”¹²³

Last, Table 3-6, *Permitted, Conditional, and Prohibited Uses in Solana Beach*, identifies where group residential facilities are permissible within the city, but it does not distinguish between those facilities that have six or fewer units from those with seven or more.¹²⁴ This is curious because the city distinguishes between various unit sizes of residential care facilities and family day care homes, but neither of those uses received any revisions in the subsequent pages of the March 2021 update to the Final Draft Housing Element whereas the information about group residential facilities was significantly revised.¹²⁵

¹¹⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-14

¹¹⁷ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-13

¹¹⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-15

¹¹⁹ [California Government Code §§ 65008\(b\)\(1\)\(D\) and \(d\)\(1\) and \(2\)](#)

¹²⁰ *ibid.*

¹²¹ [California Government Code § 65008\(e\)\(2\)](#)

¹²² City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-15

¹²³ [California Government Code §§ 8899.50 and 65583 et seq.](#)

¹²⁴ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-13

¹²⁵ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-15



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People with Disabilities

Program 4C affects people with physical and developmental disabilities, and through this program, the city commits to “continue to take actions to accommodate the approval of group homes, ADA retrofit efforts, ADA compliance and/or other measures through the implementation of Title 24 as well as amend its procedures to provide more flexibility in the development of accommodations for persons with physical and developmental disabilities by eliminating the need for a variance.”¹²⁶ The city relies on this passive construction in many of its housing element programs, and we contend that continuing to do something that produces no or limited positive results is useless. The city should amend this program’s objectives and, in service of the dozens of people with physical and developmental disabilities, issue an RFP for one of the city-controlled candidate sites to develop very low- or low-income housing to support this group of residents.

Development Fees and Impact Fees

The housing element does not include a comparison of the city’s development fees and impact fees to those charged in nearby cities, such as Carlsbad, Encinitas, Del Mar, and the City of San Diego, so reviewers of the housing element are unable to readily discern whether \$122,500 in combined fees for a single-family home is commensurate with combined fees charged in those neighboring jurisdictions.¹²⁷ In August 2019, the International Code Council “estimated that the average per square-foot cost for good-quality housing in the San Diego region was approximately \$117 for multi-family housing and \$129 for single-family homes.”¹²⁸

To use the city’s example of a 3,000 square foot single-family home, the cost of construction would be approximately \$387,000. Since construction costs have increased since August 2019, a rough estimate of a 25% increase would change that cost for a 3,000 square foot single-family home to \$483,750. With combined fees of \$122,500 for that 3,000 square foot single-family home, a residential developer would be paying more than 25% of the project’s construction costs in fees alone. This is a different assessment than the city provides in the last paragraph of Page 3-25, which we assume is due to the city factoring in land costs.¹²⁹ We disagree with this method of calculating the proportional burden of development fees and impact fees, since no two parcels are likely to have their land appraised or assessed at the same value, such a calculation does not account for the speculative value of land, and the cost for “good-quality” construction, as defined by the ICC, is static regardless of where that good-quality construction occurs in the San Diego region.

Furthermore, the city reports it would charge an estimated \$1,143,800 in combined fees for a 13-unit apartment development, or nearly \$88,000 per unit.¹³⁰ Unfortunately, however, while the city reports the ICC’s estimate of good-quality multifamily construction costs, the city does not offer either the per-unit or combined square footage of this example multifamily development. Omitting that information makes it impossible for the reviewer to assess the proportional burden of multifamily development fees and impact fees, so we are unable to discern whether those fees constitute a substantial governmental burden. The city does however disclose an upper estimate of the proportional burden of development fees and impact

¹²⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 4-10

¹²⁷ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-25

¹²⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-1

¹²⁹ City of Solana Beach Revised Final Draft Housing Element (March 2021)

¹³⁰ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-25



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fees for multifamily housing that is approximately 50% than the amount disclosed for single-family home development fees and impact fees, so, presumably, the proportional burden of those fees for multifamily housing is greater than 25%.¹³¹ Nevertheless, regardless of whether the Solana Beach's single-family home development fees and impact fees are commensurate with neighboring jurisdictions' fees, we find this proportional fee burden to be a substantial governmental constraint in the development of housing in Solana Beach.

Local Processing and Permit Procedures

The housing element does not include a comparison of the city's performance in processing applications for development to the performance in nearby cities, such as Carlsbad, Encinitas, Del Mar, and the City of San Diego, so reviewers of the housing element are unable to readily discern whether six to eight months to process an application is commensurate with application processing performance in those neighboring jurisdictions.¹³² The city also fails to disclose its application processing performance for the multifamily development designated Project Number 17-14-08 and located at 343 S. Highway 101.¹³³ On November 13, 2019, the city council unanimously approved applicant-requested modifications to an earlier-approved entitlement.¹³⁴ The city should provide clarification regarding its performance in processing the various applications for this nonvacant site redevelopment to support its claimed six-to-eight month performance. Without further information, this level of performance may constitute a governmental constraint that would certainly be (partially) mitigated by reducing the regulatory burden associated with applications for development within multiple overlapping overlay zones and a Coastal Zone.

Site Inventory

With regard to the February 16, 2021 letter from HCD, the city must provide significantly more detailed "findings based on substantial evidence that the existing use is not an impediment and will likely discontinue in the planning period."¹³⁵ Additionally, HCD also explained in that same letter that sites smaller than 0.50 acres are not eligible for inclusion in the site inventory absent substantial evidence that the city has both experience and a track record of supporting development on small sites.¹³⁶ Alarming, almost a third of the site inventory—32 of 83 sites—is sites smaller than 0.50 acres.¹³⁷ In its revised housing element, the city includes three example sites to summarize the type of evidence it relies upon to demonstrate the site's small size will not be an impediment and the site's use will likely discontinue in the planning period. We find these explanations are not findings, not substantial, and not adequate within the plain meaning of these words and phrases.¹³⁸

For instance, Site 4.73 is a city-owned parking lot adjacent to a privately held parcel identified as Site 4.40.¹³⁹ The city does not report that the owner or person in control of the business located at Site 4.40 has made any indication they wish to buy Site 4.73, nor has the city demonstrated that the owner or person in control of the business located at Site 4.40 has residential development experience or the

¹³¹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-25

¹³² City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-32

¹³³ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. B-4

¹³⁴ [City of Solana Beach City Council Meeting Staff Report](#), [City of Solana Beach City Council Meeting Minutes](#)

¹³⁵ HCD letter to City of Solana Beach, Appendix p. 3

¹³⁶ *ibid.*

¹³⁷ [City of Solana Beach, Non-Residential Sites, Draft 10/21/2020](#)

¹³⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. B-5

¹³⁹ [City of Solana Beach, Non-Residential Sites, Draft 10/21/2020](#)



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capital necessary to redevelop Site 4.73. Additionally, Sites 4.68 and 4.69 are separate, adjacent parcels held by the same private owner, and the city has assumed that each site being less than 0.50 acres is of no concern because they can be consolidated.¹⁴⁰ While such a lot consolidation is of course possible, the city fails to present any evidence that the owner plans to consolidate the parcels themselves, intends to sell both parcels together to a residential developer, or presently desires to sell the parcels at all.

Surprisingly, the city relies upon the effects of the pandemic to catalyze the residential redevelopment of nonvacant sites within the city. This is a curious approach, especially considering that the city has done no focused outreach to owners, renters, and lessors of those sites to make any realistic assumptions about the likelihood of those parcels being redeveloped. The city provides no evidence whatsoever to support its assumption that temporarily or permanently closed sites will be redeveloped as housing instead of a different commercial use. While the city directs the reader to Appendix A for copies of correspondence with owners, renters, and lessors, the version of Appendix A in the December 2020 Final Draft Housing Element is entirely composed of the city's evaluation of the performance of programs in the previous planning period and does not include copies of letters, emails, or other documents that would support its claims about nonvacant site redevelopment.¹⁴¹ (*Perhaps there is an updated version of Appendix A that was inadvertently excluded from the staff report for the recent city council meeting where these revisions were discussed?*) At best, the city claims to have engaged in "discussions with those property owners who came forward as interested in developing their properties for affordable housing through the planning period;" however, the city uses this passive grammatical construction, presumably, because it did not proactively initiate this type of outreach.¹⁴²

In addition to the above concerns, the city includes in its site inventory several candidate sites that are facially unlikely to redevelop, such as a veterinary clinic, two bank branches, and city hall.¹⁴³ Throughout the pandemic, the need for people to access financial institutions and receive medical care for themselves and their pets has remained steady, and as of the date of this letter, in addition to 40% of adults being vaccinated in California, the economy added 916,000 jobs in March, the latter of which lowered nationwide unemployment to 6% and signals an imminent increase in economic activity.¹⁴⁴ Additionally, we are unpersuaded that the city is serious in having Solana Beach City Hall redeveloped, and this site should not be included in the site inventory without an accompanying RFP and active legislative measures to support by-right development of this nonvacant nonresidential site. To our knowledge, no city anywhere in California has redeveloped an existing, actively used city hall for the purpose of adding housing, so the inclusion of city hall as a feasible candidate site should be disallowed without significant, substantial incentives. It seems almost unfathomable that a majority of a local agency's elected officials would vote to allow its seat of government to be redeveloped for residential use, since it would be cost prohibitive to lease replacement office space for the displaced city employees and the infrastructure to support public meetings would be dismantled, to name just the first two challenges that come to mind. Even if a parking lot were used for the development of homes on the nonvacant city hall site, the city would then need to accommodate off-site parking facilities and transportation for its workforce, as well as accommodate however many new tenants it shared its remaining parking area with. Without completing

¹⁴⁰ [City of Solana Beach, Non-Residential Sites, Draft 10/21/2020](#)

¹⁴¹ City of Solana Beach Revised Final Draft Housing Element (March 2021), Appendix A and p. 3-51

¹⁴² City of Solana Beach Revised Final Draft Housing Element (March 2021), Appendix A and pp. 3-51 and B-3

¹⁴³ City of Solana Beach Final Draft Housing Element (December 2020), Appendix B

¹⁴⁴ 40% of California adults at least partially vaccinated against COVID-19, data show – [The Sacramento Bee](#); Strong U.S. Job Growth in March Fuels Optimism on Recovery – [The New York Times](#)



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even that basic first step, or the more serious step of issuing an RFP, city hall is unequivocally inappropriate to include as a candidate site in the site inventory.

The city also reported that its reliance on small sites is appropriate because it has a track record of allowing development on nonvacant sites; however, it defends that track record by describing programs to subdivide existing residential parcels.¹⁴⁵ We are confused as to how subdividing residential parcels supports the redevelopment of nonvacant, commercially zoned sites smaller than 0.50 acres in size, both active and temporarily or permanently closed. A more appropriate program would be one that supported lot consolidations at low- or no-cost and / or with expedited application processing times. Additionally, the site inventory omits information about whether a candidate site was included in either of the last two planning periods, making it unnecessarily difficult for reviewers to discern whether by-right development conditions exist at any of the identified sites, pursuant to state law, such as Site 4.70, which “has been considered for residential uses in the past.”^{146,147}

Last, Site 4.63 with APN 263293-6000, included in the *Non-Residential Sites, Draft 10/21/2020* document, and APN 2632935900 (no unique site identifier), included in the *Revised Final Draft Housing Element*, are together the Loma Santa Fe Plaza.^{148,149} Site 4.63 is listed as being 3.98 acres in size, and APN 2632935900 is listed as being 9.85 acres in size.^{150,151} However, according to the *Parcel Lookup Tool*, Site 4.63 is actually 4.22 acres in size and APN 2632935900 is actually 13.2 acres in size.¹⁵² Unless the city has evidence demonstrating these sites are not the size reported by SANDAG, which relies on county assessor data, APN 2632935900 is larger than 10.0 acres and must undergo a similar analysis about feasibility for nonvacant sites as the many sites smaller than 0.50 acres also in the city’s site inventory.¹⁵³

Other Concerns

Housing Program 1G, *Federal and State Funding Programs*, binds the city to maintain an ongoing effort to obtain federal and state funding programs; Housing Program 1O binds the city to pursuing external funding for lower- and moderate-income funding sources, “as opportunities arise.”¹⁵⁴ These programs’ objectives are weak. Program 1G requires the city to only review funding opportunities and conditionally work with developers to support their applications to said subsidy programs.¹⁵⁵ A stronger, more actionable program would include more affirmative language, using words like “shall,” as well as commitments to pursue HOME funds, which the city discusses but does not disclose whether it applies for, CalHome funds, Infill Infrastructure Grant funds, California Emergency Solutions and Housing funds, Emergency Solutions Grants Program funds, Homkey funds, and Affordable Housing Sustainable Communities funds.¹⁵⁶ Program 1O requires only that the city “seek to partner with local agencies that may provide funding opportunities or other resources that can assist in the development of housing

¹⁴⁵ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-51

¹⁴⁶ HCD Site Inventory Guidebook, p. 11

¹⁴⁷ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. B-15

¹⁴⁸ [City of Solana Beach](#)

¹⁴⁹ [City of Solana Beach](#)

¹⁵⁰ [City of Solana Beach, Non-Residential Sites, Draft 10/21/2020](#)

¹⁵¹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. B-16

¹⁵² [SANDAG SanGIS](#)

¹⁵³ [HCD Site Inventory Guidebook, pp. 17-18](#)

¹⁵⁴ City of Solana Beach Revised Final Draft Housing Element (March 2021), pp. 4-4, 4-5, and 4-7

¹⁵⁵ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 4-4

¹⁵⁶ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-55



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affordable at the lower and moderate income levels.”¹⁵⁷ *Seeking to partner as opportunities arise* is exactly the level and intensity of commitment that has led to the bottomless chasm that is the housing affordability crisis. We implore the city to develop more actionable objectives.

The citation for the location of the Scaled Residential Overlay Zone is incorrect.¹⁵⁸

Figure 3-5, *Existing and Proposed Affordable Housing Locations in Solana Beach*, is incorrect because it does not include a yellow star for the candidate site located at 607 Lomas Santa Fe Drive.¹⁵⁹

Conclusion

We are grateful for the opportunity to review the city’s Final Draft Housing Element and the subsequent revisions directed by HCD, and we look forward to seeing the city’s response to the concerns we raised. It is our hope that the city takes our concerns seriously and makes another round of substantial revisions to comply with the strengthened Housing Element Law and various other relevant sections of Government Code. We would be delighted to meet with city officials to discuss the contents of this letter and work together on improving the draft housing element to better serve the residents and city.

Sincerely,

Jon Wizard
Housing Elements Coordinator
YIMBY Law
jon@yimbylaw.org

¹⁵⁷ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 4-7

¹⁵⁸ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-4

¹⁵⁹ City of Solana Beach Revised Final Draft Housing Element (March 2021), p. 3-69

TECHNICAL MEMORANDUM

To: Mr. Joseph Lim, AICP
From: Ms. Rita Garcia
Mr. Brian Leung
Date: April 5, 2021
Subject: City of Solana Beach 2021-2029 Housing Element Update CEQA Determination

1.0 INTRODUCTION & PURPOSE

This Technical Memorandum shall serve as an evaluation of the City of Solana Beach 2021-2029 Housing Element Update (the "Project") concerning California Environmental Quality Act (CEQA) compliance. This Technical Memorandum was prepared to present: 1) the findings resulting from the CEQA compliance review, as described below; and 2) the recommendations concerning the appropriate CEQA compliance documentation.

2.0 STATUTORY AUTHORITY & REQUIREMENTS

State CEQA Guidelines §15061 – Review for Exemption

Once it has been determined that an activity is a project subject to CEQA, it is then determined whether the project is exempt from CEQA. Pursuant to State CEQA Guidelines §15061, a project is exempt from CEQA if:

- 1) The project is exempt by statute (see State CEQA Guidelines Article 18, commencing with §15260).
- 2) The project is exempt pursuant to a Categorical Exemption (CE) (see State CEQA Guidelines Article 19, commencing with §15300) and the application of that CE is not barred by one of the exceptions set forth in State CEQA Guidelines §15300.2.
- 3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

- 4) The project will be rejected or disapproved by a public agency.
- 5) The project is exempt pursuant to the provisions of Article 12.5 - Exemptions for Agricultural Housing, Affordable Housing, and Residential Infill Projects.

3.0 PROJECT DESCRIPTION

The Housing Element includes the City's Housing Policy Plan, which addresses the City's identified housing needs, and includes goals, policies, and programs concerning housing and housing-related services, and the City's approach to addressing its share of the regional housing need. The 2021-2029 Housing Element Update consists of a comprehensive review and update to the previous Housing Element which covered 2013-2021. To satisfy and meet their RHNA allocation, the City completed a parcel-specific land inventory that includes sites capable of accommodating the RHNA allocation without any need for land use designation amendments or re-zoning. In total, the inventory includes 83 candidate housing sites totaling approximately 86 acres. The environmental impacts associated with development of these sites was addressed in the Solana Beach General Plan EIR (SCH No. 1987071508) and the Highway 101 Corridor Specific Plan EIR (Ordinance 487). Additionally, the HEU does not grant any land use entitlements or authorize development in areas not already designated for residential development.

4.0 FINDINGS CONCERNING CEQA COMPLIANCE/CEQA EXEMPTION

Kimley-Horn has completed the Project's CEQA compliance review, as follows:

Exemption Justification Under Common-Sense Exemption

The proposed Project is exempt under State CEQA Guidelines §15061(b)(3) common sense exemption, because the Project involves policies, programs, and actions to meet the City's RHNA allocation that either would not cause a significant effect on the environment or were previously analyzed adequately in the Solana Beach General Plan EIR (SCH No. 1987071508) and the Highway 101 Corridor Specific Plan EIR (Ordinance 487). Given their nature and scope, the proposed Housing Element Update programs and policies would not result in physical environmental impacts. Additionally, the Housing Element Update does not grant any development entitlements or authorize development beyond what is allowed under the City's current General Plan and Zoning Code (Municipal Code Title 17). Future housing development pursuant to the Housing Element Update would be subject to compliance with the established regulatory framework, namely federal, state, regional, and local (i.e., General Plan policies, Municipal Code, Standard Conditions) regulations. Moreover, future housing development pursuant to the Housing Element

Update would be subject to further discretionary review or approval by the City, including environmental review under CEQA. Based on these factors, it can be seen with certainty that there is no possibility that the proposed 2021-2029 Housing Element Update would have a significant effect on the environment; therefore, the 2021-2029 Housing Element is exempt from CEQA under the common sense exemption.

Policy and Program Analysis in Support of Findings

Attachment A: Solana Beach Housing Element Update Program Review Matrix summarizes the 2021-2029 Housing Element policies and provides summary findings in support of an exemption under State CEQA Guidelines §15061(b)(3) common sense exemption. **Attachment B: Environmental Checklist**, which is patterned after State CEQA Guidelines Appendix G, provides more detailed findings in support of an exemption.

As is evidenced by the discussions presented above and in Attachments A and B, the proposed Project qualifies as being exempt from CEQA under the common-sense exemption. Moreover, the Project is not barred from the application of a CE, pursuant to State CEQA Guidelines §15300.2. Therefore, it has been determined that the proposed Project would not have a significant effect on the environment and a CE is the appropriate CEQA documentation.

Attachment A

Solana Beach Housing Element Update Program Review Matrix

6 th Cycle Housing Element Program	Amended Program	New Program	Update/Ongoing Program	Summary of Determination the Program is exempt under state CEQA Guidelines §15061(b)(3) common sense exemption
Housing Program 1A: Mixed-Use Development on Commercially-Zoned Sites		x		The intent of this program is to promote mixed-use development including residential uses in commercially zoned areas within the City. This program does not propose any development or entitle any projects. Future projects would be subject to the City's development permit review, plan check process, and environmental review under CEQA. Implementation of Housing Program 1A would not result in physical environmental impacts.
Housing Program 1B: Promotion of Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) Development		x		The 6 th Cycle Housing Element does not propose any development or entitle any projects, including ADU's. Future ADU related projects would be subject to the City's development permit review, plan check process. Implementation of Housing Program 1B would not result in physical environmental impacts.
Housing Program 1C: Create ADU Monitoring Program		x		This is a program to track and monitor ADU permitting in the City. This program does not result in physical environmental impacts.
Housing Program 1D: Conversion Program of Existing, Non-Permitted Accessory Dwelling Units			x	This program allows homeowners with illegally established accessory dwelling units on their property to apply for legalization. This program does not promote or result in any approved permits for ADU construction. Therefore, no physical environmental impacts would occur.

Attachment A

Solana Beach Housing Element Update Program Review Matrix

<p>Housing Program 1E: Affordable Housing Program</p>			<p>x</p>	<p>This program would assist the City in meeting its share of the regional housing needs, to implement the City’s General Plan and Housing elements relative to the provision of housing units for all economic sectors of its population, and to require affordable housing in both rental and for-sale housing consistent with provisions of the California Government Code. The HEU does not grant any development entitlements or authorize development beyond what is allowed under the City’s current General Plan and Zoning Code. No physical environmental impacts would occur.</p>
<p>Housing Program 1F: Candidate Sites Used in Previous Housing Elements</p>			<p>x</p>	<p>This program would place a housing overlay zone over all nonvacant sites included in a prior Housing Element and all vacant sites included in two or more consecutive planning periods that permits by right development for projects that meet the requirements of State housing law. This program does not grant any development entitlements or authorize development beyond what is allowed under the City’s current General Plan and Zoning Code. No physical environmental impacts would occur.</p>
<p>Housing Program 1G: Federal and State Funding Programs</p>			<p>x</p>	<p>This program supports affordable housing/lower income housing by reviewing and identifying funding sources, thus, would not result in physical environmental impacts.</p>
<p>Housing Program 1I: Manufactured Housing</p>		<p>x</p>		<p>This program would amend the Solana Beach Municipal Code (SBMC) to define manufactured housing and mobile homes consistent with State law and identify the zone(s) where such housing is permitted. This program does not result in the direct construction or permitting of new housing. No development entitlements would be</p>

Attachment A

Solana Beach Housing Element Update Program Review Matrix

				issued and therefore, no physical environmental impacts would occur.
Housing Program 1J: Update Density Bonus Ordinance			x	This program amends the existing ordinance related to density bonuses to comply with new State law. Updating the ordinance and compliance with state law would not result in any direct, physical environmental impacts.
Housing Program 1K: Update Solana Beach Municipal Code to be Consistent With Ordinance 508 (Accessory Dwelling Units)			x	This program amends the existing SBMC for word consistency related to ALUs and ADUs. Amending for consistency would not result in physical environmental impacts.
Housing Program 1L: Amend Table 17.12.020-A of the Solana Beach Municipal Code Regarding Transitional and Supportive Housing			x	This program amends the existing SBMC to show that transitional and supportive housing are permitted uses where multifamily and mixed uses are permitted. Amending the code does not result in any direct construction or approved permits of new housing. No physical environmental impacts would occur.
Housing Program 1M: Amend the Solana Beach Municipal Code to define Employee Housing so that it is compliant with Sections 17021.5 and 17021.6 of the Employee Housing Act			x	This program amends the existing SBMC to define employee housing consistent with Section 17021.5 and 17025.6 of the Employee Housing Act (Health and Safety Code, § 17000 et seq.). Amending the code does not result in any direct construction or approved permits of new housing. No physical environmental impacts would occur.
Housing Program 1N: Amend the City's development process to assist in the development of housing for extremely-low households and households and individuals with special needs.			x	This program would amend the City's development process to allow for the discount of fees, expediated application review, or development impact fee deferral for housing for extremely-low households and households and individuals with special needs. Amending the code does not result in any direct construction or approved permits

Attachment A

Solana Beach Housing Element Update Program Review Matrix

				of new housing. No physical environmental impacts would occur.
Housing Program 10: Pursue outside funding opportunities for the development of lower and moderate income households.			x	This program promotes the City's pursuit of outside funding for lower and moderate income multi-family housing from non-profits, local, state, and federal programs. Promotion of funding opportunities does not result in physical environmental impacts.
Housing Program 2A: Preservation of At-Risk Housing			x	This program suggests that the City review affordable housing developments at risk of being converted into market-rate during the 6 th Cycle period. This would not result in reasonably foreseeable physical environmental impacts.
Housing Program 2B: Replacement Housing		x		This program would implement a replacement housing program to ensure the replacement of any units lost subject to the requirements of Government Code section 65915 subdivision (c)(3). The replacement program would not result in significant physical environmental impacts.
Housing Program 3A: Compliance with SB 35 Provisions			x	This program addresses compliance with applicable provisions, thus, would not result in physical environmental impacts.
Housing Program 3B: Public Education			x	This program promotes public educational materials related to development of housing. The information describes the benefits of affordable housing and the myths and realities of affordable housing through such means as public presentations, newspaper articles, and information posted on the City's website. No physical environmental impacts would occur.
Housing Program 3C: Water and Sewer Resources			x	This program allows for coordination between the City and water and sewer providers when considering approval

Attachment A

Solana Beach Housing Element Update Program Review Matrix

				of new residential projects. No physical environmental impacts would occur.
Housing Program 3D: Safety Element Update and adoption of an Environmental Justice Element			x	This is a program to coordinate adoption of other General Plan elements. These other elements are not a part of the HEU and therefore subject to separate review under CEQA. No physical environmental impacts would occur.
Housing Program 4A: Affirmatively Further Fair Housing			x	This program promotes the City's commitment to affirm fair housing. No proposed actions would result in physical environmental impacts.
Housing Program 4B: Emergency, Transitional and Supportive Housing and Lower Barrier Navigation Centers			x	This program evaluates barriers to access housing. It also includes City review and amendment of the SBMC to comply with updates to State law regarding transitional and emergency shelters. Thus, would not result in physical environmental impacts.
Housing Program 4C: Persons with Physical and Developmental Disabilities			x	This program aims to accommodate the approval of group homes, ADA retrofit efforts, ADA compliance and/or other measures through the implementation of Title 24 as well as amend its procedures to provide more flexibility in the development of accommodations for persons with physical and developmental disabilities by eliminating the need for a variance. No physical environmental impacts would occur.
Housing Program 4D: Section 8 Rental Assistance			x	This program aims to assist developers in applying for project-based Section 8 rental assistance as opportunities arise and continue to work with the County of San Diego Housing Authority regarding the administration of the Section 8 Rental Assistance Program. No physical environmental impacts would occur.

Attachment A

Solana Beach Housing Element Update Program Review Matrix

Housing Program 4E: Mortgage Credit Certificate (MCC)			x	This program aims to provide informational materials regarding this County program. No physical environmental impacts would occur.
Housing Program 4F: Amend the Reasonable Accommodation criteria within the City's Municipal Code			x	This program amends the SBMC to remove criteria related to reasonable accommodation. Amending the code does not result in any direct construction or approved permits of new housing. No physical environmental impacts would occur.
Housing Program 5A: Energy Conservation			x	This program aims to continue to develop additional energy conservation and sustainability programs. Thus, would not result in physical environmental impacts.

1.0 ENVIRONMENTAL CHECKLIST

The following sections evaluate the potential environmental impacts that could result from the 6th Cycle Housing Element Update (HEU) (project), including housing development on the candidate housing sites facilitated by the HEU. HEU implementation is anticipated to occur over the next eight years, which constitutes the City’s planning period from 2021 to 2029 to meet the State’s Regional Housing Needs Assessment (RHNA) allocation. Potential impacts are assessed against the existing conditions, long-term implementation, criteria for determining the significance of potential environmental impacts, analyses of the type and magnitude of environmental impacts, and compliance with existing regulatory framework that would reduce environmental impacts.

State CEQA Guidelines §15126.2(a) states that direct, indirect, short-term, long-term, on-site, and/or off-site impacts must be addressed, as appropriate, for the environmental issue being analyzed. This environmental checklist utilizes the following terms to describe the level of significance of impacts identified by the environmental analysis:

- No Impact: This term is used when the HEU would have no adverse effect on an environmental resource.
- Less than Significant: This term is used to refer to impacts resulting from implementation of the HEU that are not likely to exceed the defined threshold of significance. This term is also used to refer to potentially significant impacts that are reduced to a level that does not exceed the defined thresholds of significance after compliance with the existing regulatory framework through standard conditions.

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1.1 AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.2 AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.3 AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.4 BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.5 CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.6 ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.7 GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.8 GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.9 HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.10 HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
project may impede sustainable groundwater management of the basin?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.11 LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.12 MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
1.13 NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.14 POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.15 PUBLIC SERVICES. Would the project result in				
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.16 RECREATION. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.17 TRANSPORTATION. Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.18 TRIBAL CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?				
1.19 UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.20 WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.21 MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:				
a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number, or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1.1 Aesthetics

1.1a Would the Project have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. As discussed in detail in the City of Solana Beach General Plan (General Plan) Conservation and Open Space Element, the portions of the City offers scenic vistas of the Pacific Ocean. A substantial adverse effect to visual resources could result in situations in which a development project introduces physical features that are not characteristic of current development, obstructs an identified public scenic vista, impairs views from other properties, or has a substantial change to the natural landscape.

The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. The proposed HEU would not result in a significant adverse effect on a scenic vista. All future housing development facilitated by the HEU would be subject environmental review under CEQA, the City's development review process, and required to demonstrate consistency with General Plan policies and compliance with Solana Beach Municipal Code (SBMC) standards. Future housing development, including those intended to protect scenic vistas. Compliance with General Plan Conservation and Open Space Element Policies 3a-3d, which require new developments be subjected to visual impact analyses, integration with the surrounding environment, compliance with design guidelines and community design elements, and preservation of private views, would be required. Further, the project does not propose to rezone properties or change the City's development standards that could affect scenic vistas, such as those that regulate building height, setbacks, massing, and overall design. Therefore, impacts to scenic vistas would be less than significant.

1.1b Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

Less Than Significant Impact. There are no officially designated State scenic highways within the City.¹ However, Interstate 5 (I-5) is eligible for designation and Highway 101 provides scenic views along the Pacific Coast. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development throughout the City. Future housing development could occur near I-5/Highway 101 where trees, rock outcroppings, or historic buildings are present. SBMC §17.48.010 - Scenic Area Overlay Zone includes site development standards intended to protect the visual quality of the City's scenic corridors. Several candidate sites are within the City's Scenic Area Overlay Zone, thus, would be subject to compliance with SBMC §17.48.010, which requires a Development Review Permit as part of the City's entitlement process.

All future housing development facilitated by the HEU would be subject to the City's development review process and required to demonstrate consistency with General Plan policies and compliance with SBMC standards, including those intended to protect scenic resources. Therefore, project implementation would not substantially damage scenic resources associated with a scenic highway, historic building, or scenic resource. A less than significant impact would occur.

1.1c In non-urbanized areas, would the Project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points). If the Project is in

¹ California Department of Transportation, *California State Scenic Highway System Map*, Available at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>, Accessed February 14, 2021.

an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development, which is anticipated to occur in urbanized areas throughout the City. The General Plan contains goals and policies that govern scenic quality. Goal 3.2 aims to protect and enhance sensitive open space and viewsheds through Policies 1a through 1c, which restrict development along bluffs overlooking Solana Beach; preserve existing public beaches, parks, trails, and open space areas; and implement the Community Design Element. Additionally, Policies 3a through 3e aim to protect visual resources by requiring visual impact analyses where potential impacts upon sensitive locations are identified, integration of new development with the surrounding environment, preservation of private views, and dark sky policies. Overall, Conservation Element goals and policies promote consistency of new developments with surrounding structures and environment.

The SBMC contains standards that govern scenic quality. SBMC §17.63 - Visual Assessment protects visual quality by preserving the existing character of established residential neighborhoods, and protecting public and private views, and aesthetic resources. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to demonstrate compliance with SBMC standards, including those that protect against degradation of visual resources by requiring project modifications, conditions of approval or mitigation measures, as needed. Because future housing development consistency with General Plan policies and compliance with SBMC standards would be verified through the City's development review process, the project would not conflict with applicable policies or standards governing scenic quality. Therefore, impacts would be less than significant.

1.1d Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development throughout the City. Future housing development could add a new source of substantial light and glare. Potential new light sources include exterior nighttime lighting fixtures, parking area lighting, light glow from windows, doors and skylights, and accent lighting. The introduction of concentrated or multiple sources of nighttime lighting near low-density areas could result in potential impacts.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to comply with all applicable requirements concerning light and glare, including the California Green Building Standards Code (Title 24 Part 11) and SBMC §17.60.060, which control excessive or unnecessary outdoor light emissions in the City, and requires that lighting fixtures be shielded appropriately to eliminate light directed above the horizontal. Therefore, the HEU would not create a new source of substantial light or glare. Impacts would be less than significant.

Standard Conditions and Requirements

None are applicable to the project.

1.2 Agriculture and Forestry Resources

- 1.2a Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?
- 1.2b Would the Project conflict with existing zoning for agricultural use, or a Williamson Act Contract?
- 1.2c Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?
- 1.2d Would the Project result in the loss of forest land or conversion of forest land to non-forest use?
- 1.2e Would the Project involve other changes in the existing environment which, due to their location or nature could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest land?

1.2a-e. No Impact. The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. The City does not contain Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as classified by the State Department of Conservation Farmland Mapping and Monitoring Program (FMMP).² Additionally, the project does not propose redesignation or rezoning of properties within the City. Therefore, project implementation would not conflict with existing agricultural zoning or a Williamson Act contract, or result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, or conversion or loss of forest land. Further, the City does not contain land designated or used as forest land or timberland. Project implementation would not rezone or convert forest land or timberland. Therefore, the HEU would result in no impact to agricultural or forest resources.

Standard Conditions and Requirements

None are applicable to the project.

² California Department of Conservation, *California Important Farmland Finder*. <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed March 19, 2021

1.3 Air Quality

1.3a Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The San Diego Air Pollution Control District (SDAPCD) and San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plans for attainment and maintenance of ambient air quality standards in the San Diego Air Basin (SDAB)—specifically, the State Implementation Plan (SIP) and Regional Air Quality Strategy (RAQS). The California Air Resources Board (CARB) mobile source emission projections and SANDAG growth projections are based on population forecasts, vehicle trends, and land use plans developed by San Diego County and the County’s cities, as part of their general plan development.

The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. The HEU does not propose redesignation of properties within the City. Future housing development facilitated by the HEU that proposes to redesignate the property with greater density than assumed in the General Plan and SANDAG’s growth projections, could conflict with the SIP and RAQS and could contribute to a potentially significant cumulative impact on air quality.

As discussed previously, the project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development consistent with State housing law. The City can accommodate future housing needs within the existing land use designations and no redesignation/rezoning is required. The City’s Commercial Zone and Special Commercial Zone (which implements the General Commercial and Special Commercial Land Use designation) allows for mixed-use development that includes up to 20 dwelling units per acre (du/ac). This allowable residential use supports the SDAPCD’s strategies for encouraging increased development diversity by increasing residential units in the commercial and residential land uses zones.

Additionally, all future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City’s development review process, and required to adhere to all federal, state, and local regulations for minimizing construction and operational pollutant emissions, including the San Diego Air Pollution Control District Rules listed below:

- **SDAPCD Regulation IV: Prohibitions; Rule 50: Visible Emissions.** Prohibits discharge into the atmosphere from any single source of emissions whatsoever any air contaminant for a period or periods aggregating more than 3 minutes in any period of 60 consecutive minutes that is darker in shade than that designated as Number 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or of such opacity as to obscure an observer’s view to a degree greater than does smoke of a shade designated as Number 1 on the Ringelmann Chart.
- **SDAPCD Regulation IV: Prohibitions; Rule 51: Nuisance.** Prohibits the discharge, from any source, of such quantities of air contaminants or other materials that cause or have a tendency to cause injury, detriment, nuisance, annoyance to people and/or the public, or damage to any business or property.
- **SDAPCD Regulation IV: Prohibitions; Rule 55: Fugitive Dust.** Regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions, including active operations, open storage piles,

and inactive disturbed areas, as well as track-out and carry-out onto paved roads beyond a project site.

- **SDAPCD Regulation IV: Prohibitions; Rule 67.0.1: Architectural Coatings.** Requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories.

Furthermore, the HEU would comply with General Plan Conservation and Open Space Element Measure 1 which encourages the mixture of residential and commercial uses in and around commercial areas. Therefore, air quality impacts from future development on candidate housing sites would be less than significant following compliance with the existing regulatory framework.

It is noted, the City's goal is to achieve Housing and Community Development (HCD) HEU certification; therefore, the project must comply with applicable federal, state, regional, and local housing laws, and policies. As a result, it is not anticipated that future housing development facilitated by the HEU would interfere with SDAPCD goals for improving air quality in the San Diego Air Basin (SDAB) or conflict with or obstruct implementation of applicable air quality plans. Therefore, air quality impacts would be less than significant.

1.3b Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development throughout the City, which would occur as market conditions allow and at the discretion of the individual property owners. Future housing development could result in temporary, short-term pollutants from construction-related soil disturbance, fugitive dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials. Construction emissions would be temporary, with construction activities and associated emissions ceasing once housing development is complete. Further, construction emissions can vary substantially from day to day depending on activity level, the specific operation type, and, for dust, prevailing weather conditions.

All future housing development facilitated by the HEU would be subject the City's development review process and required to demonstrate compliance with federal, state, and local regulations in effect at the time at the time of development, including the General Plan policies and SBMC standards. The City's Development Review Permit process outlined in SBMC §17.68.040 and building permit application may require future housing development conduct air quality (and other technical) studies to demonstrate compliance with SDAPCD air quality construction thresholds.

Concerning operational thresholds, future housing development facilitated by the HEU would likely generate VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} operational emissions from mobile sources (i.e., vehicle trips), use of consumer products, architectural coatings for repainting, and landscape maintenance equipment; and energy sources (i.e., combustion of fuels used for space and water heating and cooking appliances). In analyzing cumulative impacts for future housing development facilitated by the HEU, an analysis must specifically evaluate a development's contribution to the cumulative increase in pollutants for which the SDAB is designated as nonattainment for the CAAQS and NAAQS. The SDAB has been designated as a federal nonattainment area for O₃ and a State nonattainment area for O₃, PM₁₀, and

PM_{2.5}, PM₁₀ and PM_{2.5} emissions associated with construction generally result in nearfield impacts. The nonattainment status is the result of cumulative emissions from all sources of these air pollutants and their precursors within the SDAB. Future housing developments would be required to demonstrate that VOC, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} emissions would be below the significance thresholds for both construction and operational activities. All future housing development would require further evaluation under this criterion to demonstrate that both daily construction emissions and operations would not exceed SDAPCD's significance thresholds for any criteria air pollutant. Additionally, future housing development construction activities would be subject to SDAPCD Rule 55: Fugitive Dust Control, which requires actions to restrict visible emissions of fugitive dust beyond the property line. Compliance with Rule 55 would limit fugitive dust (i.e., PM₁₀ and PM_{2.5}) that may be generated during grading and construction activities. Future housing developments also would be subject to SDAPCD Rule 67.0: Architectural Coatings, which establishes maximum VOC contents of 50 and 100 grams per liter for flat and non-flat coatings, respectively. All future development facilitated by the HEU would also be subject to environmental review under CEQA, the City's development review process, and required to adhere to relevant federal, state, and local regulations for minimizing construction and operational pollutant emissions and General Plan Land Use Element Policy 3.6, which promotes the use of solar panels, and other green energy sources in conjunction with new development to reduce emissions during project operations. Future housing development, at a minimum, would be required to meet California Green Building Standards Code (CALGreen) and Energy Code (Title 24, Part 6 of the California Code of Regulations) mandatory energy requirements in effect at the time of the development application. Projects would benefit from the efficiencies associated with these regulations as they relate to building heating, ventilating, and air conditioning mechanical systems, water heating systems, and lighting. Considering these requirements, future development housing development facilitated by the HEU would not result in a cumulatively considerable net increase of any criteria pollutant for which the SDAB is in nonattainment under an applicable federal or state ambient air quality standard. Therefore, impacts would be less than significant.

1.3c Would the Project expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. As discussed above, the project would not result in direct housing construction, but would facilitate future housing development throughout the City consistent with State Housing laws. Future housing development would be evaluated on a case by case basis. As a result, no air modeling was conducted for this analysis.

Toxic Air Contaminants

Future housing development could include emissions of pollutants identified by the state and federal government as toxic air contaminants (TACs) or hazardous air pollutants (HAPs). The greatest potential for TAC emissions during construction would be diesel particulate emissions from heavy equipment operations and heavy-duty trucks and the associated health impacts to sensitive receptors. Compliance with various measures (e.g., 13 California Code of Regulations (CCR) 2449 and 13 CCR 2485) would be required by state law to reduce DPM emissions. It is unlikely that future housing development facilitated by the HEU would require the extensive operation of heavy-duty construction equipment, or extensive use of diesel trucks, which would be subject to a CARB Airborne Toxics Control Measure for in-use diesel construction equipment to reduce diesel particulate emissions.

Carbon Monoxide Hot Spots

Mobile-source impacts, including those related to CO, occur essentially on two scales. Regionally, construction travel associated with future housing development would add to regional trip generation and increase the vehicle miles travelled (VMT) within the local airshed and the SDAB. Locally, construction traffic would be added to the roadway system in the vicinity of future housing development sites. Although the SDAB is currently an attainment area for CO, there is a potential for the formation of microscale CO “hotspots” to occur immediately around points of congested traffic. Hotspots can form if traffic occurs during periods of poor atmospheric ventilation that is composed of a large number of vehicles cold-started and operating at pollution-inefficient speeds, and/or is operating on roadways already congested with existing traffic.

Typically, high CO concentrations are associated with congested roadways. Traffic associated with future housing development facilitated by the HEU could contribute to traffic congestion that could result in the formation of CO hotspots. Because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SDAB is steadily decreasing. All future housing development facilitated by the HEU would require further evaluation under this criterion through the City’s development review process to demonstrate that both daily construction emissions and operations would not exceed SDAPCD’s significance thresholds for any criteria air pollutant.

Future construction activities would be subject to environmental review under CEQA and comply with SDAPCD Rules. Therefore, future housing development facilitated by the HEU would not expose sensitive receptors to substantial pollutant concentrations.

1.3d Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. Land uses and industrial operations associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding.

As discussed above, the project would not result in direct housing construction, but would facilitate future housing development throughout the City. Future housing development facilitated by the HEU would result in new housing development and not development of a land use that is commonly associated with odors. However, future housing development facilitated could result in odors generated from vehicles and/or equipment exhaust emissions during construction. Such odors would be temporary and generally would occur at magnitudes that would not affect substantial numbers of people. Future housing development facilitated by the HEU would not expose a substantial number of people to odors. Therefore, impacts would be less than significant.

Standard Conditions and Requirements

None are applicable to the project.

1.4 Biological Resources

1.4a **Would the Project have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game of U.S. Fish and Wildlife Service?**

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. Additionally, given the City's existing developed nature, the candidate housing sites mostly include properties that are developed and adjacent to existing development. However, future housing development could impact candidate, sensitive, or special status wildlife or plant species through direct or indirect disturbance or elimination of essential habitat.

San Elijo Lagoon Ecological Reserve's southern extension is within the City's northern area. No candidate housing sites are proposed within the reserve or any other officially designated environmentally sensitive habitat areas (ESHA). However, candidate housing sites 76 and 77 are proposed adjacent to an ESHA and a small portion of candidate housing site 5 is located within a potential ESHA. City of Solana Beach Local Coastal Program (LCP) Chapter 3, Marine and Land Resources, details sensitive vegetation communities, plant species, and animal species located throughout City and related land use plan policies. Candidate housing sites 12, 13, 25, 63, 64, and 65 are proposed near sensitive resources identified in the LCP.

Future housing development facilitated by the HEU has the potential to impact nesting birds which have acclimated to urban life and nest and forage in the local trees and shrubs. These bird species are protected under the Migratory Bird Treaty Act (MBTA). Although the MBTA is no longer interpreted to protect migratory birds and raptors from incidental take, State Fish and Game Commission §3503 and §3503.5 still provide these protections. If vegetation clearing would occur during the bird breeding season (February 1 to July 15 for raptors and January 15 to August 31 for other birds), direct impacts to nesting birds could occur.

All future housing development facilitated by the HEU would be subject to the City's development review process, which includes site-specific analysis. All future housing development would be required to demonstrate compliance with federal, state, and local regulations aimed at protecting biological resources, including those in the City's General Plan and LCP, as well as the County's Multiple Species Conservation Plan.

All future housing development facilitated by the HEU would be required to demonstrate consistency with General Plan Conservation and Open Space Element policies 5a-5f, which aims to preserve sensitive habitat as permanent open space to protect biological resources, and enforce measures to minimize future impacts on San Elijo Lagoon.

All future housing development facilitated by the HEU would be required to demonstrate consistency with LCP policies, including those found in LCP Chapter 3 concerning ESHA designation and protection, areas adjacent to ESHA, and native tree protection. Specifically, Policy 3.22 requires that development adjacent to ESHAs provide a native vegetation buffer.

All future housing development facilitated by the HEU would be required to demonstrate consistency with San Diego Multiple Habitat Conservation Program (MHCP) policies related to development such as

requiring setback limitations from sensitive habitat areas, locating staging areas in disturbed habitat, and place new development in already disturbed areas.

All future housing developments facilitated by the HEU would also be required to incorporate measures for protecting biological resources from construction-related activities such as vegetation removal and degradation to plant and wildlife habitat as incorporated in Standard Condition (SC) BIO-1 and SC BIO-3. Following compliance with the established regulatory framework described above, as well as SC BIO-1 and SC BIO-3, future housing development would not result in substantial adverse effect, either directly or indirectly, or through habitat modifications to special status wildlife and plants. Therefore, impacts would be less than significant level.

1.4b Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant Impact. Exhibit 2 depicts areas within the City identified as containing riparian habitat or other sensitive natural community. A portion of the San Elijo Lagoon Ecological Reserve is also located in the City. The project would not result in direct housing construction but would facilitate future housing development throughout the City. Additionally, there are no candidate housing sites proposed within the San Elijo Lagoon Ecological Reserve. Candidate housing sites 12, 13, 25, 63, 64, and 65 are located near riparian habitat or other sensitive natural community, as identified in the LCP.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA and the City's development review process, which includes site-specific analysis where sensitive vegetation communities are assumed to be present. Surveys would verify and confirm the presence of sensitive vegetation communities and determine the extent of any potential impacts and the need for mitigation. All future housing development facilitated by the HEU would be required to demonstrate compliance with federal, state, and local requirements aimed at protecting biological resources, including those in the City's General Plan and LCP, as well as the County's MSCP, as discussed in Response 1.4a above. Additionally, all future housing development facilitated by the HEU would be required to comply with SC BIO-1 and SC BIO-2 for avoiding and minimizing construction and operations impacts to riparian habitat or other sensitive vegetation communities. Therefore, the HEU would not result in substantial adverse effect, either directly or indirectly, on any sensitive vegetation communities.

1.4c Would the Project have a substantial adverse effect on a State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less Than Significant Impact. Wetlands occur primarily in the San Elijo Lagoon Ecological Reserve and along a few urban drainages in the City.³ As discussed above, the project would not result in direct housing construction but would facilitate future housing development throughout the City. As depicted in Exhibit 2, there are no candidate housing sites proposed on the Reserve. However, future housing development facilitated by the HEU could directly or indirectly impact aquatic resources deemed jurisdictional wetlands or other waters of the U.S. or State. LCP Chapter 3.C.3 (Land Use Plan Policies-Wetlands), provides policies to restrict and regulate development or land alteration in, adjacent to, or draining into a coastal lagoon or wetland area. Per the LCP, it is City policy that there would be no net loss of wetland acreage or resource

³ U.S. Fish and Wildlife Service, *National Wetlands Inventory*. www.fws.gov/wetlands/Data/Mapper.html, accessed February 10, 2020.

value as a result of land use or development. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to demonstrate compliance with relevant federal, state, and local regulations for avoiding and minimizing impacts to wetlands and other waters of the U.S. and State. Future housing development would also be subject to compliance with SC BIO-2 for avoiding and minimizing impacts. Following compliance with the established regulatory framework, as well as SC BIO-2, future housing development would not result in substantial adverse effect, either directly or indirectly, on any known wetlands or other waters of the U.S. and State. A less than significant impact would occur.

1.4d Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate future housing development throughout the City. As discussed in Response 1.4a above, future housing development facilitated by the HEU could impact nesting birds that nest and forage in local trees and shrubs. These bird species are protected under State Fish and Game Commission §3503 and 3503.5. LCP Chapter 3, Marine and Land Resources, contains the following policies to protect movement within wildlife corridors:

- **Policy 3.47:** Fencing or walls shall be prohibited within riparian habitat and on bluffs, except where necessary for public safety, wildfire risk abatement, habitat protection, or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor. Walls installed for public fire safety reasons, which are located within very high fire hazard severity zones as identified on the City's WUI map, shall be constructed of non-combustible materials. Openings in walls and gates for emergency access or wildlife movement purposes may be required.
- **Policy 3.48:** Fencing adjacent to ESHA shall be sited and designed to be wildlife permeable, enabling wildlife to pass through, except where the fencing is adjacent to residential areas and intended to prevent domestic animals from entering the ESHA or buffer area, and does not cross probable wildlife corridors

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to relevant federal, state, and local regulations for avoiding and minimizing interference with the movement of any native resident or migratory fish and wildlife species, migratory wildlife species, or migratory wildlife corridors. Future housing development where the City has determined a potential for impacts to a wildlife corridor, would be required to comply with SC BIO-1. In addition, SC BIO-3 requires a preconstruction survey for nesting birds for all sites that contain trees, shrubs and/or other vegetation. Following compliance with the established regulatory framework, as well as SC BIO-1 and SC BIO-3, future housing development would result in a less than significant impact on wildlife corridors. Impacts would be less than significant.

1.4e Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. General Plan Conservation and Open Space Element Policy 5a, states that the City shall require that all development proposals provide adequate mitigation measures for identified significant biological resources. LCP Chapter 3 provides land use policies for the protection of native trees.

SBMC Chapter 11.23 - Trees and Shrubs provides local regulations related to interference, removal, and planting of trees.

As discussed above, the project would not result in direct housing construction, but would facilitate future housing development throughout the City. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to demonstrate compliance with General Plan Conservation and Open Space Element Policy 5a, LCP Chapter 3, and SBMC Chapter 11.23. The project would not conflict with any local policies or ordinances protecting biological resources, and impacts would be less than significant.

1.4f Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less Than Significant Impact. The County's MHCP is a comprehensive, multiple jurisdictional planning program designed to develop an ecosystem preserve in northwestern San Diego County. Areas containing sensitive species and habitats are protected by the MHCP through the creation of provisions and mitigation measures, which inhibit development in a manner that would otherwise be harmful to those sensitive species and habitats. The entire City is within the MHCP study area, and therefore all candidate housing sites are within the MHCP study area.

As discussed above, the project would not result in direct housing construction, but would facilitate future housing development throughout the City. Future housing development could be located within MHCP jurisdiction. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to demonstrate consistency with the MHCP. Therefore, the project would not result in any direct environmental impacts that would conflict with provisions of an adopted Habitat Conservation Plan or Natural Community Conservation Plan.

Standard Conditions and Requirements

SC BIO-1: Future housing development facilitated by the HEU where the City has determined a potential for impacts to special-status wildlife and plants species, shall comply with the following framework: Prior to the issuance of any permit for future housing development facilitated by the HEU, a site-specific general biological resources survey shall be conducted on sites that, according to the Local Coastal Program, contain any sensitive plant or wildlife species. A biological resources report shall be submitted to the City to document the results of the biological resources survey. The report shall include (1) the methods used to determine the presence of sensitive biological resources; (2) vegetation mapping of all vegetation communities and/or land cover types; (3) the locations of any sensitive plant and wildlife species; (4) an evaluation of the potential for occurrence of any listed, rare, and narrow endemic species; (5) an evaluation of the significance of any potential direct or indirect impacts from the proposed project; (6) if potentially significant impacts to sensitive biological resources are identified, the requirement for grading and site plans to incorporate project design features to avoid or reduce direct impacts on sensitive biological resources to the extent feasible; and (7) appropriate measures to avoid or reduce impacts on sensitive biological resources.

SC BIO-2: Future housing development facilitated by the HEU, where the City has determined a potential for impacts to protected wetlands or other waters of the U.S. and State, shall be required to comply with the following framework: Prior to the issuance of any permit for future housing development facilitated by the HEU, where the City has determined the potential for impacts to jurisdictional aquatic resources, shall be required to prepare an aquatic resources delineation survey. The limits of any jurisdictional resources shall be delineated. A delineation report shall be submitted to the City to document the results of the aquatic resources delineation. The report shall include (1) the methods used to determine the presence of aquatic resources; (2) mapping of all resources; (3) an evaluation of the significance of any potential direct or indirect impacts from the proposed project; (4) if potentially significant impacts to aquatic resources are identified, the requirement for grading and site plans to incorporate project design features to avoid or reduce direct impacts on aquatic resources to the extent feasible; and (5) appropriate measures to avoid or reduce impacts to aquatic resources.

SC BIO-3: Housing development facilitated by the HEU shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, the applicant shall be responsible for hiring a qualified biologist to conduct a pre-construction nesting bird survey prior to commencement of any ground disturbing activities to determine the presence/absence, location, and status of any active nests on/adjacent to the survey area. The extent of the survey buffer area surrounding each site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish and Game Code and minimize the potential for project delay, nesting bird surveys shall be performed by the qualified biologist prior to project commencement. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer shall be allowed until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

1.5 Cultural Resources

1.5a Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?

Less than Significant Impact. Based on National Register of Historical Places (NRHP) guidelines, generally, structures 50 years of age or older could be a historic resource. According to the LCP, there are six known archaeological/historical sites. According to the City’s LCP Chapter 5, historic resources are limited in Solana Beach, as nearly all of the City’s earliest structures have been replaced with new development.

Project implementation has the potential for development over the next ten or more years. All candidate housing sites, except those listed in **Table 1.5-1: Candidate Housing Sites on Vacant Sites**, are developed. The existing buildings/structures on the candidate housing sites could be 50 years of age or older, or could reach 50 years during HEU implementation. Therefore, any candidate housing site that is presently developed has the potential to contain a historical structure(s) during HEU implementation.

Site Number	Assessor’s Parcel Number	Address ¹	Size (AC)	Existing Baseline Condition
1	2980943200	0 Granados Avenue	0.34	Vacant
21	2980921300	0 Rios Avenue	0.42	Vacant
22	2980921400	0 Rios Avenue	0.4	Vacant
24	2982701800	2466 Mango Way	0.21	Vacant
26	2981331300	820 Vera Street	0.16	Vacant
27	2981331100	834 Vera Street	0.15	Vacant
42	2982932000	0 Ida Avenue	0.51	Vacant
43	2982704100	990 Highland Drive	1.22	Vacant
44	2981623700	0 Ida Avenue	0.77	Vacant
45	2982604400	0 Del Mar Downs Road	0.94	Vacant

1. Vacant parcels do not have addresses and are only identified by street name.

The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Therefore, future housing development facilitated by the HEU could cause a substantial adverse change in the significance of a historical resource through demolition, destruction, relocation, or alteration, if such a resource is present on or near the site.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City’s development review process, and required to adhere to all federal, state, and local regulations for avoiding impacts to historical resources, including the National Historic Preservation Act. It is noted, General Plan Conservation and Open Space Element Objective 6 aims to prevent the loss of important historical resources. To this end, Conservation and Open Space Element Policy 6B requires that sites proposed for future development be evaluated by certified archaeologists (and paleontologists) in accordance with CEQA. Cultural resources database searches and field surveys would be performed prior to any ground-disturbing activity, to determine the presence of any significant cultural resources. All

future housing development facilitated by the HEU would be subject to compliance with SC CUL-1, which specifies the framework for addressing potential impacts to buildings in excess of 50 years of age. Following compliance with the established regulatory framework, impacts would be less than significant.

1.5b Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate future housing development throughout the City. Therefore, ground-disturbing activities such as grading or excavation, associated with future housing development facilitated by the HEU could impact archaeological resources. As previously mentioned, according to the LCP, there are six known archaeological/historical sites. The likelihood of encountering archeological resources on undeveloped sites is greatest given these have been minimally disturbed in the past (e.g., undeveloped parcels, vacant lots, and lots containing undeveloped areas). Alternately, previously disturbed sites are generally considered to have a lower potential for archeological resources, since previous construction activities may have already removed or disturbed soil that may have contained resources. All candidate housing sites, except those listed in **Table 1.5-1**, are developed and, therefore, have a lower potential for archeological resources. Notwithstanding, future housing development could disturb and potentially destroy subsurface prehistoric/historic archaeological resources through ground disturbances. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements for avoiding impacts to archeological resources. This includes compliance with the City's LCP, and General Plan Conservation and Open Space Element Objective 6, which aims to prevent the loss of important archaeological resources. In the likelihood that future housing development would impact archeological resources, compliance with SC CR-2 would be required. SC CR-2 requires preparation of an archaeological resource report where the City has deemed a potential impact to archaeological resources. Compliance with the established regulatory framework, as well as SC CR-2, would reduce impacts to a less than significant impact.

1.5c Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant. There are no known burial sites or cemeteries in the City. Therefore, it is not anticipated that human remains would be present in the City outside formal cemeteries. Additionally, the project would not result in direct housing construction. Notwithstanding, the project would facilitate future housing development throughout the City. Therefore, human remains could be disturbed as a result of future development facilitated by the HEU. If human remains are found, those remains would require proper treatment in accordance with applicable laws, including State of California Health and Safety Code (HSC) §§7050.5-7055 and PRC §5097.98 and §5097.99. HSC §§7050.5-7055 describe the general provisions for treatment of human remains. Specifically, HSC §7050.5 prescribes the requirements for the treatment of any human remains that are accidentally discovered during excavation of a site. HSC §7050.5 also requires that all activities cease immediately, and a qualified archaeologist and Native American monitor be contacted immediately. As required by State law, the procedures set forth in PRC §5087.98 would be implemented, including evaluation by the County Coroner and notification of the NAHC. The NAHC would designate the "Most Likely Descendent" of the unearthed human remains. If human remains are found during excavation, excavation would be halted near the find and any area that is reasonably suspected to overlay adjacent remains shall remain undisturbed until the County Coroner has investigated, and appropriate recommendations have been made for treatment and disposition of

the remains. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to demonstrate compliance with the regulatory framework. In the likelihood that future housing development would disturb any human remains, projects would be required to comply with SC CR – 3. Compliance with the established regulatory framework would result in a less than significant impact.

Standard Conditions and Requirements

- SC CR-1** Future housing development facilitated by the HEU, where the archaeologist has determined a potential for impacts to historic resources, shall be required to comply with the following framework: For any building/structures in excess of 50 years of age, and prior to the issuance of any permit, the applicant shall retain a qualified professional historian to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in State CEQA Guidelines §15064.5. A historical resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, and evaluate the significance of any historical resources identified.
- SC CR-2** Future housing development facilitated by the HEU, where the City has determined a potential for impacts to archeological resources, shall be required to comply with the following framework: Prior to the issuance of any permit on a previously undisturbed site, the applicant shall retain a qualified archaeologist to conduct an archaeological survey to evaluate the presence of cultural resources and the need for preservation, relocation, or other methods. An archaeological resource report shall be submitted by the applicant to the City and shall include the methods used to determine the presence or absence of archaeological resources, identify potential impacts from the proposed project, and evaluate the significance of any archaeological resources identified. If there are potentially significant impacts to an identified archaeological/cultural resource, the report shall also recommend appropriate mitigation required by the applicant.
- SC CR-3** Future housing development facilitated by the HEU, where the City has determined a potential for impacts to human remains, shall be required to comply with the following framework: In the event that human remains are discovered or unearthed, all earth-disturbing work within a 100-meter radius of the location of the human remains shall be temporarily suspended or redirected by the applicant until a forensic expert retained by the applicant has identified and evaluated the nature and significance of the find, in compliance with State CEQA Guidelines 15064.5(f). If human remains of Native American origin are discovered or unearthed, the applicant shall contact the consulting tribe, as detailed in SC TCR-1, regarding any finds and provide information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input concerning significance and treatment. After the find has been appropriately mitigated, as determined and documented by a qualified archaeologist, work in the area may resume.

1.6 Energy

1.6a Would the Project result in a potentially significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?

San Diego Gas and Electric (SDG&E), operated by Sempra Energy, provides electricity and natural gas service to the City.

Construction

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. Therefore, future housing development facilitated by the HEU would result in the direct consumption of electricity and natural gas resources. Energy use from construction activities would primarily result from the use of diesel fuel (e.g., mobile construction equipment), fuel use by vehicles and construction equipment and vehicle trips associated with workers commuting to and from construction sites, and electricity (e.g., power tools) and fuel use. During construction, some incidental energy conservation would occur through compliance with State requirements. Construction equipment would also be required to comply with the latest Environmental Protection Agency (EPA) and CARB engine emissions standards. Construction-related energy consumption associated with future housing developments would be subject to project-level review, approval by the City, and environmental review under CEQA.

Future construction activities associated with future housing development would also be required to monitor air quality emissions using applicable regulatory guidance per SDAPCD. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced as a result of monitoring and the efficient use of equipment and materials, this results in reduced energy consumption. There are no aspects of the HEU that would foreseeably result in the inefficient, wasteful, or unnecessary consumption of energy during construction activities of future housing developments.

There are no unusual characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or state. Future housing developments would be subject to environmental review under CEQA and project-specific review and approval to ensure compliance with applicable City goals, policies, and code requirements. Therefore, it is expected that construction fuel consumption associated with the HEU would not be any more inefficient, wasteful, or unnecessary than other similar projects of this nature. Impacts to energy resources associated with the future developments' construction activities would be less than significant. Project implementation would not grant any entitlements or building permit issuances that would result in wasteful, inefficient, or unnecessary consumption of energy resources.

Operations

Less Than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Future development facilitated by the HEU would consume energy during operations through building electricity, water, and natural gas usage, as well as fuel usage from on-road vehicles. Passenger vehicles would be mostly powered by gasoline, with some fueled by diesel or electricity. Public transit would be powered by diesel or natural gas and could potentially be fueled by electricity. All future housing development facilitated by the HEU would be subject to the City's development review process and required to adhere to all federal, state, and local requirements for energy efficiency, including SB 32's Scoping Plan that includes a 50 percent reduction in

petroleum use in vehicles, SANDAGs 2014 San Diego Regional Energy Strategy, which calls for the support of land use and transportation planning strategies that reduce energy use and GHG emissions, and the latest Title 24 standards. It is also noted that the project design and materials would be subject to compliance with the most current Building Energy Efficiency Standards. Prior to issuance of a building permit, the City would review and verify that the project plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards. The project would also be required adhere to the provisions of California Green Building Standards Code (CALGreen), which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. Therefore, project implementation would not result in a substantial increase in transportation-related energy uses, such that it would result in a wasteful, inefficient, or unnecessary consumption of energy resources.

1.6b Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

No Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Future housing development facilitated by the proposed project would be required to comply with State Building Energy Efficiency Standards, appliance efficiency regulations, and green building standards. Project development would not cause inefficient, wasteful and unnecessary energy consumption, and no adverse impact would occur. Furthermore, the General Plan and Climate Action Plan (CAP) identify goals and policies related to energy efficiency and renewable energy sources. Future developments would be reviewed for consistency with City policies related to renewable energy and energy efficiency.

Future housing development facilitated by the proposed project would be required to obtain permits and comply with federal, state, and local regulations aimed at reducing energy consumption. In addition, the General Plan and CAP include policies aimed at reducing energy consumption. Federal and state energy regulations, such as the California Energy Code Building Energy Efficiency Standards (CCR Title 24, Part 6), the CALGreen Code (CCR Title 24, Part 11), and SB 743 transportation-related impact analysis requirements would also be imposed through future development permit review to minimize future energy consumption. Therefore, future housing development facilitated by the HEU would be required to be consistent with applicable federal, state, and local laws, policies, and regulations related to renewable energy and energy efficiency. No direct physical environmental impacts would occur.

Standard Conditions and Requirements

None are applicable to the project.

1.7 Geology and Soils

1.7a.i **Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?**

Less Than Significant Impact. The project would not result in direct housing construction. Additionally, no known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, traverses the City.⁴ Therefore, future housing development facilitated by the HEU would not cause potential substantial adverse effects involving rupture of a known earthquake fault. No impact would occur.

1.7a.ii **Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?**

Less Than Significant Impact. As discussed in General Plan Safety Element, the City is in a region containing various faults and has experienced historic seismic activity. The project would not result in direct housing construction, but would facilitate future housing development throughout the City. Future housing facilitated by the HEU could be subject to moderate to strong ground shaking in the event of an earthquake on one of the regional faults including the San Andreas fault to the east and the parallel fault systems of the Elsinore fault to the east, as well as the offshore Rose Canyon faults.

In general, all future housing development facilitated by the HEU would be required to demonstrate conformance with seismic design guidelines and requirements contained in the City's Buildings and Construction Code (SBMC Title 15) and requirements would be confirmed through the design review and building plan review processes. The CBC contains design and construction regulations pertaining to seismic safety for buildings, which covers issues such as ground motion, soil classifications, redundancy, drift, and deformation compatibility. SBMC Chapter 15.40 - Excavation and Grading, requires that a grading permit be obtained prior to grading, and that all applications include a statement signed by the owner acknowledging that a civil engineer, soils engineer and/or geologist will be employed to give technical advice and consultation or observe the work, whenever approval of the plans and issuance of the permit are to be based on the condition that such professional persons be so employed.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements for avoiding and minimizing seismic-related impacts. Following compliance with the established regulatory framework, the HEU would result in a less than significant impact concerning potential exposure to seismic-related hazards, which could result in adverse effects. Therefore, impacts are considered less than significant.

1.7a.iii **Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?**

Less Than Significant Impact. Liquefaction is the loss of strength where loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions. The potential for liquefaction in the City is greatest in the area located generally between Stevens Avenue and Valley

⁴ California Department of Conservation, *Regulatory Maps*, Available at: <https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/>, Accessed January 5, 2021.

Avenue and in the area north of Via de la Valle between Del Mar Downs and Stevens Avenue.⁵ These are the only areas in the City, which are underlain by poorly consolidated alluvium and slope wash which could liquefy during an earthquake depending upon groundwater conditions.

The project would not result in direct housing construction, but would facilitate future housing development throughout the City. Therefore, future housing facilitated by the HEU could be subject to liquefaction. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements, including the City's Uniform Codes for Construction Building Code (SBMC Chapter 15.08), and the City's Grading Ordinance (SBMC Chapter 15.40), which would require a Grading Plan and Soils Engineering Report before issuance of grading permits (§15.40.250). The Soils Engineering Report would confirm site-specific soil composition and assign an EI rating, and would include conclusions and recommendations addressing grading procedures, soil stabilization, and foundation design. Considering these requirements, including the preparation of Soils Engineering Reports for future housing developments, as required by City Codes, future housing development facilitated by the HEU would not create substantial risks to life or property associated with expansive soils. Therefore, impacts would be less than significant.

1.7a.iv Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

Less Than Significant Impact. Landslides can occur if areas of steep slopes consisting of unstable soils are disturbed by ground shaking and/or heavy rainfall. The principal area of concern regarding slope stability is along the City's coastal bluffs.⁶ As seen in **Exhibit 2: Environmental Conditions on Candidate Housing Sites**, one housing candidate site (Site 29) is located along coastal bluffs that are susceptible to landslide hazards.

The project would not result in direct housing construction, but would facilitate future housing development throughout the City. Therefore, future housing facilitated by the HEU could be subject to landslides. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements for avoiding and minimizing seismic-related impacts (i.e. ground failure including landslides). Therefore, no impacts related to landslides would occur.

1.7b Would the Project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate future housing development throughout the City. Therefore, future development facilitated by the HEU would involve grading activities that would disrupt soil profiles, and thereby result in potential increased exposure of soils to wind and rain. Erosion on graded slopes could cause downstream sedimentation impacts. Other related impacts resulting from substantial short-term erosion or loss of topsoil include topography changes and the creation of impervious surfaces.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements for avoiding and minimizing impacts concerning soil erosion or loss of topsoil, including the

⁵ City of Solana Beach Safety Element, 2.1.2 Geologic and Seismic Constraints to Development *Liquefaction*.

⁶ City of Solana Beach Safety Element, 2.1.2 Geologic and Seismic Constraints to Development *Landslides*.

City's Excavation and Grading Ordinance (SBMC Chapter 15.40), which establishes minimum requirements for grading, excavating and filling of land, and provides for the issuance of permits. Prior to initiation of ground disturbing activities, future project applicants would be required to demonstrate compliance with the SBMC including requirements pertaining to erosion control to the satisfaction of the City Building Department. Short-term construction-related erosion would be addressed through compliance with the NPDES program, which requires implementation of a Storm Water Pollution Prevention Plan (SWPPP) and best management practices (BMPs) intended to reduce soil erosion. Considering these requirements, future housing development facilitated by the HEU would not result in substantial soil erosion or loss of topsoil. Therefore, impacts would be less than significant.

1.7c Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

1.7d Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less Than Significant Impact. Subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence include those with high silt or clay content. The potential for liquefaction is greatest in the area located generally between Stevens Avenue and Valley Avenue, and in the area north of Via de la Valle between Del Mar Downs and Stevens Avenue.⁷ These are the only areas in the city which are underlain by poorly consolidated alluvium and slope wash, which could liquefy during an earthquake depending upon groundwater conditions. Some candidate housing sites are located within this area.

The project would not result in direct housing construction but would facilitate future housing development throughout the City. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements, including the City's Uniform Codes for Construction Building Code (SBMC Chapter 15.08), and the City's Grading Ordinance (SBMC Chapter 15.40), which would require a Grading Plan and Soils Engineering Report before issuance of grading permits (§15.40.250). The Soils Engineering Report would confirm site-specific soil composition and assign an EI rating, and would include conclusions and recommendations addressing grading procedures, soil stabilization, and foundation design. Considering these requirements, including the preparation of Soils Engineering Reports for future housing developments, future housing development facilitated by the HEU would not create substantial risks to life or property associated with expansive soils. Therefore, impacts would be less than significant.

1.7e Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. All future housing development facilitated by the HEU would be in areas served by the City's sanitary sewer system and would therefore not use septic tanks or other alternative wastewater disposal systems. Therefore, no impact would occur.

⁷ Ibid

1.7f Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. The General Plan Conservation Element defines paleontological resources as prehistoric plant and animal fossils embedded in subsurface geologic materials and identifies existing cultural/scientific resources within City boundaries. The specific underlying geology is not known for any candidate housing sites at this level of programmatic analysis; however, the San Diego region has been designated a paleontological resource of high sensitivity. Additionally, the geologic formations in Solana Beach consist of marine sedimentary deposits which are expected to contain fossils. However, no significant fossil localities have been identified within the City. The localities found nearest to Solana Beach are situated along the coast between Del Mar and La Jolla. These resources include fossil mollusk localities, fossil calcereous nannoplankton localities, and fossil mammal localities. Aquatic shell fossils have also been found at the northwest area of the City, and they may extend into the City in very small areas. No housing candidate sites are located proximate to identified fossil localities.

While the project would not result in direct housing construction, it would facilitate and provide a policy framework for future housing development throughout the City. Therefore, there is a likelihood that earthwork activities associated with future housing development facilitated by the HEU would encounter a paleontological resource. Direct impacts to paleontological resources could occur when earthwork activities (e.g., grading) cut into sensitive paleontological areas, thereby directly damaging the resource, or exposing paleontological resources to potential indirect impacts (e.g., surficial erosion, uncontrolled specimen collection).

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to demonstrate consistency with General Plan policies protecting paleontological resources. General Plan Conservation Element Policy 6.b requires that sites proposed for future development are to be evaluated by certified archaeologists and/or paleontologists in accordance with CEQA. The General Plan Policy as well as City's development review process may require additional studies if paleontological resources are suspected to be impacted by future development on future candidate housing sites. Compliance with the established regulatory framework would ensure potential impacts from future housing development concerning the destruction of a unique paleontological resource or unique geologic feature would be less than significant.

Standard Conditions and Requirements

None are applicable to the project.

1.8 Greenhouse Gas Emissions

1.8a Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. As noted in **Section 1.14 Population and Housing**, the future housing development facilitated by the HEU would result in a population growth of 1,762 persons.

Future housing development facilitated by the HEU would result in an increase in GHG due to increased VMT, construction activities, stationary area sources (i.e., natural gas consumption for space and water heating devices, landscape maintenance equipment operations, and use of consumer products), energy consumption, water supply, and solid waste generation. Increased GHG emissions could contribute to global climate change patterns and the adverse global environmental effects thereof. GHG emissions associated with future development are anticipated to include CO₂, N₂O, and CH₄. Future housing development would be subject to the City's discretionary review process, CEQA evaluation, and plan check process, which may require future applicants prepare air quality and greenhouse gas emission studies using the California Emissions Estimator Model (CalEEMod). CalEEMod relies upon project-specific land use data to calculate emissions. Site-specific details are not available for this analysis of the HEU, which is programmatic in nature.

The SANDAG's San Diego Forward: The Regional Plan aims to create sustainable, mixed-use communities conducive to public transit, walking, and biking by focusing future growth in the previously developed, western portion of the region along the major existing transit and transportation corridors. The City's existing zoning designations could facilitate housing developing in commercially zoned areas, and therefore reduce VMT and GHG impacts by creating housing opportunities in areas with pedestrian connectivity between residential and commercial uses and in proximity to public transportation, along established transportation corridors, near recreation opportunities, and away from environmentally sensitive resources. Future housing development facilitated by the HEU would be required to meet the mandatory energy requirements of California Green Building Standards Code (CALGreen) and the Energy Code (CCR Title 24, Part 6) in effect at the time of development. These regulations require that new development incorporate design features to capture energy efficiencies associated with building heating, ventilating, and air conditioning mechanical systems, water heating systems, and lighting. Future housing development would also be required to implement strategies outlined in the City's climate action plan, which includes several measures that have the potential to reduce GHG emissions. As a result, fewer VMT results in fewer GHGs. Therefore, future development facilitated by the HEU would not generate significant greenhouse gas emissions impacts. Impacts are anticipated to be less than significant.

1.8b Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact. Future development facilitated by the HEU, at a minimum, would be required to meet the mandatory energy requirements of CALGreen and the Energy Code (CCR Title 24, Part 6) in effect at the time of development. These regulations require that new development incorporate design features to capture energy efficiencies associated with building heating, ventilating, and air conditioning mechanical systems, water heating systems, and lighting. In addition, future housing development would be subject to discretionary permits and CEQA evaluation required to comply with the goals and strategies outlined in the City's CAP and SANDAG's Regional Plan.

The City's CAP focuses on reducing emissions by 15 percent below 2010 levels by 2020 and 50 percent below 2010 levels by 2035. In order to further reduce citywide GHG emissions, the CAP identifies a series of reduction measures and strategies, which would guide the City in several key focus areas (e.g., energy and buildings, water and waste, transportation, and urban tree planting). Measures outlined within the CAP would not be directly applicable development on candidate housing sites because they are intended to be implemented by the City. As a result, future housing development facilitated by the HEU would not conflict with the City's CAP.

As discussed above, SANDAG's San Diego Forward: The Regional Plan aims to create sustainable, mixed-use communities conducive to public transit, walking, and biking by focusing future growth in the previously developed, western portion of the region along the major existing transit and transportation corridors. The City, inclusive of the candidate housing sites are in the western San Diego region, and the HEU goals would be to reduce impacts by placing housing near public transportation, along established transportation corridors, near recreation opportunities, and away from environmentally sensitive resources.

Future development facilitated by the HEU would be consistent with the policy objectives of both the CAP and SANDAG's Regional Plan. The proposed HEU is consistent with strategies included in the RTP and SCS including: focusing housing and job growth in areas that are already developed; accommodating the City's fair share to avoid pushing new development into the undeveloped eastern portions of the County; maintaining designated open space within the City; creating great places for everyone to live, work, and play; supporting energy programs that promote sustainability; and addressing the housing needs of all economic segments of the population. Furthermore, since the HEU would not propose any rezoning of any parcels, future growth and development facilitated by the HEU would have already been taken into account in the General Plan EIR and SANDAG RTP. Therefore, the HEU, and future development facilitated by the HEU, would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. Impacts would be less than significant.

Standard Conditions and Requirements

None are applicable to the project.

1.9 Hazards and Hazardous Materials

1.9a Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. Exposure of the public or the environment to hazardous materials can occur through transportation accidents; environmentally unsound disposal methods; improper handling of hazardous materials or hazardous wastes (particularly by untrained personnel); and/or emergencies, such as explosions or fires. The severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors.

The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Demolition and construction activities associated with future housing development facilitated by the HEU would require transport of hazardous materials (e.g., asbestos containing materials, lead-based paint, and/or contaminated soils). This transport would be limited in duration. Compliance with handling measures is required by the City, County's Department of Environmental Health, and the San Diego Air Pollution Control District during construction and operational phases of future development projects. These measures include standards and regulations regarding the storage, handling, and use of hazardous materials.

Future housing development facilitated by the HEU would not involve ongoing or routine use of substantial quantities of hazardous materials during operations (occupancy of future housing). Only small quantities of hazardous materials would be anticipated including cleaning solvents, fertilizers, pesticides, and other materials used in regular maintenance. On the local level, the Solana Beach Fire Department routinely provides inspections to ensure the safe storage, management, and disposal of any hazardous materials in accordance with the federal, state, and local regulations. Impacts associated with the transport, use, or disposal of hazardous materials would be less than significant.

1.9b Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate future housing development throughout the City. Therefore, excavation and grading activities associated with future development facilitated by the HEU could expose construction workers and the general public to unknown hazardous materials present in soil or groundwater. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to demonstrate consistency with the regulatory framework for minimizing upset associated with hazardous materials. Compliance with SC HAZ-1, which requires preparation of a project-specific Phase I Environmental Site Assessment (ESA) for any vacant, commercial site currently or historically involving hazardous materials or waste, would be required. The Phase I ESA may require further sampling/remedial activities by a qualified hazardous materials Environmental Professional with Phase II/site characterization experience. Further, the City incorporated the County of San Diego Title 6, Division 8, Chapters 11 and 12 relating to Certified Unified Program Agency ("CUPA") for the regulation of underground storage of hazardous substances, hazardous materials and medical waste under SBMC Chapter 6.28. Future assessments for future housing projects would include a review of local, state, tribal, and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources. Following compliance with the established

regulatory framework and SC HAZ-1, potential impacts involving the accidental discovery of unknown wastes or suspect materials during construction would be less than significant.

1.9c Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate future housing development throughout the City. The future housing development facilitated by the HEU would have a potentially significant impact on the environment if it would emit hazardous emissions or substances within 0.25-mile of an existing or proposed school. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to regulations related to the emissions or handling of hazardous materials, substances, or wastes near schools to reduce the potential for impacts to schools. Adherence to California Hazardous Waste Control Law, California Health and Safety Code, and Resource Conservation and Recovery Act (RCRA) regulations would reduce potential impacts associated with the accidental release of hazardous materials. As a result, future housing development facilitated by the HEU would not conflict with any State or local plan aimed at preventing emissions or handling of hazardous materials near schools. Therefore, impacts would be less than significant.

1.9d Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

Less Than Significant Impact. The California Department of Toxic Substances does not identify hazardous waste or substance sites in the City pursuant to California Government Code §65962.5.4.⁸ However, DTSC Envirostor regulatory review identified four regulated facilities and SWRCB Geotracker 27 regulated facilities within the City. Several candidate housing sites are near the regulated facilities. As discussed in detail under Threshold 1.9a, future housing development facilitated by the HEU would require a site-specific Phase I ESA to identify any environmental concerns prior to development approval. Compliance with SC HAZ-1 would result in a less than significant impact concerning hazardous materials sites.

1.9e For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. According to the General Plan Circulation Element, the City does not have an airport within its jurisdiction, but is serviced by two nearby airports: the McClellan-Palomar Airport located in the City of Carlsbad to the north and the San Diego International Airport at Lindbergh Field located in the City of San Diego to the south. The City is not located within the airport influence areas of the McClellan–Palomar Airport or the San Diego International Airport, thus, is not subject to noise, safety, or aircraft overflight impacts from operations at these airports. The City is not within two miles of an airport. Therefore, the HEU or future development facilitated by the HEU would not result in a safety hazard or excessive noise for people residing or working in the HEU area, no impact would occur.

⁸ California Department of Toxic Substances Control, *Hazardous Waste and Substances Site List (Cortese)*, Available at: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG,COM&report_title=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29, Accessed January 7, 2021.

1.9f Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate future housing development throughout the City. Future housing development facilitated by the HEU would increase allowable housing capacity in certain areas located throughout the City. This increase in density could result in an increased demand on emergency evacuation services in the event of a citywide or partial city emergency. However, the increased housing capacity associated with the HEU would not exceed the total population initially projected and planned for under the General Plan. Therefore, no changes in the City's existing circulation network are proposed or required under the HEU and no impact to emergency response or evacuation is anticipated. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and compliance with SBMC §15.32.170 (Fire apparatus access roads), which specifies access roads design standards to ensure adequate service to a project site. Given the scope and location of the future housing development facilitated by the HEU, the HEU is not anticipated to impair implementation of, or physically conflict with, the County of San Diego MHMP specific hazard mitigation goals, objectives, and related potential actions within the City. As a result, future housing development facilitated by the HEU would not conflict with any State, County, or local plan aimed at preserving and maintaining adopted emergency response or emergency evacuation plans. Impacts would be less than significant.

1.9g Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. As discussed in **Section 1.20, Wildfire**, future housing development facilitated by the HEU would not directly or indirectly expose people or structures to a risk of loss, injury or death involving wildland fires. The candidate housing sites are located primarily in developed locations and not adjacent to any wildland areas. Where candidate sites involve vacant land, future housing development would be subject to compliance with SBMC Chapter 15.32 (Fire code), which would ensure adequate fire protection through certain design features to limit exposure and impacts of fires. Furthermore, future housing development may be subject to the SBMC Chapter 15.60 (Fire Mitigation Impact Fee) to pay fair share contributions related to fire protection services. Therefore, impacts related to wildland fires would be considered less than significant.

Standard Conditions and Requirements

SC HAZ-1 Prior to any renovation, or demolition, grading or building permit approval, the applicant shall retain a qualified hazardous materials Environmental Professional to prepare a formal Phase I Environmental Site Assessment (ESA) for any vacant, commercial, and industrial properties involving hazardous materials or waste. The Phase I ESA shall be prepared in accordance with ASTM Standard Practice E 1527-13 or the Standards and Practices for All Appropriate Inquiry (AAI), prior to any land acquisition, demolition, or construction activities. The Phase I ESA would identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified hazardous materials Environmental Professional with Phase II/site characterization experience prior to land acquisition, demolition, and/or construction. The Environmental

Professional shall identify proper remedial activities to be implemented by the applicant, if necessary.

1.10 Hydrology and Water Quality

1.10a Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Future housing development could result in potential impacts related to water quality over three different periods:

- During the earthwork and construction phase, where the potential for erosion, siltation, and sedimentation would be the greatest;
- Following construction, before the establishment of ground cover, when the erosion potential may remain relatively high; and
- After project completion, when impacts related to sedimentation would decrease markedly but those associated with urban runoff would increase.

Urban runoff, both dry and wet weather, discharges into storm drains, and in most cases, flows directly to creeks, rivers, lakes, and the ocean.

Construction

Short-term impacts related to water quality can occur during the earthwork and construction phases of future housing development projects. During this phase, the potential for erosion, siltation, and sedimentation would be the greatest. Additionally, impacts could occur prior to the establishment of ground cover when the erosion potential may remain relatively high. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and compliance with the established regulatory framework pertaining to water quality. If future developments disturb more than one acre of land surface, they would be required to obtain coverage under the National Pollution Discharge Elimination System (NPDES) storm water program. The NPDES Construction General Permit program calls for the implementation of best management practices (BMPs) to reduce or prevent pollutant discharge from these activities to the Maximum Extent Practicable for urban runoff and meeting the Best Available Technology Economically Achievable and Best Conventional Pollutant Control Technology standards for construction storm water. Construction activities would be required to comply with a project-specific Stormwater Pollution Prevention Program (SWPPP) that identifies erosion-control and sediment-control BMPs that would meet or exceed measures required by the Construction Activity General Permit to control potential construction-related pollutants. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized.

Additionally, the future development projects facilitated by the HEU would be required to comply with the City's Storm Water Management and Discharge Control Ordinance (SBMC Chapter 13.10) and the City's Local Coastal Plan Land Use Plan (LCP LUP). The Stormwater Ordinance establishes requirements for the management of storm water flows from development projects, both to prevent erosion and to protect and enhance existing water-dependent habitats. The Ordinance assures consistency with the purpose and intent of this chapter and shall implement the requirements of NPDES Permit No. CAS0109266. The LCP LUP provides parameters for new development within the City and the protection of water resources and water conservation. New development in the City would be required to

demonstrate consistency with the LUP map, and all applicable LCP policies. These requirements would ensure that potential impacts from construction of developments facilitated by the HEU related to soil erosion, siltation, and sedimentation remain less than significant and avoid violation to any water quality standards or waste discharge requirements.

Operations

General Plan Circulation Element Figure C-7, Existing Drainage System, identifies existing drainage facilities in the City. Due to the built-out nature of the City, most surface flows are directed toward existing stormwater drainage facilities. The project would not result in direct housing construction, but would facilitate future housing development throughout the City. All candidate housing sites, except those listed in **Table 1.5-1**, are developed and, therefore, future development would not create substantial amounts of impervious surfaces that would substantially increase off-site runoff.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, to install, implement, and maintain the BMPs identified in SBMC §13.10.070 including, but not limited to erosion management; materials storage; inspection, maintenance, repair, upgrade of BMPs; and preparation of SWPPP. Additionally, future developments would be required to comply with SBMC Section §13.10.080 pertaining to Residential BMP requirements including minimum BMPs specified for landscaping, home care and maintenance, and motor vehicle maintenance.

All new development would also be required to comply with existing water quality standards and waste discharge regulations set forth by the State Water Quality Control Board (SWQCB). Future developments facilitated by the HEU would comply with these regulations and waste discharges would be connected to the public wastewater system.

Future housing development facilitated by the HEU would be required to adhere to all federal, state, and local requirements for avoiding violation of water quality standards during construction and operations. Considering these requirements, future housing development facilitated by the HEU would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Therefore, impacts would be less than significant.

1.10b Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. A groundwater basin is generally defined as a hydrogeologic unit containing one large aquifer as well as several connected and interrelated aquifers that has reasonably well-defined boundaries and areas of recharge and discharge. The California Department of Water Resources CA Bulletin 118 identifies the boundaries of 515 groundwater basins and subbasins, as last modified by the Basin Boundary Emergency Regulation adopted in October 2015. Based on the available data, the City is not underlain by a recognized groundwater basin that would be subject to impacts from infiltration and drainage. Accordingly, although the project would not result in direct housing construction, but would facilitate future housing development throughout the City, future housing development facilitated by the HEU would not interfere with groundwater recharge or impede sustainable groundwater management of a basin.

Further, the Santa Fe Irrigation District (District) provides water resources to the City. Currently, there is no use of groundwater sources by the District.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements for avoiding and minimizing construction and operations impacts to groundwater supplies, including the City's Stormwater Management and Discharge Control Ordinance (SBMC Chapter 13.10). Considering these requirements, future housing development facilitated by the HEU would not decrease ground water supplies or interfere substantially with ground water recharge such that the HEU may impede sustainable groundwater management of the basin. Therefore, impacts would be less than significant.

- 1.10c.i** **Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?**
- 1.10c.ii** **Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**
- 1.10c.iii** **Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?**
- 1.10c.iv** **Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?**

Less Than Significant Impact. General Plan Circulation Element Figure C-7, Existing Drainage System, identifies existing drainage facilities in the City. The project would not result in direct housing construction, but would facilitate future housing development throughout the City. Most candidate housing candidate sites are developed and contain impervious surfaces, which direct surface flows toward existing City facilities. Due to the primarily built-out nature of the City, construction of future housing developments facilitated by the HEU would not substantially alter the existing drainage pattern through the addition of impervious surfaces. The drainage areas, as well as the drainage characteristics/patterns in the implementation condition would be similar to existing conditions.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements for avoiding impacts that could substantially alter the existing drainage pattern or alter the course of a stream or river, including the City's Stormwater Management and Discharge Control Ordinance (SBMC Chapter 13.10).

Considering these requirements, future housing development facilitated by the HEU would not substantially alter the existing drainage pattern of the site or area. This includes no alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site, create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems, or provide substantial additional sources of polluted runoff, or impede or redirect flood flows. Therefore, impacts would be less than significant.

1.10d In flood hazard, tsunami, or seiche zones, would the Project risk the release of pollutants due to Project inundation?

Less Than Significant Impact. According to the Federal Emergency Management Agency (FEMA) FIRM Map #06073C1307H, most of the City is located within Flood Zone X, defined as an area of minimal flood hazard. The City's southeast portion, adjacent to its boundary with the City of Del Mar, is located within Flood Zone AE, defined as a Special Flood Hazard Area. Some candidate sites are located within this area. The City's Special Zoning Overlays Map identifies a Floodplain Overlay within this region. As discussed in SBMC Chapter 17.80, Flood Damage Prevention Overlay Zone, identified flood hazard areas in the City are subject to periodic inundation. SBMC Chapter 17.80 identifies allowable uses, development standards, and outlines permitting requirements for all development within a Flood Overlay Zone. Any proposed housing development within the City's flood overlay zone, would be required to comply with the regulations and permitting requirements contained in SBMC Chapter 17.80. Compliance would ensure that new development is appropriately constructed so as to avoid hazards to those who would occupy the development and to avoid damage or hazards to the surrounding area.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements for avoiding and minimizing impacts related to flood hazards, tsunami, or seiches, including the SBMC standards and LCP policies. Considering these requirements, the future housing development facilitated by the HEU would not result in significant increased risk concerning release of pollutants due to inundation, tsunami, or seiche zones. Therefore, HEU impacts would be less than significant.

1.10e Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. In 2014, the California Sustainable Groundwater Management Act (SGMA) was passed, which provides authority for agencies to develop and implement groundwater sustainability plans (GSP) or alternative plans that demonstrate the water basins are being managed sustainably.⁹ As discussed under Threshold 1.10b, the City is not underlain by a recognized groundwater basin and does not obtain its water supply from groundwater sources. Therefore, future housing development facilitated by the HEU would not obstruct implementation of the Sustainable Groundwater Management Act (SGMA).

The City's Stormwater Management and Discharge Control Ordinance (SBMC Chapter 13.10) aims to protect water resources and improve water quality. The ordinance causes use of management practices by the city and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state and control contribution of pollutants to City's municipal separate storm sewer systems (MS4s),

⁹ State Water Resources Control Board. Sustainable Groundwater Management Act (SGMA). https://www.waterboards.ca.gov/water_issues/programs/gmp/sgma.html. Accessed March 21, 2021.

and to ensure that the City is compliant with California Regional Water Quality Control Board San Diego Region Order No. R9-2013-0001 and with applicable state and federal law.

Future developments facilitated by the HEU would be required to prepare a stormwater management plan and incorporate stormwater standards manual requirements into design documents to minimize potential impacts to water quality. Submitted materials would be required to demonstrate how the requirements of this stormwater ordinance would be met, and the permit or approval would not be approved unless the decision maker determines that the application complies.

Further, dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to comply with the General Permit for Discharges of Stormwater Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). The Construction General Permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to all federal, state, and local requirements for avoiding and minimizing conflicts with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan, including the Basin Plan and the City's Jurisdictional Runoff Management Program (JRMP). Further, future housing development facilitated by the HEU would not prevent the City's Clean Water Program from ensuring that MS4 Permit and Basin Plan requirements are met. As a result, future housing development facilitated by the HEU would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, impacts would be less than significant.

Standard Conditions and Requirements

None are applicable to the project.

1.11 Land Use and Planning

1.11a Would the Project physically divide an established community?

Less Than Significant Impact. Projects that divide an established community can involve large scale linear infrastructure, such as freeways, highways, and drainage facilities, that bisect an established community or create barriers to movement within that community. “Locally undesirable land uses” such as prisons or landfills sited within economically depressed areas can also divide an established community.

The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. All future housing development facilitated by the HEU would occur in existing residential areas , thus, would not divide an established community. In the Central Commercial zone, residential use would be required to be part of a mixed-use project in order to comply with horizontal zoning. It is not anticipated that future housing development facilitated by the HEU would require substantial road-widenings or other features which could divide the established community. Further, the increase in housing availability within the City facilitated by the HEU would be consistent with Community Plan goals and complement the community as a whole. Candidate housing sites have been identified throughout the City, rather than concentrated in a single area, thus would not divide an established community. Therefore, a less than significant impact would occur.

1.11b Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less Than Significant Impact. The HEU includes 83 candidate housing sites for future housing development to meet the City’s RHNA allocation of 875 DU. a. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Future housing development facilitated by the HEU, which would occur as market conditions allow and at the discretion of the individual property owners. However, the HEU would identify a series of implementing actions to increase the City’s housing capacity. As part of the HEU, additional housing units would be accommodated on the candidate housing sites that are ultimately selected through revisions to the City’s Housing Element. Future housing development facilitated by the HEU is anticipated to increase the City’s housing stock where capacity exists

Future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City’s development review process, and required to comply with applicable federal, state, and local laws and local policies and regulations, as applicable to new housing development. The HEU is subject to comply with applicable State Housing law. As such, the HEU would be consistent with applicable land use and planning policies in the state, regional, and local context as necessary to meet that legislation. This includes consistency with the General Plan. Future housing development facilitated by the HEU would therefore be consistent with all applicable land use and planning policies and regulations intended to minimize environmental effects. A less than significant impact would occur.

Standard Conditions and Requirements

None are applicable to the project.

1.12 Mineral Resources

1.12a Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

1.12b Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Additionally, there are no known mineral resources of significant value or categorized as locally important within the City. Therefore, no direct physical environmental impact would occur and due to the absence of mineral resources in the City.

Standard Conditions and Requirements

None are applicable to the project.

1.13 Noise

1.13a Would the Project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinances, or applicable standards of other agencies?

Less Than Significant Impact.

Construction Noise. The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Future housing development facilitated by the HEU would result in construction noise generated from development activities. In general, construction would typically involve the following construction sequences: (1) site preparation and/or demolition; (2) grading and utilities construction; (3) building construction; (4) paving; and (5) architectural coatings. Typical construction equipment would include backhoes, excavators, graders, loaders, compactors, cranes, trucks, pavers, pneumatic tools, generator sets, and air compressors. With exception to pile-driving activities, construction equipment with substantially higher noise-generation characteristics (such as rock drills and blasting equipment) would not be anticipated for construction of typical residential developments. Typical construction equipment generates maximum noise levels at 50 feet from the noise source ranging between 80 dBA for backhoes and loading trucks, to 85-90 dBA for graders and excavators, as shown in **Table 1.13-1** below.

Table 1.13-1: Maximum Noise Levels Generated by Construction Equipment			
Equipment	Typical Noise Level (dBA) at 50 Feet from Source		
	Acoustical Use Factor	L_{max} at 50 Feet (dBA)	L_{max} at 100 Feet (dBA)
Concrete Saw	20	90	84
Crane	16	81	75
Concrete Mixer Truck	40	79	73
Backhoe	40	78	72
Dozer	40	82	76
Excavator	40	81	75
Forklift	40	78	72
Paver	50	77	71
Roller	20	80	74
Tractor	40	84	78
Water Truck	40	80	74
Grader	40	85	79
General Industrial Equipment	50	85	79

dBA: A-weighted decibels; L_{max}: maximum noise level
 Note: Acoustical Use Factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.
 Source: Federal Highway Administration, *Roadway Construction Noise Model User's Guide*, January 2006.

In general, construction noise can vary substantially from day to day, depending on the level of activity and the specific type of equipment in operation. Additionally, construction activities associated with

future housing development facilitated by the HEU is anticipated to occur in incremental phases over time based on market demand, economic, and planning considerations. As a result, construction-related noise would not be concentrated in any one particular area of the City.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to comply with SBMC Chapter 7.34, Noise Abatement and Control. Construction associated with future housing development facilitated by the HEU would be required to comply with the SBMC §7.34.100 (Construction Noise). The SBMC limits construction activities to Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday 8:00 a.m. to 7:00 p.m., with no construction allowed on Sundays or City holidays. For some future housing developments, such as those near sensitive noise receptors, the City may choose to require conditions of approval to include measures under its Design Review process such as temporary sound barriers and shielding to reduce potential noise impacts on sensitive receptors. For example, acoustically designed enclosures and buildings can provide up to approximately 50 dBA of noise reduction, depending on the noise abatement treatments implemented.

Operations Noise. The project would not result in direct housing construction but would facilitate future housing development throughout the City. Future housing development facilitated by the HEU would result in additional housing, people, pets, and automobiles in the City. Noise would be generated by stationary operation-related sources, such as heating, ventilation, and air conditioning (HVAC) units, tankless water heaters, generators, lawn maintenance equipment, and swimming pool pumps. All future housing development facilitated by the HEU would be subject to environmental review under CEQA and be required to demonstrate compliance with SBMC Chapter 7.34 (Noise Ordinance) and SBMC §17.68.040 (Development Review Permits).

Noise is also likely to occur from line sources, such as motor vehicle traffic. Future housing development facilitated by the HEU would result in increased traffic volumes on local city roadways, thereby increasing cumulative noise levels. Given the City's largely developed nature, new housing development would not be expected to significantly increase traffic volume on local roadways. Additional average daily trips (ADT) from future housing development facilitated by the HEU would need to more than double current ADT for there to be a discernable difference in noise levels (i.e. more than 3 dBA increase). Furthermore, most of the candidate housing sites are already developed and already generate traffic volumes and mobile noises. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and compliance with SBMC §17.68.040, which requires project noise compatibility with adjacent land uses.

Compliance with SBMC §7.34.100 would ensure construction and operations related noise impacts would be less than significant. Further, implementation of SC NOI-1 and NOI-2 would ensure no impact would occur to adjacent noise-sensitive receptors. Compliance with SC NOI-1 would minimize construction noise associated with future development through the use of site-specific noise reduction features. Specifically, NOI-1 requires the use of the best available noise control techniques, as well as alternatives to pneumatic power tools. SC NOI-2 requires compliance with a list of measures to respond to and track complaints related to construction noise. Following compliance with SBMC §7.34.100 and SC NOI-1 and NOI-2, a less than significant impact would occur.

1.13b Would the project result in the generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate future housing development throughout the City. Construction activities associated with future housing development facilitated by the HEU could result in varying degrees of groundborne vibration impacts from heavy equipment operations, depending on the construction procedure and equipment used. Construction equipment operations would generate vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located near a construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). Groundborne vibrations from construction activities rarely reach levels that damage structures.

Construction activities associated with future development have the potential to generate low levels of groundborne vibration. **Table 1.13-2**, Typical Vibration Levels for Construction Equipment, identifies various vibration velocity levels for various construction equipment types.

Equipment	Approximate Peak Particle Velocity at 25 Feet (inches/second)	Approximate Peak Particle Velocity at 50 Feet (inches/second)	Approximate Peak Particle Velocity at 250 Feet (inches/second)
Large bulldozer	0.089	0.0315	0.0028
Loaded trucks	0.076	0.0269	0.0024
Small bulldozer	0.003	0.0011	0.0001
Jackhammer	0.035	0.0124	0.0011
Vibratory compactor/roller	0.210	0.0742	0.0066

Notes:

1. Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018. Table 7-4.
2. Calculated using the following formula:

$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$
 where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
 PPV (ref) = the reference vibration level in in/sec from Table 12-2 of the FTA *Transit Noise and Vibration Impact Assessment Guidelines*
 D = the distance from the equipment to the receiver

Similar to noise, groundborne vibration attenuates with distance. The groundborne vibration generated during construction activities would primarily impact vibration-sensitive land uses (i.e., nonengineered timber and masonry buildings) located adjacent to or near the construction activity. The force of vibrations reaching an adjacent structure would depend upon several variables, including the activity generating the vibrations, the distance between the source and the existing structure, and the type of soil or pavement found between the two. Based upon the vibration velocity levels provided in **Table 1.13-2**, vibration velocities from typical heavy construction equipment operations that could be used during construction activities range from 0.003 to 0.089 inch-per-second PPV at 25 feet from the activity source (and up to 0.644 PPV if pile driving activities were to occur). Thus, vibration velocities from typical heavy construction equipment operations at 25 feet from the activity source would not exceed the 0.2 the inch/second threshold, except for pile driving activities. As also shown in **Table 1.13-2**, vibration velocities from pile driving activities at 50 feet from the activity source would exceed the 0.2 the inch/second threshold. Therefore, construction-related activities that involve pile driving and occur 50 feet from a vibration-sensitive land use (non-engineered timber and masonry buildings) could exceed 0.2 the inch/second

threshold, and expose persons or structures to, or generate excessive groundborne vibration or groundborne noise levels.

To further lessen the potential vibration-related impacts to adjacent sensitive uses, SC NOI-3 would be implemented, which requires that the preexisting condition of all buildings within a 50-foot radius of proposed construction activities that involve pile driving be evaluated during a preconstruction survey and that alternative methods be used. Residential uses would not be anticipated to generate excessive groundborne vibration or groundborne noise. Future housing development facilitated by the HEU would not involve railroads or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. Therefore, operational activities associated with future development would not expose persons or structures to or generate excessive groundborne vibration or groundborne noise levels. Therefore, impacts would be less than significant.

1.13c For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. According to the General Plan Circulation Element, the City does not have an airport within its jurisdiction, but is serviced by two nearby airports: the McClellan-Palomar Airport located in the City of Carlsbad to the north and the San Diego International Airport at Lindbergh Field located in the City of San Diego to the south. The City is not located within the airport influence areas of the McClellan–Palomar Airport or the San Diego International Airport, thus, is not subject to noise, safety, or aircraft overflight impacts from operations at these airports. The City is not within two miles of an airport. Therefore, the HEU would not expose people to excessive noise levels associated with a private airstrip or an airport. No impact would occur.

Standard Conditions and Requirements

SC NOI-1 To reduce construction-related noise impacts, where construction activities would exceed SBMC Chapter 7.34 (Noise Abatement and Control) standards, the applicant shall require construction contractors to implement a site-specific Noise Reduction Program, which includes the following measures, ongoing through demolition, grading, and/or construction:

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds), wherever feasible.
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used (this muffler can lower noise levels from the exhaust by up to approximately 10 dBA). External jackets on the tools themselves shall be used where feasible (this can achieve an approximately 5.0-dBA reduction. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- Stationary construction-related noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and incorporate insulation barriers, or other measures to the extent feasible.

SC NOI-2 Prior to demolition, grading, or building permit approval, the Applicant shall submit to the Community Development Department a list of measures to respond to and track complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction. At minimum, these measures shall include the following:

- A procedure to the public for notifying the City's Code Compliance Officer and Sheriff's Department (during regular construction hours and off-hours);
- A requirement for a sign to be posted by the Applicant on-site specifying the permitted construction days and hours, and notification procedure, and who to notify in the event of a noise-related concern. The sign shall also include the construction contractor's telephone numbers (during regular construction hours and off-hours); and
- A requirement for a preconstruction meeting to be held with the Applicant and general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

SC NOI-3 To avoid impacts to vibration-sensitive structures (i.e., non-engineered timber and masonry buildings) located within a 50-foot radius of pile driving activities, prior to demolition, grading, or building permit approval, the applicant shall provide for the following measures to be specified on the project plans and implemented prior to and during construction:

- The applicant shall submit to the Community Development Department the preexisting condition of all vibration-sensitive land uses within a 50-foot radius of proposed pile driving during a preconstruction survey. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating damage caused by pile driving, if any. Fixtures and finishes susceptible to damage and within a 50-foot radius of pile driving shall be documented (photographically and in writing) prior to demolition, grading, or building permit approval. All damage shall be repaired/restored to its preexisting condition by the applicant.
- Pile driving within a 50-foot radius of identified vibration-sensitive structures shall utilize alternative installation methods (e.g., pile cushioning, jetting, predrilling, cast-in-place systems, resonance-free vibratory pile drivers) such that vibration velocities from the alternative construction activity would fall below the 0.2 the inch/second threshold. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

1.14 Population and Housing

1.14a Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. To meet the City’s RHNA allocation of 875 units, the HEU identifies a series of implementing actions to increase the City’s housing capacity that would induce some planned population growth in the City. Future housing development facilitated by the HEU would be subject to environmental review under CEQA and discretionary permits and would occur as market conditions allow and at the discretion of the individual property owners. Any future housing development facilitated by the HEU would occur in urbanized locations near existing infrastructure (roads, utilities) and served by fire and other emergency responders.

SANDAG’s regional growth assessment contains population projections for the City, which are based on the General Plan. Based on SANDAG forecasts, the City’s population is anticipated to reach 15,249 persons by 2035 and 15,969 persons by 2050, with approximately 6.3 percent population growth between 2020 and 2035. SANDAG forecasts total population in the City over the next 30 years to increase by 11.2 percent.

The forecast population growth from future housing development facilitated by the HEU is presented in **Table 1.14-1: Population Increase from Housing Element Update.**

Table 1.14-1: Population Increase from Housing Element	
Definition	6th Cycle Housing Element
Number of Units	756
Persons per household	2.33
Forecast Population Growth with HEU	1,762
2020 Population Estimate	13,367
Forecast Population with HEU Total	15,129
Forecast Population Percent Growth with HEU Total	11.65

As previously noted, the HEU update would result in a significant impact if it would “induce substantial unplanned population growth in an area.” As indicated in **Table 1.14-1**, the forecast population growth resulting from future housing development facilitated by the HEU is 1,762 persons, or approximately 11.65 percent increase compared to the City’s existing population of 13,367 persons. The slight variation in population forecasts is not considered substantial given it would occur over an extended period (i.e., 2021 through 2029). Additionally, the future housing development facilitated by the HEU is intended to be dispersed throughout the community to create managed levels of growth in specific areas. Additionally, the City’s forecast population including future housing development facilitated by the HEU of approximately 15,129 persons would be less than SANDAG’s forecast population of 15,249 persons by 2035. Moreover, because SANDAG population forecasts are based on the General Plan and the project does not propose changes in land use designations, the project would not conflict with SANDAG forecasts. Therefore, the corresponding population and housing growth would not be considered “unplanned” population growth.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and would be assessed on a project-by-project basis for potential effects concerning population growth. Additionally, future housing development would be subject to compliance with all federal, state, and local requirements for minimizing growth-related impacts. The SBMC §15.60, 15.65, 15.66 require that future developments pay their fair share development impact fees to mitigate impacts on transportation, fire, parks, and public use facilities. Therefore, the HEU would not induce substantial unplanned population growth in the City directly or indirectly, a less than significant impact would occur.

1.14b Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Less Than Significant Impact. SB 166 (2017) requires a City or County to ensure that its Housing Element inventory can accommodate its share of the regional housing need throughout the planning period. It prohibits a City or County from reducing, requiring, or permitting the reduction of the residential density to a lower residential density than what was utilized by the HCD for certification of the Housing Element, unless the City or County makes written findings supported by substantial evidence that the reduction is consistent with the adopted General Plan, including the Housing Element.

Compliance with SB 166 would minimize the potential for future housing displacement. The candidate housing site inventory would be sufficient to accommodate the City's RHNA allocation, and all HEU actions would occur such that there is no net loss of residential unit capacity. Therefore, the HEU's potential impacts, including from future development facilitated by the HEU, concerning displacement of existing people or housing, and need to construction replacement housing elsewhere would be less than significant.

Standard Conditions and Requirements

None are applicable to the project.

1.15 Public Services

- 1.15a.i** **Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?**

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Future housing development facilitated by the HEU and the resulting population growth of approximately 1,762 persons (see **Section 1.14, Population and Housing**) would incrementally increase the demand for fire protection services. The City of Solana Beach Fire Department (SBFD) provides fire protection and emergency services to the City. As most of the candidate housing sites are developed, they are already served by the City of Solana Beach Fire Department. **Table 1.15-1: Vacant Candidate Housing Sites Inventory** shows the ten vacant proposed candidate housing sites that are not currently generating a demand for fire protection services. Future housing development facilitated by the HEU would incrementally increase the demand for fire protection services to those vacant areas. However, the proposed vacant sites are in urbanized locations near existing infrastructure (e.g., roads and utilities) and would be located near areas already served by the SBFD. Therefore, because the construction of new fire protection facilities to serve the future housing development facilitated by the HEU is not anticipated, the project would not result in physical impacts in this regard. No impact is anticipated to concerning construction of fire protection facilities.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to 2019 California Fire Code and SBMC §15.32 (Fire Code). Further, future housing developments would be subject to fire protection development impact fees set forth in SBMC §15.60, *Fire Facility Impact Fees*. Payment of these fees would help fund and construction of new fire facilities and would minimize the project's operational impacts to fire protection services to the greatest extent practicable. Additionally, future housing developments would be required to submit a will-serve letter or service questionnaire to the SBFD in conjunction with their applications to ensure that both fire protection services are available to serve the proposed housing development. Compliance with the established regulatory framework would minimize impacts to fire protection services.

- 1.15a.ii** **Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?**

Less Than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Future housing development facilitated by the HEU and the resulting population growth of approximately 1,762 persons (see **Section 1.14, Population and Housing**) would incrementally increase the demand for police protection services. The County of San Diego Sheriff's Department (SDCSD) provides police protection services and law enforcement to the City. The SDCSD facility serving Solana Beach is located at 175 North El

Camino Real in the City of Encinitas (North Coastal Station), approximately 3.4 miles north of the City of Solana Beach. The SDCSD does not have any required response times.

Approximately 88 percent of candidate housing sites are developed with existing structures already served by the SDCSD. As previously mentioned, **Table 1.15-1** depicts the ten vacant proposed candidate housing sites that are not currently generating a demand for fire protection services. Future housing development facilitated by the HEU would incrementally increase the demand for police protection services to those vacant areas. However, the proposed vacant sites are in urbanized locations near existing infrastructure (e.g., roads and utilities) and would be located near areas already served by the SDCSD.

Given the City’s buildout nature, future housing development under the HEU is not anticipated to create a need to expand police protection facilities. All future housing development facilitated by the HEU would be required to submit a will-serve letter or service questionnaire to the SDCSD in conjunction with their applications to ensure that police protection services are available to serve the proposed housing development. Additionally, the City would review future housing development applications to ensure compliance with the established regulatory framework. Compliance with the established regulatory framework would minimize impacts to police protection services. Therefore, the HEU would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities. Impacts would be less than significant, and no physical environmental impacts would occur.

1.15a.iv Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives schools?

Less Than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Future housing development facilitated by the HEU and the resulting population growth of approximately 1,762 persons (see **Section 1.14, Population and Housing**) would incrementally increase the demand for school services. The City is served by the Solana Beach Elementary School District (SBESD) and San Dieguito Union High School District (SDUHSD), which provides public education for grades kindergarten through sixth and grades seven through twelve, respectively. **Table 1.15-2: Elementary Schools and Capacity** lists the existing elementary, middle, and high schools and 2021 enrollment numbers. As indicated in **Table 1.15-2**, current elementary school enrollment totals 2,916 with schools located within the Cities of Solana Beach, Rancho Santa Fe, and San Diego and current middle/high student enrollment is 13,022, with schools located within the Cities of Encinitas, San Diego, and Solana Beach.

Table 1.15-2: School Capacity¹		
School	Grades	Current Student Enrollment
Elementary Schools		
Solana Highlands Elementary School 3520 Long Run Drive, San Diego	K-3	311
Carmel Creek Elementary School 4210 Carmel Center Road, San Diego	K-3	332
Solana Vista Elementary School	K-3	380

780 Santa Victoria Avenue, Solana Beach		
Skyline Elementary School 155 Stevens Avenue, Solana Beach	K-6	494
Solana Santa Fe Elementary School 6570 E Apajo, Rancho Santa Fe	K-6	332
Solana Ranch Elementary School 13605 Pac. Highlands Ranch Parkway, San Diego	K-6	555
Solana Pacific Elementary School 3901 Townsgate Drive, San Diego	4-6	512
Middle Schools		
Earl Warren Middle School 155 Stevens Avenue, Solana Beach	7-8	600
Pacific Trails Middle School 5975 Village Center Loop Road, Encinitas	7-8	671
Carmel Valley Middle School 3800 Mykonos Lane, Encinitas	7-8	1,158
Diegueno Middle School 2150 Village Park Way, Encinitas	7-8	945
Oak Crest Middle School 675 Balour Drive, Encinitas	7-8	703
High Schools		
Canyon Crest Academy 5951 Village Center Loop Road, Encinitas	9-12	2,576
La Costa Canyon High School 1 Maverick Way, Encinitas 3,000 1,935	9-12	1,935
San Dieguito High School Academy 800 Santa Fe Drive, Encinitas	9-12	1,902
Torrey Pines High School 3710 Del Mar Heights Road, Encinitas	9-12	2,418
Sunset High School (Continuation School) 684 Requeza Street, Encinitas	9-12	114
Source: SBESD, 2021; Public School Review		
Notes: ¹ As of 2021, the CEQA thresholds apply only to public schools. Three private schools, Fusion Academy and Learning Center – Solana Beach, Santa Fe Christian Schools, St. James Academy, within the City were not included in this analysis.		

Future housing development facilitated by the HEU would generate student population growth in both the DMUSD and SDUHSD, which would incrementally increase the demand for school facilities and services. Any future housing development facilitated by the HEU would be required to comply with Senate Bill (SB) 50 requirements, which allow school districts to collect impact fees from developers of new residential projects to offset the cost of new development. Future applicants would be subject to school developer fees from the SBESD and SDUHSD. These fees are evaluated on a yearly basis and would be collected at the time of permit issuance. Pursuant to Government Code §65995(3)(h), “payment of statutory fees is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use or development of real property...”. Payment

of these fees would provide an adequate financial base to construct and equip new, such as the new DMUSD school, and existing schools. Additionally, because the construction of new school facilities to serve the future housing development facilitated by the HEU is not anticipated, the project would not result in physical impacts in this regard. No impact is anticipated to concerning construction of school facilities.

1.15a.iv **Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?**

Less Than Significant Impact. Please refer to **Section 1.16, Recreation.**

1.15a.v **Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?**

Less Than Significant Impact. The San Diego County Library (SDCL) system serves over one million residents across the County, including Solana Beach. The existing public libraries within five miles of the candidate housing sites are: the Solana Beach Branch at 157 Stevens Ave in Solana Beach; and the Carmel Valley Branch at 3919 Townsgate Drive, southeast of Solana Beach, in San Diego.

As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Future housing development facilitated by the HEU and the resulting population growth of approximately 1,762 persons (see **Section 1.14, Population and Housing**) would incrementally increase the demand for library facilities. Any future housing development facilitated by the HEU would occur in urbanized locations near existing facilities that currently provide service to these areas. Therefore, it is anticipated that the increased demand would not be substantial or such that it would warrant construction of a new facility. The SDCL system would ultimately be responsible for future modifications and or expansion to accommodate growth within its service area. The SDCL system has a list of goals and objectives within its adopted Operational Plan for Fiscal Year 2020-21 that involves financial management and projections that account for future library enhancement. The SDCL system Operational Plan also identifies the need to revitalize building infrastructure and reduce ongoing maintenance and repair by implementation a Facilities Operational Improvement Program, which includes the City's County library. Therefore, the HEU would not result in substantial adverse physical impacts associated with the provision of new library facilities. Impacts would be less than significant.

Standard Conditions and Requirements

None are applicable to the project.

1.16 Recreation

1.16a Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less Than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Future housing development facilitated by the HEU and the resulting population growth of approximately 1,762 persons (see **Section 1.14, Population and Housing**), would incrementally increase the use of existing recreational facilities such that substantial physical deterioration could occur or be accelerated.

All future housing development facilitated by the HEU would be subject to the City's development review process and compliance with SBMC requirements. To avoid the overuse of existing recreational facilities, such that substantial physical deterioration would occur, future housing developments would be subject to park development impact fees set forth in SBMC §15.65, *Park Development Impact Fee*. Any future housing development that involves subdivision of land would be subject to payment of fees in order help fund the acquisition and development of new or rehabilitating existing park and recreational facilities needed to accommodate added demands created by the addition of residential dwelling units. Additionally, the HEU's candidate housing sites are dispersed throughout the community to minimize the potential for adverse changes in the neighborhood character and reduce the potential for adverse impacts on recreation amenities. Adherence to mandatory discretionary permit requirements and regulations for providing recreation would support the City's goals for providing sufficient recreation opportunities for residents. For these reasons, the HEU and future housing development facilitated by the HEU would not result in substantial physical deterioration of existing neighborhood or regional parks. Therefore, impacts would be less than significant.

1.16b Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Existing recreational facilities in Solana Beach include a coastal rail trail, two local golf courses, two public parks, three public school sites, and 1.7-mile stretch of public beach. General Plan *Conservation and Open Space Element* Objective 1 states, "To Meet the Needs of the Entire Community by Providing Adequate Levels of Parks and Recreational Opportunities" and LCP *Chapter 2, Public Access and Recreation Section*, Land Use Plan Policy 2.4 states, "The City shall assure that the recreational needs resulting from any proposed development will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition at three acres per 1000 population, and/or development plans with the provision of onsite recreational facilities to serve new development."

Future housing development facilitated by the HEU and the resulting population growth of approximately 1,762 persons (see **Section 1.14, Population and Housing**), would incrementally increase the demand for park and recreation land by approximately 5.29 acres (based on Objective 1 and Policy 2.4). However, the increased demand for park and recreation facilities during the HEU planning period (2021-2029) would be nominal and could be accommodated by the existing supply. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review

process, and required to demonstrate consistency with General Plan Policy 2.4. If in the future it is determined that construction of new recreational facilities is warranted, that proposal would be subject to the City's development review process and CEQA evaluation to determine whether adverse physical effects on the environment would occur. Therefore, a less than significant impact would occur regarding the construction and expansion of recreational facilities.

Standard Conditions and Requirements

None are applicable to the project.

1.17 Transportation

1.17a **Would the Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

Less Than Significant Impact. The project would facilitate and provide a policy framework for future housing development throughout the City but does not propose development beyond what is allowed under the City's current General Plan and Zoning Code. Further, the HEU does not include any goals, policies, or implementation programs that would conflict with plans or other regulations that address the circulation system. Future development projects would be reviewed on a case-by-case basis to ensure consistency with applicable regulations that address the circulation system.

Transit opportunities in Solana Beach are provided by the North County Transit District (NCTD) with both commuter train and bus services. There are 6.4 miles of bicycle facilities within the City, with over half located along Lomas Santa Fe Drive and Highway 101. The Highway 101 corridor has high levels of cycling activity due to its coastal location and beach access points. Pedestrian facilities exist throughout the City but are most predominant at the Coastal Rail Trail, which includes a multi-use path that runs along the entire length of the City, parallel to Highway 101.

The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Future housing development facilitated by the HEU and the resulting population growth of approximately 1,762 persons (see **Section 1.14, Population and Housing**), would incrementally increase the demand for transit and pedestrian facilities.

All future housing development facilitated by the HEU would be subject to environmental review under CEQA, City's development review process, and compliance with applicable General Plan, Local Coastal Plan, and SBMC policies/standards concerning public transit and pedestrian facilities. This includes policies and regulations required to improve public access and safety for people who walk and bike, and improve the transportation system, as applicable. Future housing development on the candidate housing sites would be required to adhere to all state requirements for consistency with transportation plans. Furthermore, future housing development would be subject to compliance with SBMC §17.68.040 (Development Review) and §17.68.060 (Planned Unit Developments). The City's review process would examine project compatibilities with the surrounding areas. Conditions of approvals may include requirements for street improvements and dedications and traffic circulation. As a result, future housing development on the candidate housing sites facilitated by the HEU would not conflict with an adopted program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, impacts would be less than significant.

1.17b **Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?**

Less Than Significant Impact. The project would not result in direct housing construction but would facilitate and provide a policy framework for future housing development throughout the City. The candidate housing sites are dispersed throughout the City to reduce the potential for adverse environmental impacts. The intent is to reduce impacts by placing housing near public transportation and recreation opportunities and away from environmentally sensitive resources. For example, several candidate housing sites are near the Highway 101 corridor.

Future development projects would be reviewed on a case by case basis to ensure consistency with application regulations that address the circulation system, including Vehicle Miles Travelled (VMT). The City has adopted the SANDAG VMT guidelines which outlines the process for evaluating a project's impacts concerning VMT.

All future housing development facilitated by the HEU would be required to adhere to all state and local requirements for avoiding significant impacts related to VMT. Any traffic demand measures required for mitigation would be required to comply with General Plan Circulation Element Policy C-1.1, which aims to encourage and facilitate transit-oriented development, mixed-use, and infill projects in appropriate locations, especially near the transit station and along key corridors such as Highway 101. A majority of candidate housing sites are within urban and developed areas, and therefore future housing development on the candidate housing sites facilitated by the HEU would be expected to reduce VMT. Future housing development in some areas of the City would provide more housing closer to employment and commercial areas, further increasing opportunities to reduce VMT and increase the ease of walking, cycling, and using public transit. Therefore, impacts would be less than significant.

1.17c Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate future housing development throughout the City. Because future housing development facilitated by the HEU would occur on mostly developed properties use existing roadways that are connected and adjacent to the existing transportation network, hazards due to a geometric design feature or incompatible uses are not anticipated. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and be evaluated at the project-level for its potential to increase hazards due to a geometric design feature and to verify compliance with SBMC requirements (e.g., SBMC §17.68.040 (Development Review Permits) and §17.68.060 (Planned Unit Developments)). Future housing development facilitated by the HEU would be required to comply with applicable building and fire safety regulations required for the design of new housing and emergency access; and would be required to adhere to all state and local requirements for avoiding construction and operations impacts related to design and incompatible uses. As a result, future housing development facilitated by the HEU would not substantially increase hazards due to design features or incompatible uses. Therefore, impacts would be less than significant.

1.17d Would the project result in inadequate emergency access?

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate future housing development throughout the City. Because future housing development facilitated by the HEU would occur on mostly developed properties, it is not anticipated that future housing development would result in inadequate emergency access. Additionally, all future housing development facilitated by the HEU would be subject to the City's development review process and required to demonstrate consistency with the SMBC. The City has adopted the California Fire Code under SBMC §15.32 and SBMC §15.32.170 – 503 Fire Apparatus Access Roads, which requires compliance with emergency access design standards as part of new construction of roads to provide sufficient access for emergency equipment. The Fire Code also sets standards for road dimension, design, grades, and other fire safety features. Additionally, more stringent CBC standards also apply regarding new construction and development of emergency access issues associated with earthquakes, flooding, climate/strong winds, and water shortages. Future housing development would be required to comply with applicable building

and fire safety regulations required for the design of new housing and emergency access. Thus, compliance with the SBMC would ensure adequate access issues, including emergency access. As a result, future housing development facilitated by the HEU would not result in inadequate emergency access. Therefore, impacts would be less than significant.

Standard Conditions and Requirements

None are applicable to the project.

1.18 Tribal Cultural Resources

1.18a Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**
- ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Less Than Significant Impact. The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Therefore, future housing development facilitated by the HEU could cause a substantial adverse change in the significance of a tribal cultural resource through demolition, destruction, relocation, or alteration, if such a resource is present on or near the site.

All future housing development facilitated by the HEU would be subject to the City's development review process and required to adhere to all federal, state, and local regulations for avoiding impacts to historical resources. The likelihood of encountering tribal cultural resources on undeveloped sites is greatest on sites that have been minimally excavated in the past (e.g., undeveloped parcels, vacant lots, and lots containing undeveloped areas). Alternately, previously excavated areas are generally considered to have a lower potential for tribal cultural resources, since the previously graded areas may have already removed or disturbed the soil that may have previously contained resources. Future housing development on the candidate housing sites facilitated by the HEU would be subject to discretionary permits and CEQA evaluation and would be required to adhere to all federal, state, and local requirements for avoiding impacts to tribal cultural resources. This includes compliance with CEQA §21074 and the City's Conservation and Open Space Element, Objective 6, which aims to prevent the loss of important historical, archaeological, and paleontological resources.

Future housing development facilitated by the HEU would be subject to discretionary permits and compliance with all federal, state, and local requirements for protecting tribal cultural resources. In the likelihood that future housing development would impact tribal resources, compliance with SC TCR-1 would be required. Following compliance with the established regulatory framework and SC TCR-1, a less than significant impact would occur.

Standard Conditions and Requirements

SC TCR-1 Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal, cultural, or archaeological resources during ground-disturbing activities, the Applicant shall immediately cease such activities in the immediate vicinity. The find shall then be assessed by a qualified archeologist retained by the Applicant and a tribal monitor/consultant approved by the consulting tribe. The applicant shall promptly notify the Planning and Community Development Director of the discovery of resources. If the

resources are Native American in origin, the consulting tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. At the direction of the qualified archaeologist and tribal monitor/consultant, and in coordination with the Community Development Department, work may continue on other parts of the affected site while evaluation and, if necessary, additional protective measures are completed at the affected portion of the site pursuant to State CEQA Guidelines §15064.5 [f]. If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource,” time and funding to allow for sufficient implementation of avoidance measures must be made available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines §15064.5(f) for historical resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment upon identification of unique archeological resources (Public Resources Code §§21083.2(b)). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the consulting tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, non- profit institution with a research interest in the materials, such as the San Diego Archeological Center. Acceptance and curation of the historic archeological materials will be at the discretion of the institution. If no institution accepts the archaeological material, they shall be offered to the consulting tribe or the Solana Beach Civic and Historical Society for educational purposes.

1.19 Utilities and Service Systems

1.19a Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water

Less Than Significant Impact. The Santa Fe Irrigation District (District) provides water resources to the City. The District service area contains approximately 10,200 acres, of which 2,850 acres are in Solana Beach. General Plan Circulation Element Figure C-5, Existing Water Distribution System, identifies existing water lines in the City.

The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Future housing development facilitated by the HEU would be located in developed areas of the City where water infrastructure already exists. Further, most of the candidate housing sites are developed and include existing connections to the District's system. Accordingly, future housing development facilitated by the HEU is not anticipated to require or result in the relocation or construction of new or expanded water facilities that could cause significant environmental effects. Notwithstanding, all future housing development facilitated by the HEU would be subject to environmental review under CEQA, the City's development review process, and required to adhere to General Plan policies and SBMC regulations. A less than significant impact would occur.

Wastewater Treatment

Less Than Significant Impact. The City of Solana Beach owns and is responsible for approximately 283,000 linear feet of wastewater conveyance pipeline and four active pump stations. The City generates an average wastewater flow of approximately 1.22 million gallons per day (gpd). For planning and facility sizing purposes, the City utilizes a conservative estimate of 200 gpd per Equivalent Dwelling Unit (EDU). General Plan Circulation Element Figure C-6, Existing Wastewater System, identifies existing wastewater lines in the City. A majority of identified housing candidate sites are currently developed and include existing connections to the City's wastewater system.

As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. As discussed in **Section 1.14, Population and Housing**, the forecast population growth resulting from future housing development facilitated by the HEU is 1,762 persons, or approximately 11.65 percent over the City's existing population of 13,367 persons. The forecast population growth associated with future housing development facilitated by the HEU would increase wastewater generation in the City and demands for wastewater treatment. However, the City's forecast population including future housing development facilitated by the HEU of approximately 15,129 persons would be less than SANDAG's forecast population of 15,249 persons by 2035. Moreover, because SANDAG population forecasts are based on the General Plan and the project does not propose changes in land use designations, the project would not conflict with SANDAG forecasts.

The City's Capital Improvement Program is utilized to maintain and upgrade the sewer system. It follows recommendations outlined in the Sanitary Sewer Master Plan, which estimated a future population of 15,620 persons at build-out based on General Plan buildout. No change to the City's buildout population

forecast would occur with project implementation. Therefore, the City's wastewater infrastructure is considered adequate to accommodate projected growth.

Accordingly, project implementation would not require or result in the relocation or construction of new or expanded wastewater facilities that could cause significant environmental effects. A less than significant impact would occur.

Stormwater Drainage

Less Than Significant Impact. Portions of Solana Beach fall within two watersheds: the San Dieguito Watershed and the Carlsbad Watershed. The City's 2004 Drainage Master Plan provides an inventory of all existing public drainage facilities along with hydrologic and hydraulic analyses to determine existing system capacities. General Plan Circulation Element Figure C-7, Existing Drainage System, identifies existing drainage facilities in the City. A majority of identified housing candidate sites are currently developed and surface flows are directed toward existing City facilities. Accordingly, project implementation would not require construction or relocation of new or expanded storm drainage facilities.

As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. As discussed in **Section 1.14, Population and Housing**, the forecast population growth resulting from future housing development facilitated by the HEU is 1,762 persons, or approximately 11.65 percent over the City's existing population of 13,367 persons. The forecast population growth associated with future housing development facilitated by the HEU would increase wastewater generation in the City and demands for wastewater treatment. However, the City's forecast population including future housing development facilitated by the HEU of approximately 15,129 persons would be less than SANDAG's forecast population of 15,249 persons by 2035. Moreover, because SANDAG population forecasts are based on the General Plan and the project does not propose changes in land use designations, the project would not conflict with SANDAG forecasts.

The City's Capital Improvement Program is utilized to maintain and upgrade the drainage system. It follows recommendations outlined in the Drainage Master Plan which estimated a future population of 15,620 persons at build-out based on General Plan buildout. No change to the City's buildout population forecast would occur with project implementation. Therefore, the City's stormwater drainage infrastructure is considered adequate to accommodate projected growth.

Further, future housing development facilitated by the HEU would comply with the City's stormwater management ordinance which establishes standards and minimum requirements for storm water management, site design, and best management practices to improve water quality and reduce the adverse effects of polluted runoff discharges. Additionally, the City's Urban Storm Water Mitigation Plan would be used to guide applicants through the selection, design, and incorporation of stormwater BMPs into project-specific plans to reduce pressure on the City's facilities. A less than significant impact would occur.

Dry Utilities (i.e. Electric Power, Natural Gas, and Telecommunications)

San Diego Gas and Electric (SDG&E), operated by Sempra Energy, provides electricity and natural gas service to the City. Telecommunications service is provided by multiple companies including Cox, AT&T, and Comcast.

The project would not result in direct housing construction, but would facilitate future housing development throughout the City. The housing development facilitated by the HUE would increase the demands for dry utilities. However, the candidate housing sites are located in developed areas of the City that are already served by electric power, natural gas, and telecommunications facilities. Further, most of the candidate housing sites are developed and connect to existing dry utility infrastructure. While future development facilitated by the HEU would increase population within the City and increase service demand, growth projections are consistent with regional and local plans used to guide infrastructure development. All future housing development facilitated by the HEU would be required to meet the mandatory requirements under the City's various programs aimed at ensuring adequate supplies and service infrastructure are available to serve the development. A less than significant impact would occur.

1.19b Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less Than Significant Impact. As discussed above, the candidate housing sites are located within the Santa Fe Irrigation District service area, which obtains its potable water supply from three sources: local surface water from Lake Hodges (also referred to as Hodges Reservoir), imported raw water purchased from the Water Authority, and imported treated water purchased from the Water Authority. The District owns and maintains approximately 160 miles of water distribution pipeline and one above-ground storage reservoir with a capacity of 6.0 million gallons.

The District's 2015 Final Urban Water Management Plan (UWMP) was prepared in compliance with the requirements of Water Code Section 10610 through 10656 of the Urban Water Management Planning Act. The UWMP requires every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (AF) of water annually to prepare, adopt, and file an UWMP with the California Department of Water Resources (DWR) every five years in the years ending in zero and five. The 2015 UWMP provides water supply planning for a 25-year planning period in 5-year increments and identifies water supplies needed to meet existing and future demands. The demand analysis must identify supply reliability under three hydrologic conditions: a normal year, a single-year, and multiple-dry years.

To prepare its UWMP, the District utilized population projections are based on SANDAG's 2050 Regional Growth Forecast, Series 13 model. The District is relatively built out and the UWMP assumes a projected population growth of approximately 11 percent over 25 years. The UWMP provides estimates of the water supply and water demand during historic year, normal year, dry-year, and member agency demand projected to year 2040. The District has sufficient supplies to meet demand through multiple-dry year conditions and no shortages are anticipated within its service area.

The forecast population growth associated with future housing development facilitated by the HEU would increase residential water demand in the City. However, the City's forecast population including future housing development facilitated by the HEU of approximately 15,129 persons would be less than SANDAG's forecast population of 15,249 persons by 2035. Population projections used to prepare the UWMP are consistent with population growth that would occur from implementation of the HEU and planned water supplies would be sufficient to serve the future development.

Further, future housing development facilitated by the HEU would be subject to environmental review under CEQA, discretionary permits, and required to adhere to all federal, state, and local requirements during construction and operation for ensuring that sufficient water supplies are available. Additionally,

future housing development would be required to present will-serve letters or submit a Utility Service Application to the City substantiating that adequate water supplies would be available. Considering these requirements, sufficient water supplies would be available to serve the project. A less than significant impact would occur.

1.19c Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. In compliance with the Federal Clean Water Act requirements, the City maintains the sanitary sewer system. A private contractor, under contract with the City of Solana Beach, provides routine cleaning of the public sewer mains. The City's sewage is pumped to the San Elijo Water Reclamation Facility in Cardiff for treatment and disposal. The treatment facility supplies reclaimed water for landscape irrigation and industrial applications. The City Council appoints representatives to sit as voting members on the San Elijo Joint Powers Authority Board.

Future development facilitated by the HEU would result in increased demand for wastewater treatment services. The City levies connection fees for new or expanded sewer connections, including those to new development. These connection fees help fund the costs associated with providing wastewater facility capacity to both new users requiring new connections, as well as existing users requiring additional capacity. Future housing development under the HEU would be subject to discretionary permits and required to adhere to all federal, state, and local requirements related to wastewater treatment during construction and operations, including the City's Sewer Regulations Ordinance (SBMC Chapter 14.04) and the Construction General Permit. Considering these requirements, and the available capacity discussed above, the project would not result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments. No new expansions of infrastructure facilities are required, and impacts would be less than significant. No direct physical impact to the environment would occur.

1.19d Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impact. The City contracts with EDCO Waste and Recycling Services for residential refuse collection. The project would not result in direct housing construction, but would facilitate future housing development throughout the City. However, future housing development facilitated by the HEU would result in increased solid waste generation. EDCO Waste and Recycling would be responsible for solid waste collection and hauling during both construction and operational phases of any future housing development. Solid waste generated during construction activities typically includes demolition of existing on-site structures, vegetation clearing, and grading would generate solid waste. Such waste would be source separated on-site for reuse, recycling, or proper disposal. Bins for the various construction material waste types would typically be provided on site by EDCO Waste and Recycling, who would also transport waste materials to the proper facilities for disposal. For future operations, EDCO Waste and Recycling would offer a variety of trash collection and recycling services.

It is anticipated solid waste from future housing development facilitated by the HEU would be disposed of at the Sycamore and Otay Landfills. The Sycamore Landfill is permitted to receive 5,000 tons per day

and has a remaining capacity of approximately 114 million tons.¹⁰ The Otay Landfill is permitted to receive 6,700 tons per day and has a remaining 21 million tons.¹¹ Solid waste generated at future housing developments facilitated by the HEU would represent a nominal increase in disposal rates. Existing landfill capacity would be sufficient to serve future development within the City.

Further, AB 341 requires Cities and Counties to implement recycling programs, reduce refuse at the source, and compost waste to achieve the established 75 percent diversion of solid waste from landfills. EDCO Waste and Recycling is the only franchised waste hauler authorized to provide trash and recycling. For future development, the City, in conjunction with EDCO Waste and Recycling, would perform outreach, education and monitoring pursuant to this regulation.

Future housing development facilitated by the HEU would be subject to discretionary permits and required to adhere to all federal, state, and local requirements for solid waste reduction and recycling. Considering these requirements, the HEU implementation would not generate solid waste in excess of State or local standards, or in excess of local infrastructure's capacity. Therefore, impacts would be less than significant.

1.19e Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. State, County, and local agencies with regulatory authority related to solid waste include the California Department of Resources Recycling and Recovery and the City of Solana Beach. Regulations specifically applicable to the proposed project include the California Integrated Waste Management Act of 1989 (AB 939), California Green Building Standards Code (CalGreen) Section 4.408, and SB 341, which requires multi-family residential development and commercial uses to implement recycling programs.

The Integrated Waste Management Act, which requires every City and County in the State to prepare a Source Reduction and Recycling Element (SRRE) to its Solid Waste Management Plan, identifies how each jurisdiction will meet the State's mandatory waste diversion goal of 50 percent by and after the year 2000. The diversion goal has been increased to 75 percent by 2020 by SB 341.

The 2019 CalGreen Code Section 4.408 requires preparation of a Construction Waste Management Plan that outlines ways in which the contractor would recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition debris. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. During the construction phase of future housing development, projects would comply with the CalGreen Code through the recycling and reuse of at least 65 percent of the nonhazardous construction and demolition debris from the project site. No conflict with statutes and regulations related to solid waste would occur.

Standard Conditions and Requirements

None are applicable to the project.

¹⁰ California Department of Resources Recycling and Recovery , *Solid Waste Information System (SWIS)*, Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1798?siteID=2871> , Accessed January 18, 2021.

¹¹ California Department of Resources Recycling and Recovery , *Solid Waste Information System (SWIS)*, Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1790?siteID=2863>, Accessed January 18, 2021.

1.20 Wildfire

1.20a If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. According to CalFire Fire Hazard Severity Zone Map¹², candidate housing sites are not within a State responsibility area or a Very High Fire Hazard Severity Zone. All future housing development facilitated by the HEU would be subject to environmental review under CEQA, City's development review process, and required to demonstrate consistency with General Plan policies and SBMC regulations regarding fire and other hazards. Safety Element Section 2.4 describes action items to reduce fire hazard within the city, including strict zoning and development regulations, removal or reduction of vegetation that constitutes fuel for fires in or near developed areas, controlled burning, and the development of a network of firebreaks that reduce the potential spread of wildfires. Safety Element Section 2.4, also, describes methodology to maintain adequate emergency response capabilities, including providing the Solana Beach Fire Department with sufficient financial resources and maintaining city and county emergency roads to high fire hazard areas. Future development facilitated by the HEU would be subject to discretionary permits and required to meet the mandatory requirements related to the prevention of wildfire impacts. As a result, HEU implementation would not substantially impair an adopted local or county-wide emergency response or evacuation plan. Therefore, impacts would be less than significant.

1.20b If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, due to slope, prevailing winds, and other factors, would the Project exacerbate wildfire risks and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than Significant Impact. As discussed above, candidate housing sites are not within an area classified as very high fire hazard severity zone. Therefore, impacts would be less than significant.

1.20c If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Candidate housing sites are not within areas classified as very high fire hazard severity zone. The need for installation and maintenance of new infrastructure would be evaluated as part of the discretionary development permit review process. It is anticipated that future housing development facilitated by the HEU would be served by the extension of existing utility infrastructure because of the predominately developed nature of the City. Therefore, impacts would be less than significant.

1.20d If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the Project expose people or structures to significant risks, including downslope

¹² California Department of Forestry and Fire Protection, California Fire Hazard Severity Zone Viewer Available at: <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>, Accessed February 5, 2021.

or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than Significant Impact. As previously noted, the project would not result in direct housing construction, but would facilitate future housing development. Candidate housing sites are not within areas classified as very high fire hazard severity zone. According to the California Geological Survey, Solana Beach does not contain any areas identified as having a potential for landslides.¹³ Adherence to state and City codes, and emergency and evacuation plans set by the City and the County of San Diego would prevent impacts to people or structures from risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

Standard Conditions and Requirements

None are applicable to the project.

¹³ California Geological Survey, Geologic Hazards Data and Maps Data Viewer, Available at: <https://maps.conservation.ca.gov/geologichazards/>, Accessed December 28, 2020.

1.21 Mandatory Findings of Significance

1.21a Does the Project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact. On the basis of the foregoing analysis, the proposed project does not have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten or eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. All future housing development facilitated by the HEU would be subject to the City's development review process and required to adhere to all federal, state, and local requirements. The HEU would not result in any direct environmental impacts that would substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Impacts are less than significant.

1.21b Does the Project have possible environmental effects which are individually limited, but cumulatively considerable?

Less Than Significant Impact. State CEQA Guidelines §15065(a)(3) defines "cumulatively considerable as times when "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." This document provides a programmatic analysis of the effects of the proposed HEU and the future housing development facilitated by its implementation.

The project would not result in direct housing construction, but would facilitate and provide a policy framework for future housing development throughout the City. Future housing development facilitated by the HEU would: occur as market conditions allow and at the discretion of the individual property owners; be subject to the City's development review process; be subject to environmental review under CEQA; and does not propose changes to current land use designations and zoning. Based on these factors, and since all future housing development facilitated by the HEU would be subject to the City's development review process, the project would not result in environmental effects, which are individually limited, but cumulatively considerable.

1.21c Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact. There are no known substantial adverse effects on human beings that would be caused by the proposed project. The project would facilitate future housing development throughout the City, but would not result in direct housing construction. The HEU provides capacity for future housing development consistent with State Housing law. The candidate housing sites inventory includes 83 properties that are dispersed throughout the community to minimize the potential for adverse environmental impacts. The provision of additional housing in the City is intended to create adequate

housing availability at all income levels. The creation of more economically and socially diversified housing choices is a goal of the HEU and is intended to provide new housing opportunities for low-income households. Implementation of the HEU would provide additional housing options for a variety of income levels, as allocated by RHNA.

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STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 14, 2021
ORIGINATING DEPT: Community Development Department
SUBJECT: **Public Hearing: Request for DRP to Demolish a Single-Family Residence, Construct a Replacement Two-Story Single-Family Residence with an Attached Two-Car Garage and a Partially Subterranean Lower Level, and Perform Associated Site Improvements at 475 Marview Lane. (Case # 17-18-17 Applicant: Bernadette Anderson; APN: 263-181-12; Resolution No. 2021-043)**

BACKGROUND:

The Applicant, Bernadette Anderson, is requesting City Council approval of a Development Review Permit (DRP) to demolish a single-family residence, construct a replacement 3,972 square-foot two-story, single-family residence with an attached two-car garage and a partially subterranean lower level, and perform associated site improvements. The 11,553 square-foot lot is located at 475 Marview Lane and within the Low Residential (LR) Zone and the Scaled Residential Overlay Zone (SROZ). The project proposes grading in the amounts of approximately 450 cubic yards of cut, 100 cubic yards of fill, 36 cubic yards of excavation for footings, 200 cubic yards of removal and recompaction, and 386 cubic yards of export. The project requires a DRP for 1) an aggregate grading quantity in excess of 100 cubic yards, 2) a structure that exceeds 60 percent of the maximum allowable floor area, and 3) a second floor that exceeds 35% of the square footage of the first floor. The proposed structure will not exceed 16 feet in height as measured from the pre-existing grade and would be 23.25 feet above the proposed grade.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicant's request for a DRP as contained in Resolution 2021-043 (Attachment 1).

DISCUSSION:

The 11,553 square-foot lot is located on the west side of Marview Lane, which is a private road easement connecting the terminus of East Cliff Street to the intersection of Marview

CITY COUNCIL ACTION:

Drive and Ford Avenue. The subject property extends 20 feet to the center line of Marview Lane. The front property line is measured from the private road easement. The lot is currently developed with a single-story single-family residence, which would be demolished with the proposed project. The existing topography slopes down from the private road easement at the east end of the lot (front) to the west (rear) and is supported by multiple retaining walls running north to south. The overall change in topography from front to rear ranges from 16 to 18 feet.

On August 13, 2018, the Applicant applied for a DRP and Structure Development Permit (SDP). The proposal included a 25-foot high, multi-level single-family residence with an attached garage and associated site improvements. Following the SDP process for a structure in excess of 16 feet above pre-existing grade, story poles were installed and a SDP notice was mailed to neighbors establishing a deadline to file for View Assessment on October 21, 2019. Four applications for View Assessment were received. The Applicant lowered rooflines and the maximum height to 24 feet. The story poles were adjusted and certified accordingly. The project was then heard before the View Assessment Commission (VAC) on January 21, 2020, at which time the VAC continued the project to a subsequent hearing to afford the Applicant the opportunity to modify the project based on view impairment concerns raised by Claimants and Commissioners.

The Applicant submitted a revised project in the fall of 2020, which included the same general design as the original proposal except the upper level was eliminated and additional floor area was added to the main and lower levels. The currently proposed design would appear as a single story from Marview Lane. The maximum building height of the currently proposed residence would not exceed 16'-0" above the pre-existing grade; therefore, the project is no longer subject to the View Assessment requirements of SBMC Chapter 17.63, the SDP request has been withdrawn, and the four (4) applications for View Assessment have been deemed withdrawn.

The Applicant's revised design proposes to construct a replacement 3,941 square-foot, two-story residence with an attached 431 square-foot two-car garage, a partially subterranean lower level, and associated site improvements including cut and fill grading, a pool and spa, hardscape, fencing and retaining walls, and landscaping. Similar to the existing development, the proposed residence would appear as a single story from Marview Lane and the driveway from Marview Lane and two-car garage would be located on the southern portion of the property. The lower level would be partially built into the existing grade and daylight to a covered patio on the west side of the residence. The lower level would not meet the definition of a "Basement" in the SROZ due to the amount of exposure. 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.

Table 1			
LOT INFORMATION			
Property Address:	475 Marview Ln.	Zoning Designation:	LR (3 du/ac)
Lot Size (Net):	11,553 ft ²	# of Units Allowed:	1 SFR, 1 ADU, 1 JADU
Max. Allowable Floor Area:	3,972 ft ²	# of Units Requested:	1 SFR
Proposed Floor Area:	3,972 ft ²	Setbacks:	Required Proposed
Below Max. Floor Area by:	0 ft ²	Front (E)	25 ft. 25 ft. 10 in.
Max. Allowable Height:	25'-0"	Exterior Side (N)	5 ft. 6 ft. 1 in.
Height Above Pre-existing:	16'-0"	Interior Side (S)	5 ft. 6 ft. 7 in.
Height Above Proposed:	23'-3"	Rear (W)	25 ft. 25 ft. 0 in.
Highest Point/Ridge:	271.17 MSL		
PROPOSED PROJECT INFORMATION			
Floor Area Breakdown:		Required Permits:	
Main Level Living Area	2,844 ft ²	A DRP is required for:	
Lower Level Living Area	1,097 ft ²	1) grading in excess of 100 cubic yards (aggregate);	
Main Level Garage	431 ft ²	2) a structure that exceeds 60% of the maximum allowable floor area; and	
Subtotal	4,372 ft ²	3) a second floor that exceeds 35% of the floor area of the first floor.	
Off-Street Parking Exemption	- 400 ft ²		
Total Floor Area:	3,972 ft²		
Proposed Grading:	450 yd ³ of cut, 100 yd ³ of fill, 36 yd ³ cut for footings, 386 yd ³ of export, and 200 yd ³ for removal and recompaction		
Proposed Parking:	Attached 2-Car Garage	Existing Development:	
Proposed Fences and Walls:	Yes	Single-family residence with attached garage to be demolished	
Proposed Accessory Dwelling Unit:	No		
Proposed Accessory Structure:	No		

Staff has prepared draft findings for approval of the project in the attached Resolution 2021-043 for Council’s consideration based upon the information in this report. The applicable SBMC sections are provided in italicized text and conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval. The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the Public Hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

The following is a discussion of the findings for a DRP as each applies to the proposed project as well as references to recommended conditions of approval contained in Resolution 2021-043.

Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required for the following reasons: 1) the proposal includes an aggregate grading quantity that exceeds 100 cubic yards of grading; 2) any new construction if the

total proposed square footage exceeds 60 percent of the maximum floor area; and 3) a second floor that exceeds 35% of the floor area of the main floor.

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

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

The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. Resolution 2021-043 provides the full discussion of the findings.

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

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

Relationship with Adjacent Land Uses:

The property is located within the LR Zone. The surrounding neighborhood is also located within the LR Zone and is developed with a mixture of one- and two-story single-family residences located along both sides of Marview Lane, Marview Drive and Ford Avenue as well as along the east side of Mar Vista Drive.

The project, as designed, is consistent with the permitted uses for the LR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Low

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

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

Building and Structure Placement:

The Applicant proposes to demolish the existing single-family residence, construct a replacement two-story, single-family residence with an attached two-car garage, and perform associated improvements including grading, hardscaping, landscaping, and construction of a pool, spa, fences, and walls. The proposed residence would be setback 25 feet from the frontage along the Marview Lane private road easement (east), at least 5 feet from the interior side property lines (north and south), and 25 feet from the rear (west) property line.

Shared vehicular and pedestrian access would be maintained with a sloped driveway along the southern side of the property and a pathway from the driveway to the main entrance of the residence. The 431 square-foot two-car garage would have a finished floor elevation of 258.0' MSL. The 2,844 square-foot main level living area would have a finished floor elevation of 256.5' MSL, which is approximately one foot lower than the existing residence. The main level living area would include a great room, kitchen, laundry room, powder room, office, the main bedroom suite, and three additional bedroom suites. The great room would open to a partially covered deck also accessed by the office and a bedroom. The deck would include an exterior spiral staircase that accesses the lower level patio.

The lower level living area would include a media room, bedroom, studio, bathroom, and mechanical room. The lower level would open to a patio with a barbeque counter, which would be covered by the main level above. A square spa and rectangular pool would be located in the rear yard and the yard would step down approximately two feet from the lower level patio to the pool patio.

The maximum allowable structure height for residentially zoned properties is 25 feet measured from the lower of the pre-existing or proposed grade. The proposed residence would have a maximum building height of 23.25 feet measured from the proposed grade of the lower level. The proposed residence would not exceed 16 feet in height from the pre-existing grade.

The SBMC parking regulations require two off-street parking spaces per single-family residence. The Code indicates that when required spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. The project includes a single-family residence with a two-car garage, therefore, the project is afforded a 400 square-foot exemption for the two garage spaces. The total proposed floor area would be 3,972 square feet, which is the exact maximum allowable floor area for the 11,553 square-foot lot, pursuant to the SROZ regulations.

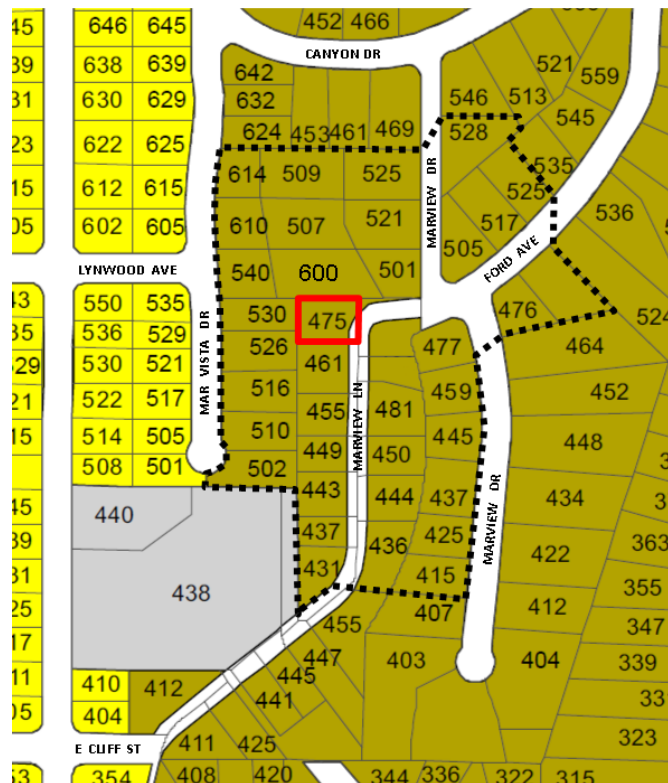
The maximum floor area calculation for this project is as follows:

0.50 for first 6,000 ft ²	3,000 ft ²
0.175 for 6,001 to 15,000 ft ²	972 ft ²
Total Allowable Floor area:	3,972 ft²

The proposed project, as designed, meets the minimum required setbacks, meets the minimum required off-street parking, is below the maximum building height, and is at the maximum allowable floor area for the property.

Neighborhood Comparison:

Staff compared the proposed project to 40 other properties within the surrounding area. This area includes properties along both sides of Marview Lane, Marview Drive, and Ford Avenue as well as properties along the east side of Mar Vista Drive as shown on the following map:



The properties evaluated in this comparison are all located in the LR Zone. The existing homes range in size from 1,098 square feet to 5,380 square feet, according to the County Assessor records. It should be noted that the County Assessor does not include the garage, covered porch area, unfinished basement, or accessory building area in the total square footage. Accordingly, the building area of the proposed project has been calculated for comparison purposes by deleting the area of the proposed garage, as follows:

Project Gross Building Area:	4,372 ft ²
Delete Attached Garage:	- 431 ft ²
Project Area for Comparison to Assessor's Data:	3,941 ft ²

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 ² (GIS)	Existing ft ² Onsite (Assessor's)	Proposed / Recently Approved ft ²	Max. Allowable ft ²	Zone
1	614 Mar Vista Dr	8,810	3,135		3,492	LR
2	610 Mar Vista Dr	9,300	1,677		3,578	LR
3	540 Mar Vista Dr	10,500	2,901		3,788	LR
4	530 Mar Vista Dr	10,700	2,749		3,823	LR
5	526 Mar Vista Dr	12,200	2,429		4,085	LR
6	516 Mar Vista Dr	12,800	1,098		4,190	LR
7	510 Mar Vista Dr	10,900	1,772		3,858	LR
8	502 Mar Vista Dr	12,000	3,314		4,050	LR
9	437 Marview Dr	14,400	2,223		4,470	LR
10	425 Marview Dr	10,700	2,579		3,823	LR
11	415 Marview Dr	11,800	2,548		4,015	LR
12	449 Marview Ln	9,000	2,043		3,525	LR
13	443 Marview Ln	9,000	2,686		3,525	LR
14	450 Marview Ln	11,300	2,257		3,928	LR
15	431 Marview Dr	13,645	Vacant	3,883	4,338	LR
16	436 Marview Ln	14,000	3,363		4,400	LR
17	437 Marview Ln	6,500	2,177		3,088	LR
18	444 Marview Ln	9,010	2,766		3,527	LR
19	415 Marview Dr	7,800	2,548		3,315	LR
20	425 Marview Dr	8,700	2,579		3,473	LR
21	437 Marview Dr	12,000	2,223		4,050	LR
22	477 Marview Dr	12,100	3,341		4,068	LR
23	459 Marview Dr	10,900	4,489		3,858	LR
24	445 Marview Dr	11,100	3,932		3,893	LR

25	481 Marview Ln	10,000	3,654		3,700	LR
26	501 Marview Dr	10,600	3,083		3,805	LR
27	521 Marview Dr	14,200	5,358		4,435	LR
28	525 Marview Dr	15,600	2,186		4,635	LR
29	509 Marview Ln	17,000	5,380		4,775	LR
30	507 Marview Ln	17,000	1,534		4,775	LR
31	600 Mar Vista Dr	19,800	2,186		5,055	LR
32	475 Marview Ln	11,553	1,468	3,941	3,972	LR
33	461 Marview Ln	12,800	3,851		4,190	LR
34	455 Marview Ln	10,900	2,855		3,858	LR
35	Marview Ln	6,000	Vacant		3,000	LR
36	Marview Ln	4,000	Vacant		2,650	LR
37	476 Marview Dr	9,700	2,124	3,564	3,648	LR
38	0 Ford Ave	13,920	Vacant	4,263	4,386	LR
39	528 Marview Dr	15,700	2,180		4,645	LR
40	505 Ford Ave	13,000	4,550		4,225	LR
41	517 Ford Ave	12,500	2,110		4,138	LR

Fences, Walls and Retaining Walls:

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

Several retaining walls are proposed to accommodate the design of the proposed project, including a perimeter retaining wall with pool safety privacy fencing above located within the property and designed to support the grade differences between adjacent properties. The combination fence and wall would follow the north, south, and west property lines and comply with the maximum allowable fence height for the side and rear yards. A retaining wall ranging in height from zero to three feet would be located along the northern side of the driveway and return to the northern property line to support the existing vegetated slope in the northeast corner of the property and create a flat front entry walkway from the driveway to the front door. Additional retaining walls would be constructed in the rear yard to support the step down in elevation from the northern side yard and main patio to the pool patio.

Currently, fences and walls shown on the plans 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 terms of layout and species height) and with the water efficient landscaping regulations. In addition, the City's third-party landscape architect will perform an inspection after completion of the landscape work and prior to final inspection of the building or grading permit. 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 an attached, two-car garage. The garage would be accessed by a replacement driveway from Marview Lane along the southern property line. SBMC Section 17.08.030 indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the floor area calculation. The proposed garage will accommodate the two required off-street parking spaces, therefore, 400 square feet of garage area is exempt from the project's floor area calculation.

Grading:

The project includes grading in the amount 450 cubic yards of cut, 100 cubic yards of fill, 36 cubic yards cut for footings, 386 cubic yards of export, and 200 cubic yards for removal and recompaction. The majority of the proposed grading consists of excavation below the existing residence to build the proposed lower level into the existing grade. Additional grading in the rear yard is proposed in order to create flat patio areas and in the side yards to create access around residence.

Grading is also proposed to reconstruct the driveway and apron. As a condition of approval, the Applicant will be required to grade a 10-foot shoulder within the private road easement along Marview Lane and install 10 feet of decomposed granite (DG) for a walkway and parking.

Lighting:

A condition of project approval requires 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 two-story, single-family residence with an attached garage on a developed residential lot; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. As a condition of project approval, the Applicant will be required to pay the applicable Park Development Fee.

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 April 1, 2021. The Applicant's representative provided an explanation of the design process, which is included in Attachment 3.

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 2021-043 for Council's consideration based upon the information in this report. Conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval.

The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the Public Hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

CEQA COMPLIANCE STATEMENT:

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

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

- Approve Staff recommendation adopting the attached Resolution 2021-043.

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

DEPARTMENT RECOMMENDATION:

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

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2021-043 conditionally approving a DRP to demolish a single-family residence, construct a replacement, two-story, single-family residence with an attached two-car garage and a partially subterranean lower level, and perform associated site improvements at 475 Marview Lane, Solana Beach.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2021-043
2. Project Plans
3. Applicant Letter to Council

RESOLUTION NO. 2021-043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT TO DEMOLISH A SINGLE-FAMILY RESIDENCE AND CONSTRUCT A REPLACEMENT TWO-STORY, SINGLE-FAMILY RESIDENCE WITH A TWO-CAR GARAGE, A PARTIALLY SUBTERRANEAN LOWER LEVEL, AND PERFORM ASSOCIATED IMPROVEMENTS AT 475 MARVIEW LANE, SOLANA BEACH

APPLICANT: BERNADETTE ANDERSON

APPLICATION: 17-18-17 DRP

WHEREAS, Bernadette Anderson (hereinafter referred to as “Applicant”), has submitted an application for a Development Review Permit (DRP) pursuant to Title 17 (Zoning) of the Solana Beach Municipal Code (SBMC); and

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

WHEREAS, at the Public Hearing on April 14, 2021, the City Council received and considered evidence concerning the proposed application; and

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

WHEREAS, this decision is based upon the evidence presented at the Public 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 to demolish a single-family residence, construct a replacement two-story, 3,972 square foot single-family residence with a two-car garage and a partially subterranean lower level, and perform associated site improvements at 475 Marview Lane, 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 Low Density Residential, which allows for a maximum of three dwelling units per acre. The development is also consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

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

The project is consistent with the provisions for minimum yard dimensions (i.e., setbacks), maximum allowable floor area, maximum building height, and required off-street parking.

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

- a. *Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and where feasible, complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects, as well as protection of the property from adverse surrounding influences.*

The property is located within the LR Zone. The surrounding neighborhood is also located within the LR Zone and is developed with a mixture of one- and two-story single-family residences located along both sides of Marview Lane, Marview Drive and Ford Avenue as well as along the east side of Mar Vista Drive.

The project, as designed, is consistent with the permitted uses for the LR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Low Density Residential

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

The property is not located within any of the City's Specific Plan areas; 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 is found to be in conformance with, the regulations of the SROZ. As a condition of project approval, the Applicant is required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of Building or Grading Permits.

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

The Applicant proposes to demolish the existing single-family residence, construct a replacement two-story, single-family residence with an attached two-car garage and a partially subterranean lower level, and perform associated improvements including grading, hardscaping, landscaping, and construction of a pool, spa, fences, and walls. The proposed residence will be setback 25 feet from the frontage along the Marview Lane private road easement (east), at least 5 feet from the interior side property lines (north and south), and 25 feet from the rear (west) property line.

Shared vehicular and pedestrian access will be maintained with a sloped driveway along the southern side of the property and a pathway from the driveway to the main entrance of the residence. The 431 square-foot two-car garage will have a finished floor elevation of 258.0' MSL. The 2,844 square-foot main level living area would have a finished floor elevation of 256.5' MSL, which is approximately one foot lower than the existing residence. The main level living area will include a great room, kitchen, laundry room, powder room, office, the main bedroom suite, and three additional bedroom suites. The great room will open to a partially covered deck also accessed by the office and a bedroom. The deck will include an exterior spiral staircase accesses the lower level patio.

The lower level living area will include a media room, bedroom, studio, bathroom, and mechanical room. The lower level will open to a patio with a barbeque counter, which will be covered by the main level above. A square spa and rectangular pool will be located in the rear yard and the yard will step down approximately two feet from the lower level patio to the pool patio.

The maximum allowable structure height for residentially zoned properties is 25 feet measured from the lower of the pre-existing or proposed grade. The proposed residence will have a maximum building height of 23.25 feet measured from the proposed grade of the lower level. The proposed residence will not exceed 16 feet in height from the pre-existing grade.

The SBMC parking regulations require two off-street parking spaces per single-family residence. The Code indicates that when required spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. The project includes a single-family residence with a two-car garage, therefore, the project is afforded a 400 square-foot exemption for the two garage spaces. The total proposed floor area would be 3,972 square feet, which is the exact maximum allowable floor area for the 11,553 square-foot lot, pursuant to the SROZ regulations.

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

0.50 for first 6,000 ft ²	3,000 ft ²
0.175 for 6,001 to 15,000 ft ²	972 ft ²
Total Allowable Floor area:	3,972 ft ²

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

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

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. A Landscape Documentation Package is required for new development projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check or

development review. The 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 terms of layout and species height) and with the water efficient landscaping regulations. In addition, the City's third-party landscape architect will perform a final inspection after completion of the landscape work and prior to final inspection of the building or grading permit.

A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

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

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. The Applicant is proposing to construct an attached, two-car garage. The garage will be accessed by a replacement driveway from Marview Lane along the southern property line. SBMC Section 17.08.030 indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the floor area calculation. The proposed garage will accommodate the two required off-street parking spaces, therefore, 400 square feet of garage area is exempt from the project's floor area calculation.

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

The project includes grading in the amount 450 cubic yards of cut, 100 cubic yards of fill, 36 cubic yards cut for footings, 386 cubic yards of export, and 200 cubic yards for removal and recompaction. The majority of the proposed grading consists of excavation below the existing residence to build the proposed lower level into the existing grade. Additional grading in the rear yard is proposed in order to create flat patio areas and in the side yards to create access around residence.

Grading is also proposed to reconstruct the driveway and apron. As a condition of approval, the Applicant will be required to grade a 10-foot shoulder within the private road easement along Marview Lane and install 10 feet of decomposed granite (DG) for a walkway and parking.

- 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 will 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 two-story, single-family residence with a two-car garage on a developed residential lot; therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. The Applicant is required to pay the applicable Park Development Fee.

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

The Applicant is required to obtain approval from the California Coastal Commission prior to issuance of Building and Grading Permits.

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, Public Use Facilities, and Public Facilities Impact Fees.
- II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on April 14, 2021, and located in the project file with a submittal date of April 5, 2021.
- III. Prior to requesting a framing inspection, the Applicant shall submit a height certificate prepared by a licensed land surveyor prior to the framing inspection certifying that the building envelope is in conformance with the plans as approved by the City Council on April 14, 2021 and will not exceed 16 feet above pre-existing grade or 25 feet from the proposed grade.
- 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 Building and Grading Permits.
- VI. The Applicant shall provide a full Landscape Documentation Package in compliance with SBMC Chapter 17.56 prior to Building Permit issuance, which will be reviewed and inspected by the City's third party landscape professional.
- VII. Native or drought tolerant and non-invasive plant materials and water

conserving irrigation systems shall be incorporated into any proposed landscaping and compatible with the surrounding area to the extent feasible.

- VIII. All new exterior lighting fixtures shall be in conformance with the City-wide lighting regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.
- IX. Construction vehicles shall be parked on the subject property at all times feasible. If construction activity prohibits parking on the subject property, the 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. The use of gas-powered generator(s) during construction activity is discouraged and shall be limited only to selective use at the discretion of the City.

B. Fire Department Conditions:

- I. **ACCESS ROAD MINIMUM DIMENSIONS:** Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Exception: Single-Family residential driveways; serving no more than two single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities.
- II. **GATES:** All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Solana Beach Fire Department standards.
- III. **OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION:** All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Solana Beach Fire Department.

- IV. ADDRESS NUMBERS: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.
 - V. AUTOMATIC FIRE SPRINKLER SYSTEM-ONE AND TWO FAMILY DWELLINGS: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.
 - VI. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.
- C. Engineering Department Conditions:
- I. Per Solana Beach Municipal Code Section 11.04, the Applicant is required to construct all public improvements along the street frontage under a valid encroachment permit. In this instance, this will include constructing a low profile mountable 9" X 9" X 12" concrete curb along the frontage of Marview Lane and install a 10' wide stabilized, compacted, decomposed granite (D.G.) at 2% maximum from the property line down toward the curb to the satisfaction of the City Engineer.
 - II. Prior to the release of the Grading Bond and Security Deposit, record the Encroachment Maintenance Removal Agreement (EMRA) with the County of San Diego. The EMRA shall be recorded against this property for all improvements in the City Sewer Easement including but not limited to the stackable retaining wall, pervious pavers, storm drain pipe, and perforated storm drain pipe.
 - 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.

- 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 Applicant shall obtain a grading plan 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. The Applicant shall obtain a Soils Report 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 Applicant shall provide a Drainage Report prepared by a Registered Civil Engineer. This report shall address the design for detention basin and corresponding outflow system to ensure the rate of runoff for the proposed development is at or below that of pre-existing condition. All recommendations of this report shall be incorporated into the Preliminary Grading Plan. The study shall clearly demonstrate proper and positive drainage discharge design consistent with the pre-existing drainage pattern to the satisfaction of the City Engineer. A detention basin easement(s) shall be recorded for maintenance of the detention basins by the property owner(s) in perpetuity, prior to Final Inspection of the Building Permit.
 - d. The Applicant shall show all retaining walls and drainage structures. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code. Contact the Community Development department for further information.
 - e. The Applicant is responsible to protect the adjacent properties during construction. If any grading, construction activity, access or potential construction-related impacts are anticipated beyond the property lines, as determined by the City Engineer, the Applicant shall obtain a letter of permission from the adjoining property

owners. All required letters of permission shall be submitted to the City Engineer prior to the issuance of the grading permit.

- f. The Applicant shall pay a grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.
- g. The Applicant shall obtain and submit grading security in a form prescribed by the City Engineer.
- h. The Applicant shall obtain haul permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.
- i. 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.
- j. An Erosion Prevention and Sediment Control Plan shall be prepared by the Applicant. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.
- k. The Applicant shall show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.
- l. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.

m. The Applicant shall submit a building pad certification statement from a soils engineer and an engineer or land surveyor licensed in Land Surveying per SBMC 15.40.230E.

n. No increased cross lot drainage shall be allowed.

D. City Council Conditions:

I. N/A

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 for the project will 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 14th day of April, 2021, by the following vote:

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

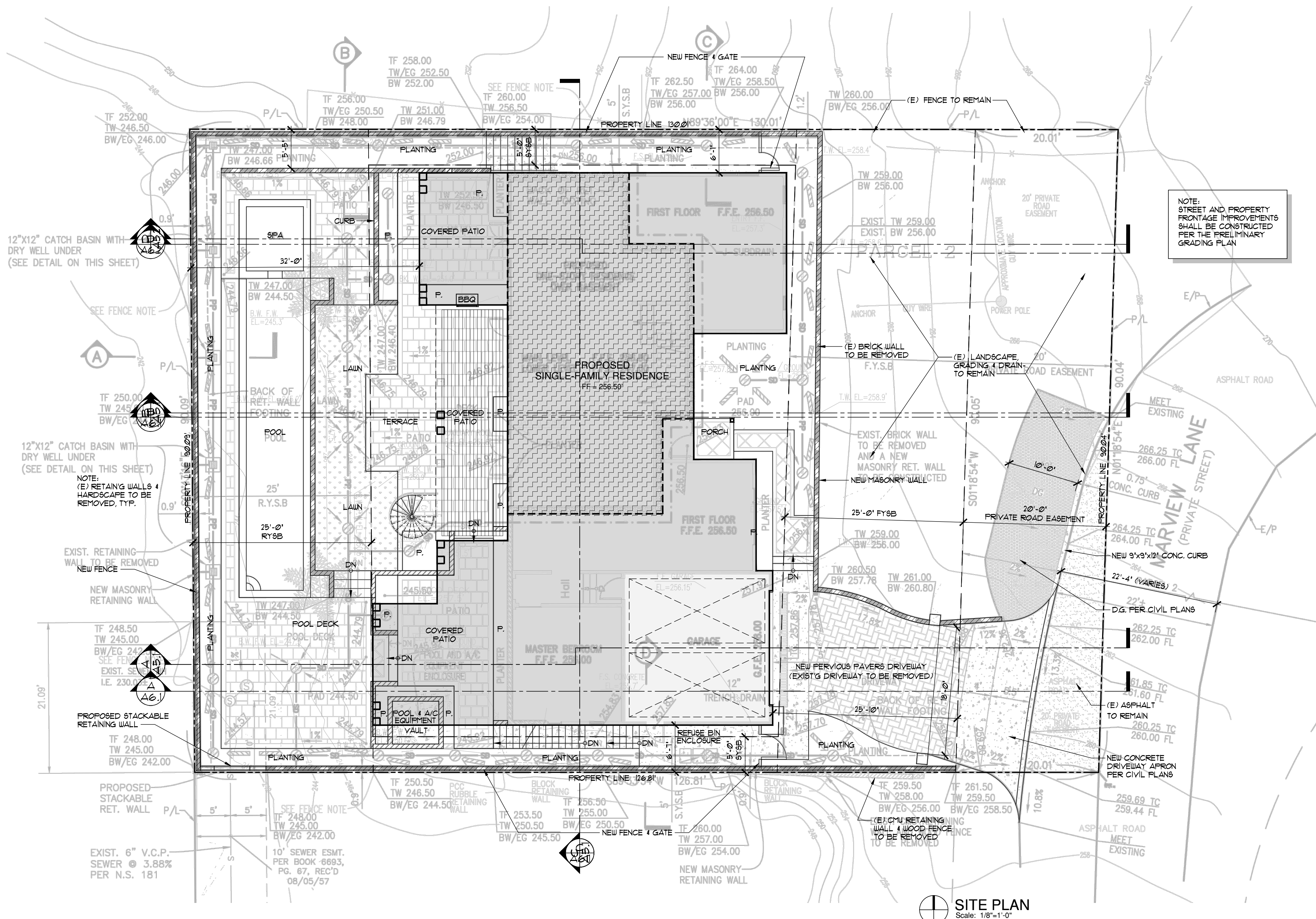
KRISTI BECKER, DEPUTY MAYOR

APPROVED AS TO FORM:

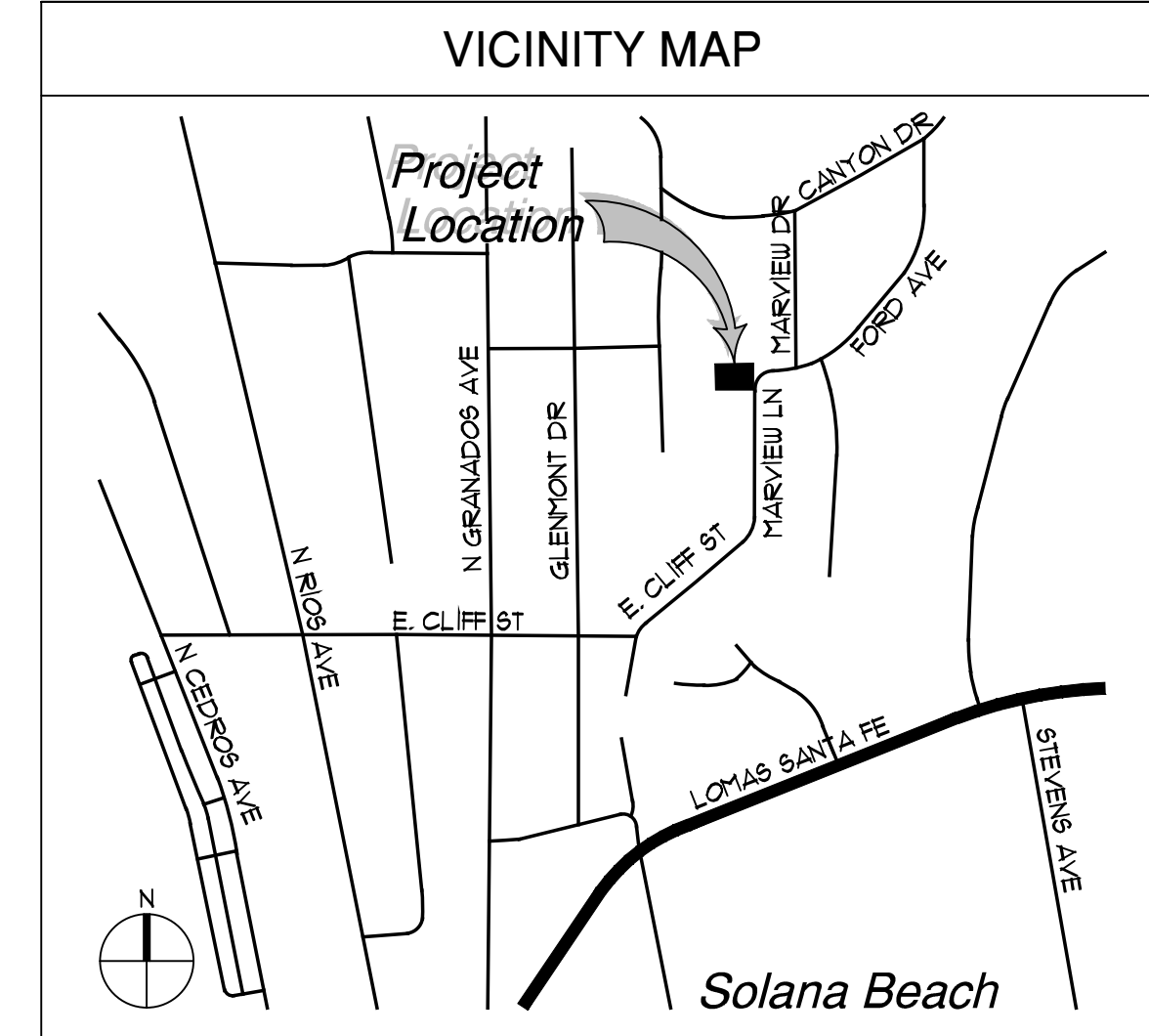
ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



SITE PLAN
Scale: 1/8"=1'-0"



PROJECT SUMMARY

Benchmark Elevation:
CITY OF SOLANA BEACH VERTICAL CONTROL POINT "SOLB-2",
ELEV. = 108.230' NGVD 29

Applicant:
Bernadette Anderson
475 Marview Lane
Solana Beach, CA 92075
Tel: (858) 837-2123

Assessor's Parcel No.:
263-181-12

Site Acreage:
0.265 Acre (11,552.7 sf)

Existing Zone & Land Use:
Low Residential Zone (LRD) w/ "D" Designator
Scaled Residential Overlay Zone (SROZ)

Required Setbacks:
Front yard - 25'-0"
Rear yard - 25'-0"
Interior side yard - 5'-0"

Number of Parking Spaces:
Parking space required: 2 spaces
Parking spaces provided: 2 spaces in Garage (+ 2 driveway spaces)

Floor Area Ratio (FAR):
Allowable Floor Area: 0.50 for first 6,000 sf 3,000 sf
0.175 for 6,001 to 15,000 sf 972 sf
Total Allowable Area 3,972 sf

Proposed Floor Area Tabulation	Gross Area
Lower Level Living Area (Not exempt due to exposure)	1,097 sf
Main Level Living Area	2,844 sf
Garage	431 sf
Subtotal of Floor Area	4,372 sf
Off-street Parking Exemption (2 spaces)	-400 sf
Total Proposed Floor Area	3,972 sf

Grading Quantities:
Site Excavation 450 cy
Site fill 100 cy
Footing Excavation 36 cy
Removal and Recompaction 200 cy
Aggregate Grading 786 cy
Export 386 cy

Landscape:
Non-landscaped Area (gravel parking) 313 sf
Non-irrigated Landscape 2,596 sf
Irrigated Landscape 1,900 sf
Water Feature 422 sf
Decorative Hardscape 3,633 sf
Total Lot Area 11,552 sf

Irrigated Landscape 1,900 sf
Water Feature 422 sf
Decorative Hardscape 3,633 sf
Aggregate Landscape Area 5,955 sf

SOURCE OF TOPOGRAPHIC DATA

BENCHMARK: CITY OF SOLANA BEACH VERTICAL CONTROL POINT "SOLB-2",
ELEV. = 108.230' NGVD 29
PREPARED BY: C-STORY POLES, INC., L.S. 8591

FIRE DEPARTMENT CONDITIONS

ACCESS ROAD MINIMUM DIMENSIONS
FIRE APPARATUS ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED IMPROVED WIDTH OF NOT LESS THAN 20 FEET CURB LINE TO CURB LINE, AND AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13 FEET 6 INCHES. EXCEPTION: SINGLE-FAMILY RESIDENTIAL DRIVEWAYS SERVING NO MORE THAN TWO SINGLE-FAMILY DWELLINGS SHALL HAVE A MINIMUM OF 16 FEET CURB LINE TO CURB LINE, OF UNOBSTRUCTED IMPROVED WIDTH. ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF NOT LESS THAN 15,000 POUNDS AND SHALL BE PROVIDED WITH AN APPROVED PAVED SURFACE TO PROVIDE ALL-WEATHER DRIVING CAPABILITIES.

GATES
ALL GATES OR OTHER STRUCTURES OR DEVICES, WHICH COULD OBSTRUCT FIRE ACCESS ROADWAYS OR OTHERWISE HINDER EMERGENCY OPERATIONS, ARE PROHIBITED UNLESS THEY MEET STANDARDS APPROVED BY THE FIRE DEPARTMENT. AN APPROVED EMERGENCY KEY-OPERATED SWITCH AND/OR AN APPROVED EMERGENCY TRAFFIC CONTROL-ACTIVATING STROBE LIGHT SENSOR SHALL BE INSTALLED PER SOLANA BEACH FIRE DEPARTMENT STANDARDS.

OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION
ALL ROADWAYS SHALL BE A MINIMUM OF 20 FEET IN WIDTH DURING CONSTRUCTION AND MAINTAINED FREE AND CLEAR, INCLUDING THE PARKING OF VEHICLES, IN ACCORDANCE WITH THE CALIFORNIA FIRE CODE AND THE SOLANA BEACH FIRE DEPARTMENT STANDARDS.

ADDRESS NUMBERS
APPROVED NUMBERS AND/OR ADDRESSES SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS AND AT APPROPRIATE ADDITIONAL LOCATIONS AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROADWAY FRONTING THE PROPERTY FROM EITHER DIRECTION OF APPROACH, SAID NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, AND SHALL MEET THE FOLLOWING MINIMUM STANDARDS AS TO SIZE: 4" HIGH WITH A 1/2" STROKE WIDTH FOR RESIDENTIAL BUILDINGS. ADDITIONAL NUMBERS SHALL BE REQUIRED WHERE DEEMED NECESSARY BY THE FIRE MARSHALL, SUCH AS REAR ACCESS DOORS, AND BUILDING CORNERS.

AUTOMATIC FIRE SPRINKLER SYSTEM - ONE AND TWO STORY DWELLINGS
STRUCTURES SHALL BE PROTECTED BY AN AUTOMATIC FIRE SPRINKLER SYSTEM DESIGNED AND INSTALLED TO THE SATISFACTION OF THE FIRE DEPARTMENT. PLANS FOR THE AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE APPROVED BY THE FIRE DEPARTMENT PRIOR TO INSTALLATION.

CLASS 'A' ROOF
ALL STRUCTURES SHALL BE PROVIDED WITH A CLASS 'A' ROOF COVERING TO THE SATISFACTION OF THE SOLANA BEACH FIRE DEPARTMENT

LEGEND

- PROPOSED LOWER LEVEL
- PROPOSED MAIN LEVEL LIVING
- PROPOSED MAIN LEVEL GARAGE
- DECORATIVE HARDSCAPE
- PERVIOUS DRIVEWAY
- PERVIOUS PAVERS
- CONCRETE
- D.G.
- NEW RETAINING WALL
- PROPOSED FINISHED ELEVATIONS
- EXISTING ELEVATIONS
- EXISTING GRADE CONTOURS
- TOP OF FENCE
- TOP OF WALL / EXISTING GRADE
- BOTTOM OF WALL / EXIST. GRADE

ANDERSON RESIDENCE

475 Marview Lane
Solana Beach, California 92075

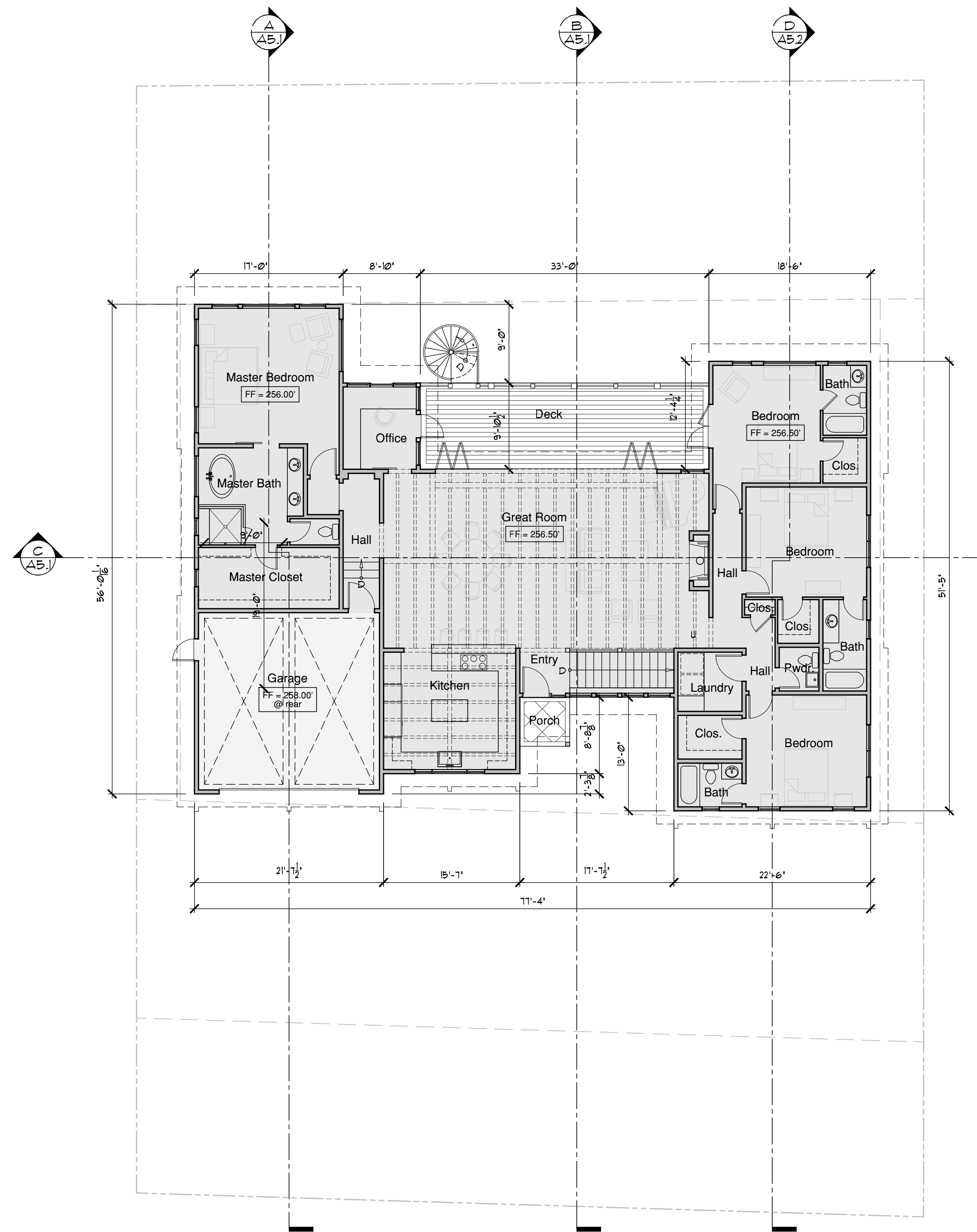
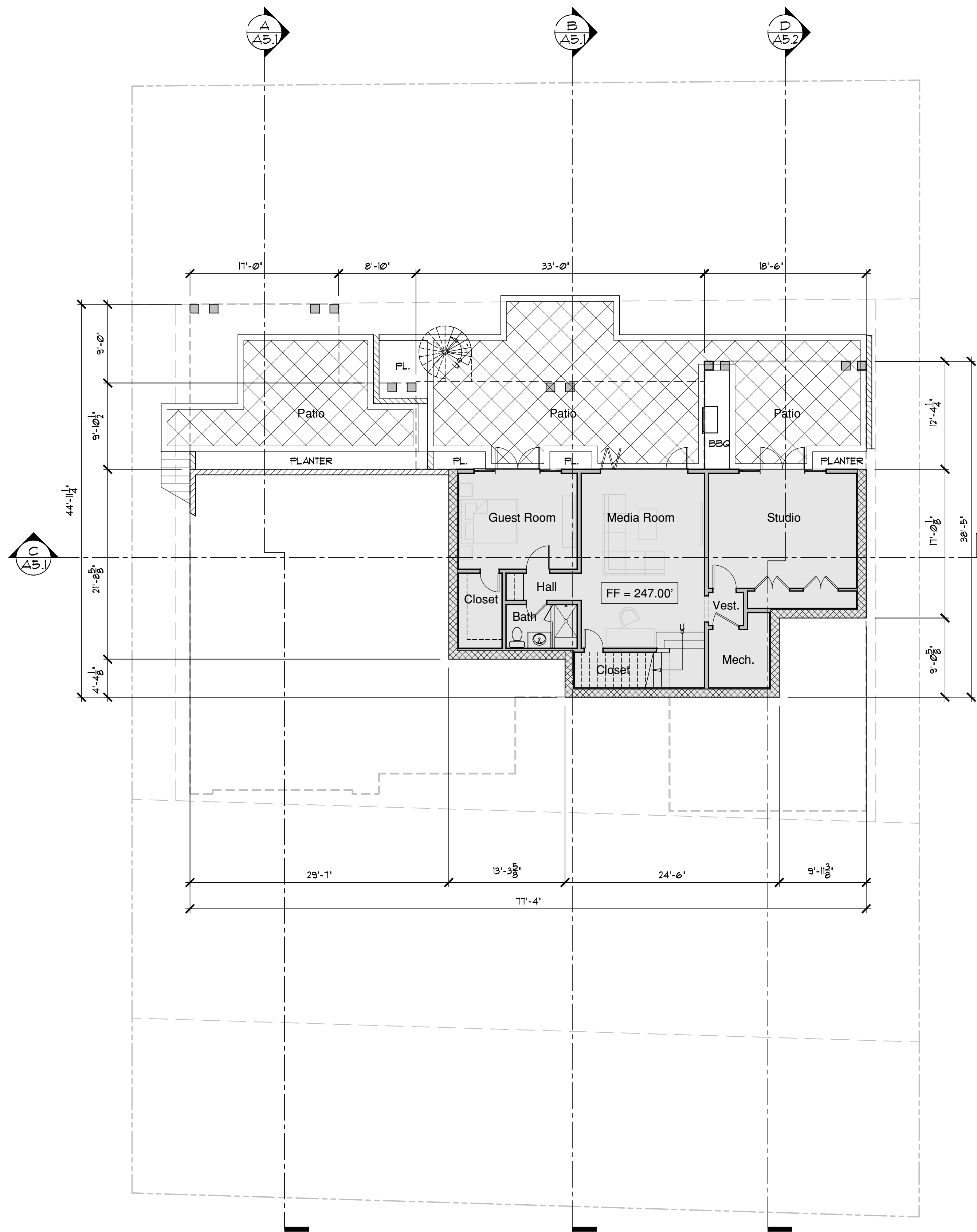
BOKAL & SNEED ARCHITECTS

244 Ninth Street
Del Mar, California 92014
(858) 481-8244
Fax (858) 481-8364

All ideas, designs, and arrangements indicated on these drawings are the property of Bokal & Sneed Architects and are intended to be used in connection with this specific project only and shall not otherwise be used for any purpose whatsoever without the written consent of Bokal & Sneed Architects. There shall be no changes or deviations from these drawings or the accompanying specifications without the written consent of Bokal & Sneed Architects.

SITE PLAN & PROJECT INFORMATION

Sheet Title	
Scale	AS NOTED
Date	2-11-21
Drawn	MRN
Checked	RDB
Job No.	1812



LEGEND

- PROPOSED LIVING AREA
- PROPOSED MAIN LEVEL GARAGE
- PROPOSED DECK
- DECORATIVE HARDSCAPE

Floor Area Ratio (FAR):
 Allowable Floor Area:
 0.50 for first 6,000 sf 3,000 sf
 0.175 for 6,001 to 15,000 sf 972 sf
 Total Allowable Area 3,972 sf

Proposed Floor Area Tabulation	Gross Area
Lower Level Living Area (Not exempt due to exposure)	1,097 sf
Main Level Living Area	2,844 sf
Garage	431 sf
Subtotal of Floor Area	4,372 sf
Off-street Parking Exemption (2 sp.)	-400 sf
Total Proposed Floor Area	3,972 sf

ANDERSON RESIDENCE

475 Marview Lane
Solana Beach, California 92075

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Sheet Title
LOWER LEVEL & MAIN LEVEL FLOOR PLANS

Scale	AS NOTED
Date	2-11-21
Drawn	MIRN
Checked	RDB
Job No.	1812

A-2

ANDERSON RESIDENCE

475 Marview Lane
Solana Beach, California 92075

BOKAL
& SNEED
ARCHITECTS

244 Ninth Street
Del Mar, California 92014
(858) 481-8244
Fax (858) 481-8364

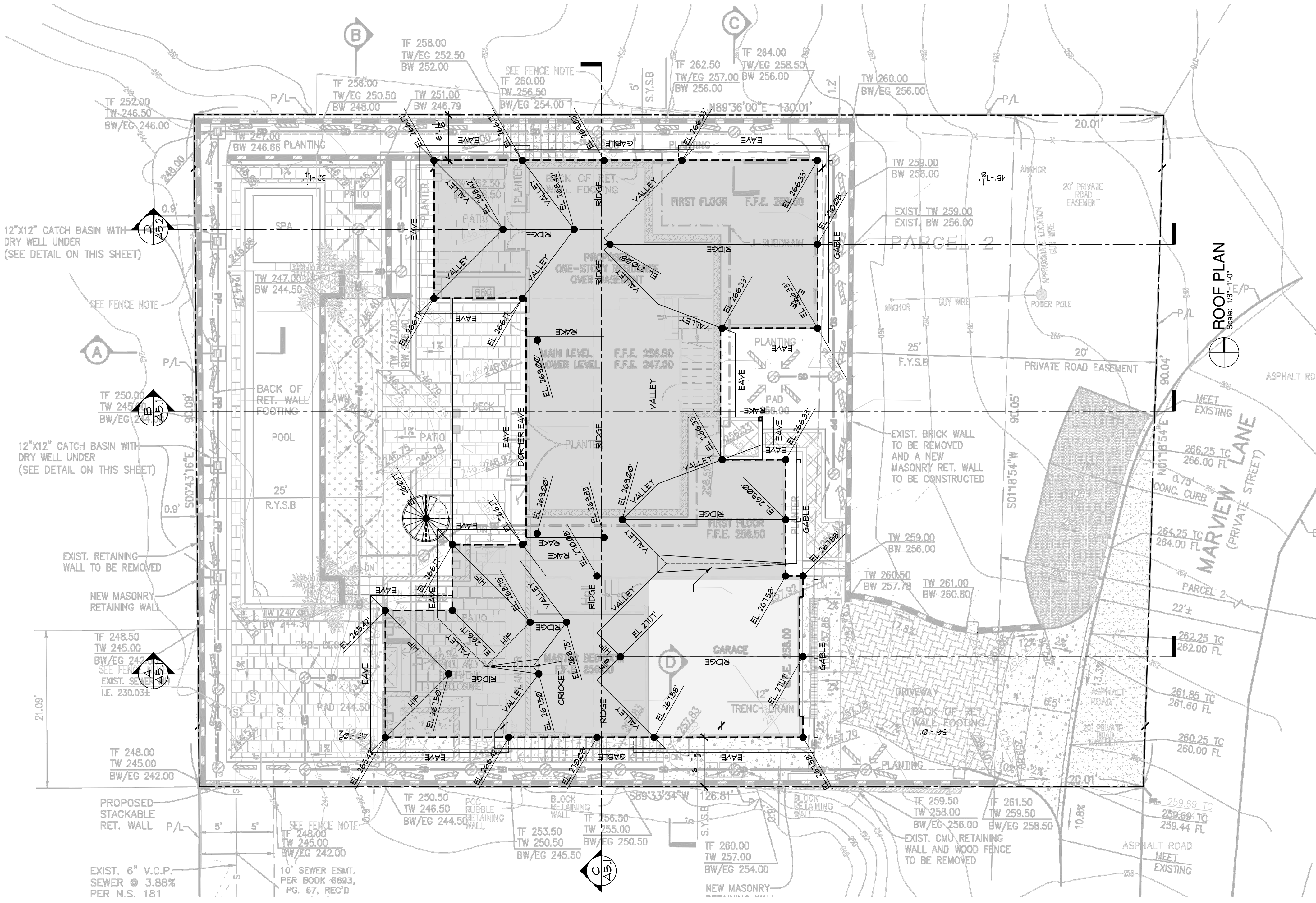
All ideas, designs, and arrangements indicated on these drawings are the property of Bokal & Sneed Architects. They are to be used in connection with this specific project only and shall not be used for any other purpose without the written consent of Bokal & Sneed Architects. Any deviations from these drawings or the accompanying specifications without the written consent of Bokal & Sneed Architects.

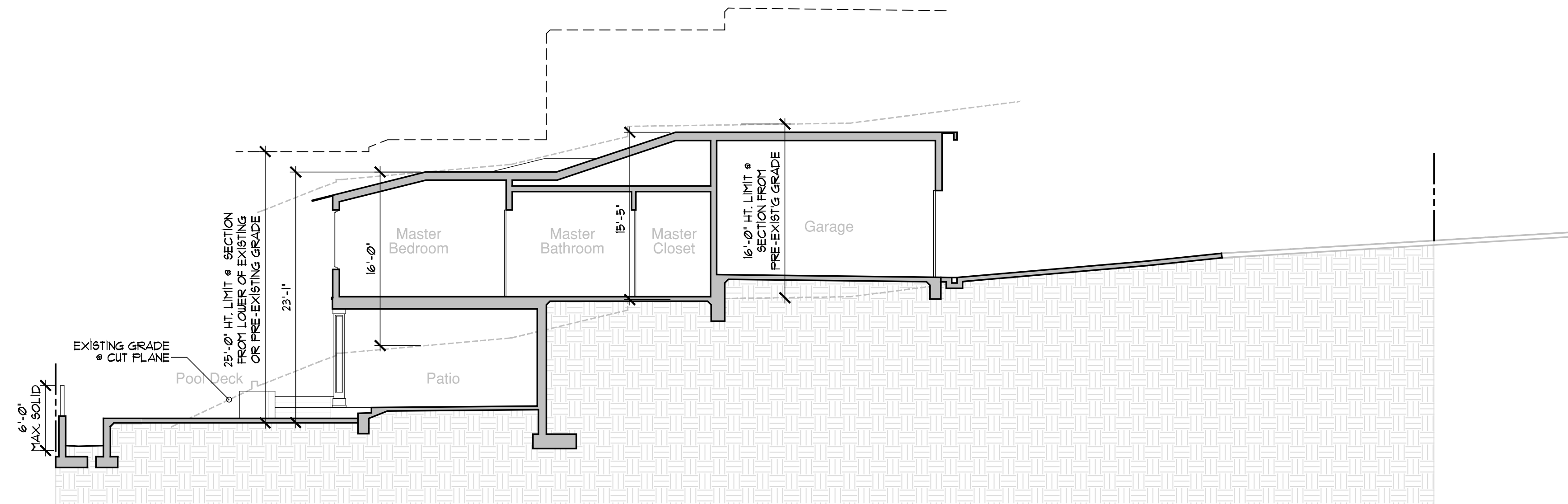
Sheet Title

ROOF PLAN

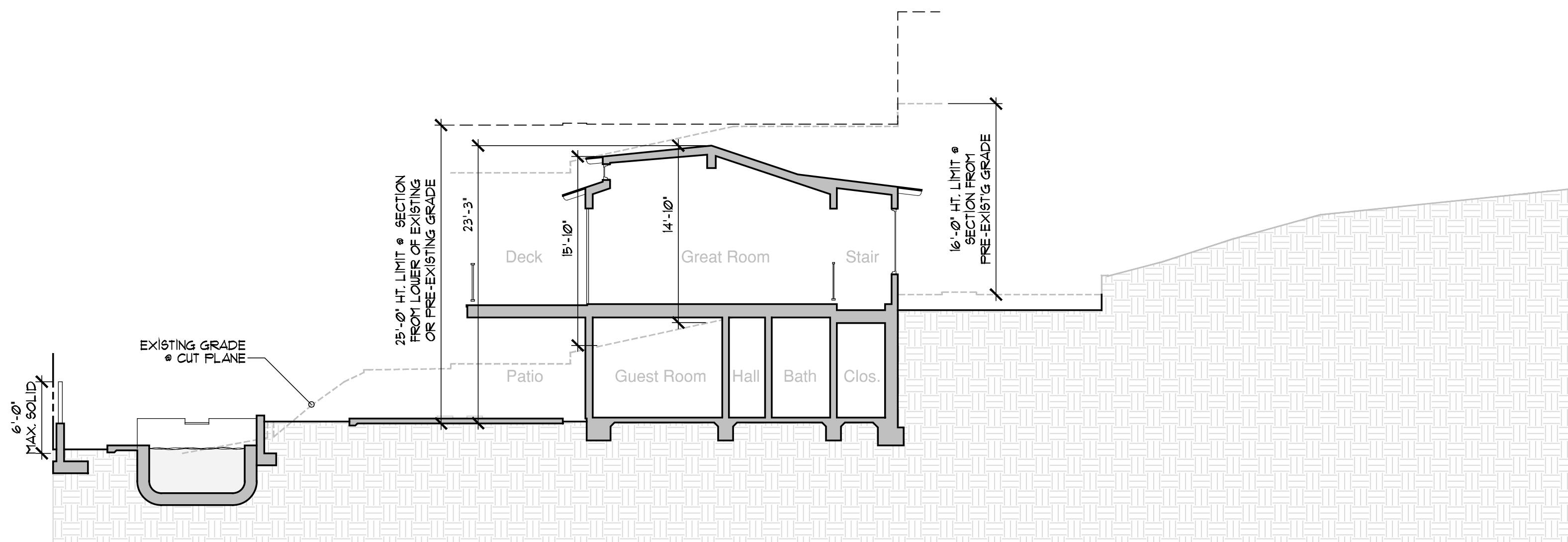
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Date	2-11-21
Drawn	MRN
Checked	RDB
Job No.	182

A-3

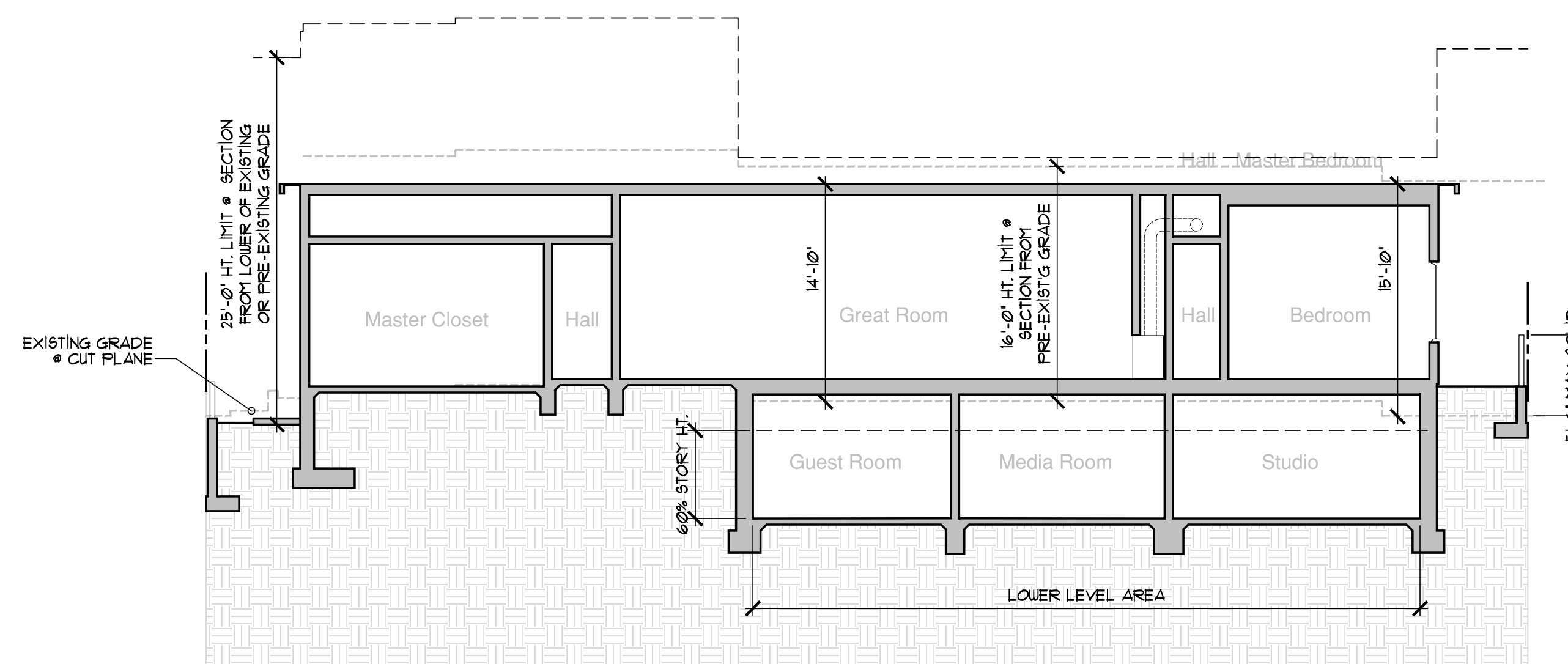




SITE SECTION A
Scale: 1/8"=1'-0"



SITE SECTION B
Scale: 1/8"=1'-0"



SITE SECTION C
Scale: 1/8"=1'-0"

ANDERSON RESIDENCE

475 Marview Lane
Solana Beach, California 92075

**BOKAL
& SNEED
ARCHITECTS**

244 Ninth Street
Del Mar, California 92014
(858) 481-8244
Fax (858) 481-8364

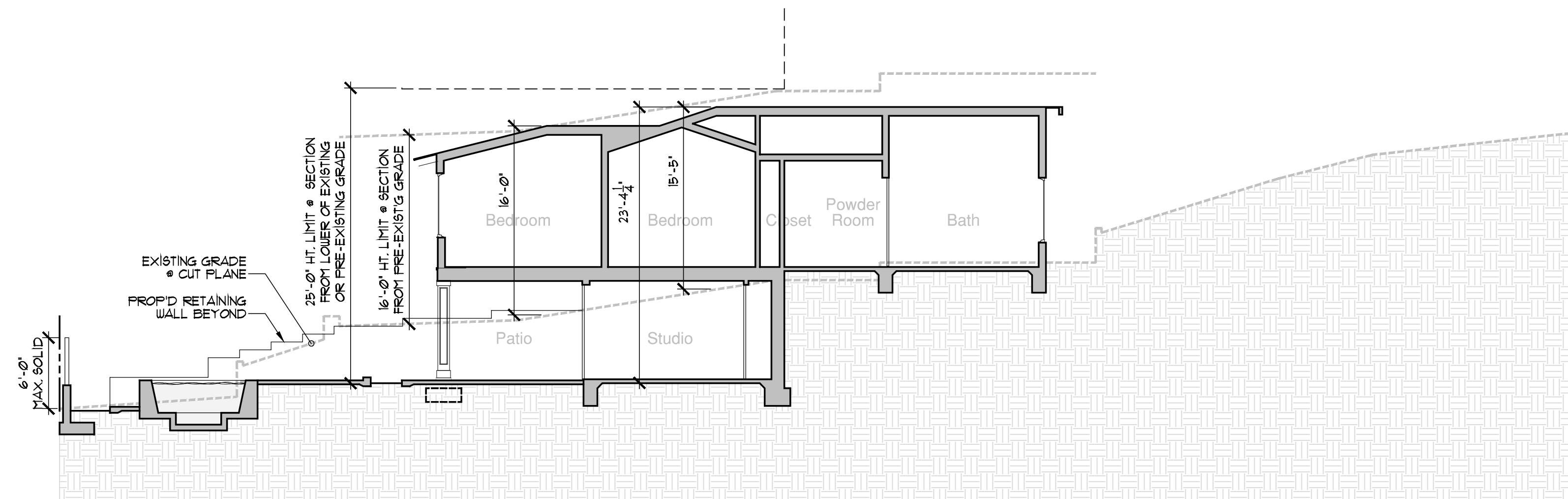
All ideas, designs, and arrangements indicated on these drawings are the property of Bokal & Sneed Architects and are intended to be used in connection with this specific project only and shall not otherwise be used for any purpose whatsoever without the written consent of Bokal & Sneed Architects. There shall be no changes or deviations from these drawings or the accompanying specifications without the written consent of Bokal & Sneed Architects.

Sheet Title

SITE / BUILDING SECTIONS

Scale	AS NOTED
Date	2-11-21
Drawn	MRN
Checked	RDB
Job No.	1812

A-5.1



SITE SECTION D
Scale: 1/8"=1'-0"

ANDERSON RESIDENCE

475 Manview Lane
Solana Beach, California 92075

**BOKAL
& SNEED
ARCHITECTS**

244 Ninth Street
Del Mar, California 92014
(858) 481-8244
Fax (858) 481-8364

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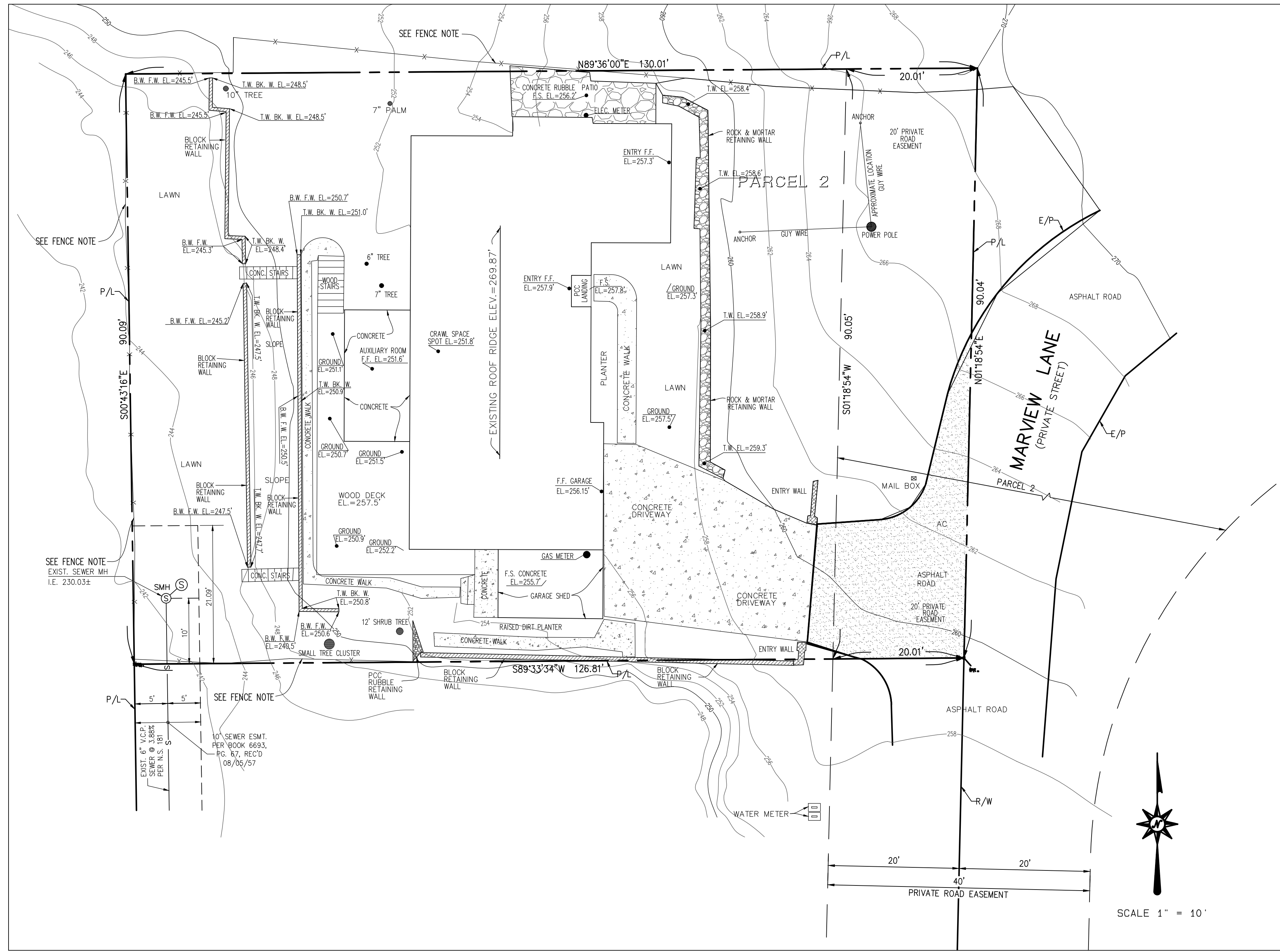
Sheet Title

SITE / BUILDING SECTIONS

Scale	AS NOTED
Date	2-11-21
Drawn	MIRN
Checked	RDB
Job No.	1012

A-5.2

TOPOGRAPHIC SURVEY



LEGEND:

- F. F. = FINISH FLOOR
- F. S. = FINISH SURFACE
- DW. = DRIVEWAY
- 774.78' = SPOT ELEVATIONS GROUND
- - - - - = FENCE
- B.W. = BOTTOM OF WALL
- EL. = ELEVATION
- T.W. = TOP OF WALL
- T.W. BK. W. = TOP OF WALL BACK OF WALL
- - - - - = PROPERTY LINE
- = TREE TRUNK DIAMETER TYPICAL
- ⊙ = SEWER MANHOLE
- - - - - = EXIST. 6" V.C.P. SEWER
- ⊙ = SEWER LATERAL

NOTES: LOCATION OF SITE WATER METER TO BE FIELD VERIFIED BY WATER AUTHORITY. POWER POLE GUY ANCHOR EASEMENT DOCUMENT WAS UNAVAILABLE. BOUNDARY INFORMATION DEPICTED HEREON IS DERIVED FROM RECORD OF SURVEY 4321 & CORNER RECORD 29271 AND PROTRACTED FROM FOUND MONUMENTS. THIS DOES NOT CONSTITUTE A PRECISE BOUNDARY SURVEY. IF SPECIFIC DESIGN ASPECTS OF THE DEVELOPMENT OF THE PROPERTY REQUIRE RELIANCE ON AN ACCURATE BOUNDARY, THEN A PRECISE BOUNDARY SURVEY SHOULD BE CONDUCTED PRIOR TO ANY CONSTRUCTION.

SITE ADDRESS: 475 MARVIEW LANE, SOLANA BEACH, CA 92075
 APN: 263-181-12
 BENCHMARK: CITY OF SOLANA BEACH VERTICAL CONTROL POINT "SOLB-2", ELEV. = 108.230' NGVD 29
 PREPARED BY: C-STORY POLES, INC., L.S. 8591

FENCE NOTE: PERIMETER WOOD FENCING IS OLD, DILAPIDATED AND PARTIALLY OVER GROWN WITH PLANTING.

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
PARCEL 1:
 THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 19, 1881, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 6 IN BLOCK "J" OF MARVIEW HEIGHTS UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 2706, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 27, 1950, BEING A POINT ON THE SOUTHERLY LINE OF THAT LAND DESCRIBED IN DEED TO THE UNITED STATES OF AMERICA, RECORDED NOVEMBER 23, 1943 AS DOCUMENT NO. 76864 IN BOOK 1598, PAGE 68 OF OFFICIAL RECORDS; THENCE ALONG THE SOUTHERLY LINE OF SAID UNITED STATES OF AMERICA LAND NORTH 89°36' EAST (RECORD NORTH 89°37'09" EAST) 130.01 FEET; THENCE SOUTH 1°21'20" WEST 90.04 FEET; THENCE SOUTH 89°36' WEST 126.82 FEET TO THE EASTERLY LINE OF SAID BLOCK "J" OF MARVIEW HEIGHTS UNIT NO. 3; THENCE ALONG SAID EASTERLY LINE NORTH 0°40'30" WEST 90.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
 AN EASEMENT AND RIGHT OF WAY FOR ROAD PURPOSES, TO BE USED IN COMMON WITH THE GRANTOR AND OTHERS, OVER THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 19, 1881, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 6 IN BLOCK "J" OF MARVIEW HEIGHTS UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 2706, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 27, 1950, BEING A POINT ON THE SOUTHERLY LINE OF THAT LAND DESCRIBED IN DEED TO THE UNITED STATES OF AMERICA, RECORDED NOVEMBER 23, 1943 AS DOCUMENT NO. 76864 IN BOOK 1598, PAGE 68 OF OFFICIAL RECORDS; THENCE ALONG THE SOUTHERLY LINE OF SAID UNITED STATES OF AMERICA LAND NORTH 89°36' EAST (RECORD NORTH 89°37'09" EAST) 110.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 1°21'20" WEST 282.43 FEET TO THE SOUTHERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN DEED TO LUCIUS CAMPBELL AND WIFE RECORDED JANUARY 16, 1957 AS DOCUMENT NO. 8456 IN BOOK 6421, PAGE 28 OF OFFICIAL RECORDS; THENCE ALONG SAID SOUTHERLY LINE NORTH 89°15'20" EAST 40.02 FEET; THENCE NORTH 1°21'20" EAST 169.41 FEET TO THE BEGINNING OF A TANGENT 75.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE 115.51 FEET THROUGH AN ANGLE OF 89°14'40" TO A LINE WHICH IS PARALLEL WITH AND 40.00 FEET SOUTHERLY AT RIGHT ANGLES FROM SAID SOUTHERLY LINE OF UNITED STATES OF AMERICA LAND DESCRIBED ABOVE; THEN ALONG SAID PARALLEL LINE NORTH 89°36' EAST 31.48 FEET TO THE WESTERLY LINE OF MARVIEW HEIGHTS UNIT NO. 4, ACCORDING TO MAP THEREOF NO. 2829, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 27, 1951; THENCE ALONG SAID WESTERLY LINE NORTH 09°25'40" WEST (RECORD NORTH 0°23'15" WEST) 40.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID UNITED STATES OF AMERICA LAND; THENCE ALONG SAID SOUTHERLY LINE THEREOF SOUTH 89°36' WEST 143.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THAT PORTION THEREOF WHICH LIES WITHIN PARCEL 1 DESCRIBED ABOVE.
 APN: 263-181-12-00

TOPOGRAPHY AND BOUNDARY NOTE:

TOPOGRAPHY AND BOUNDARY SHOWN ON THIS SHEET WAS DONE BY C-STORY POLES, INC., L.S. 8591 IN DECEMBER, 2011, JOB NO. CSP-11-0862.

EASEMENTS

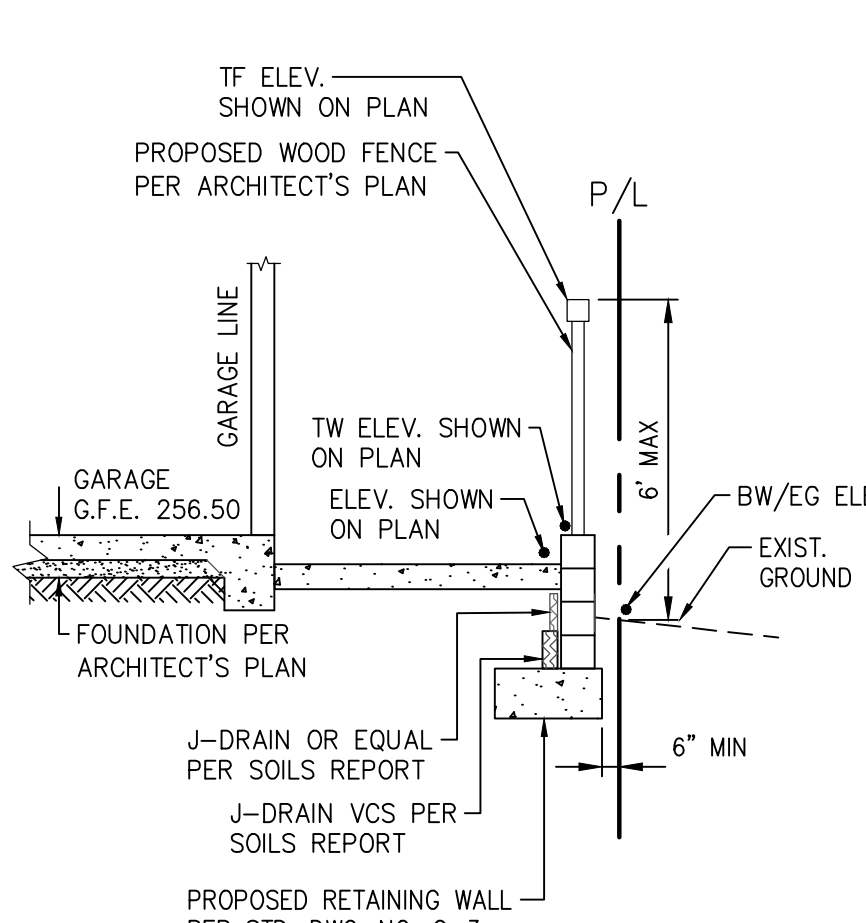
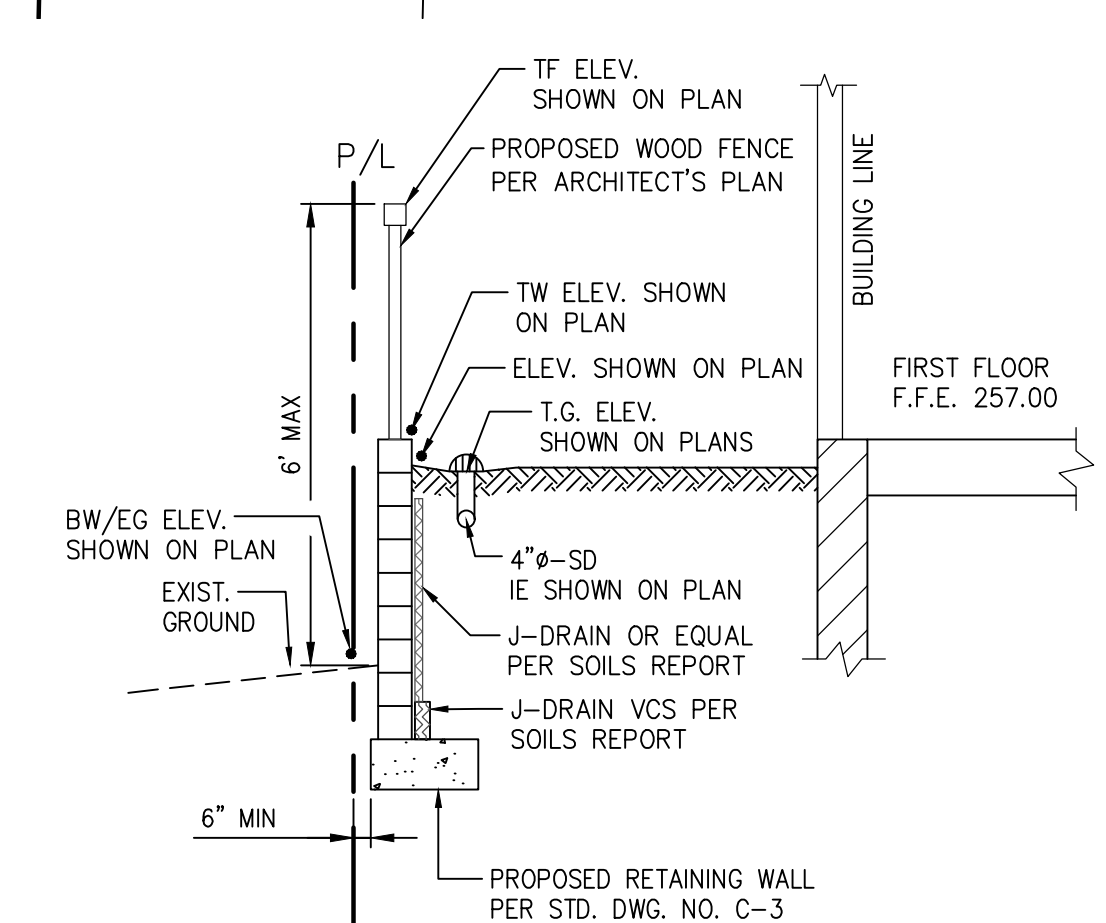
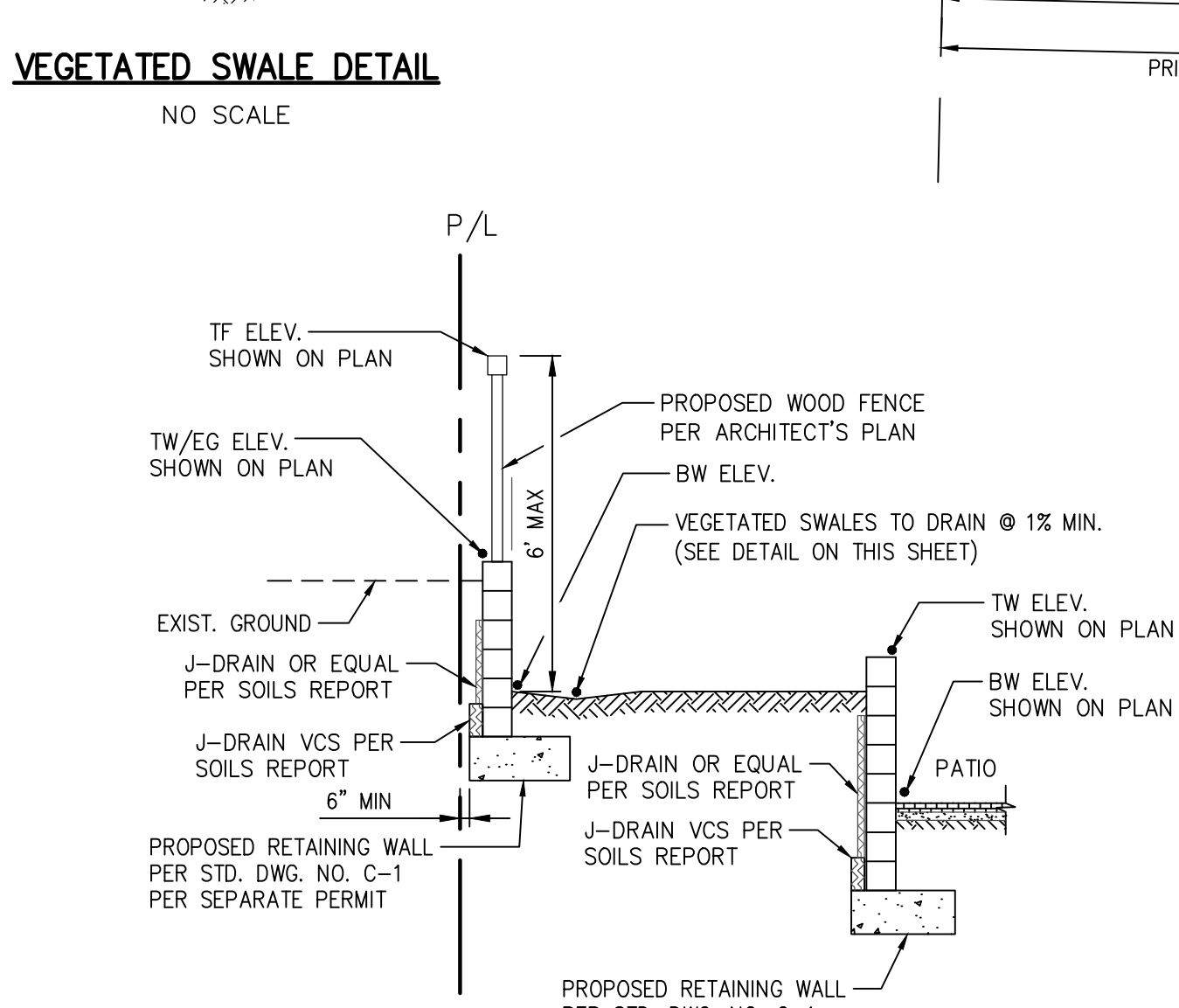
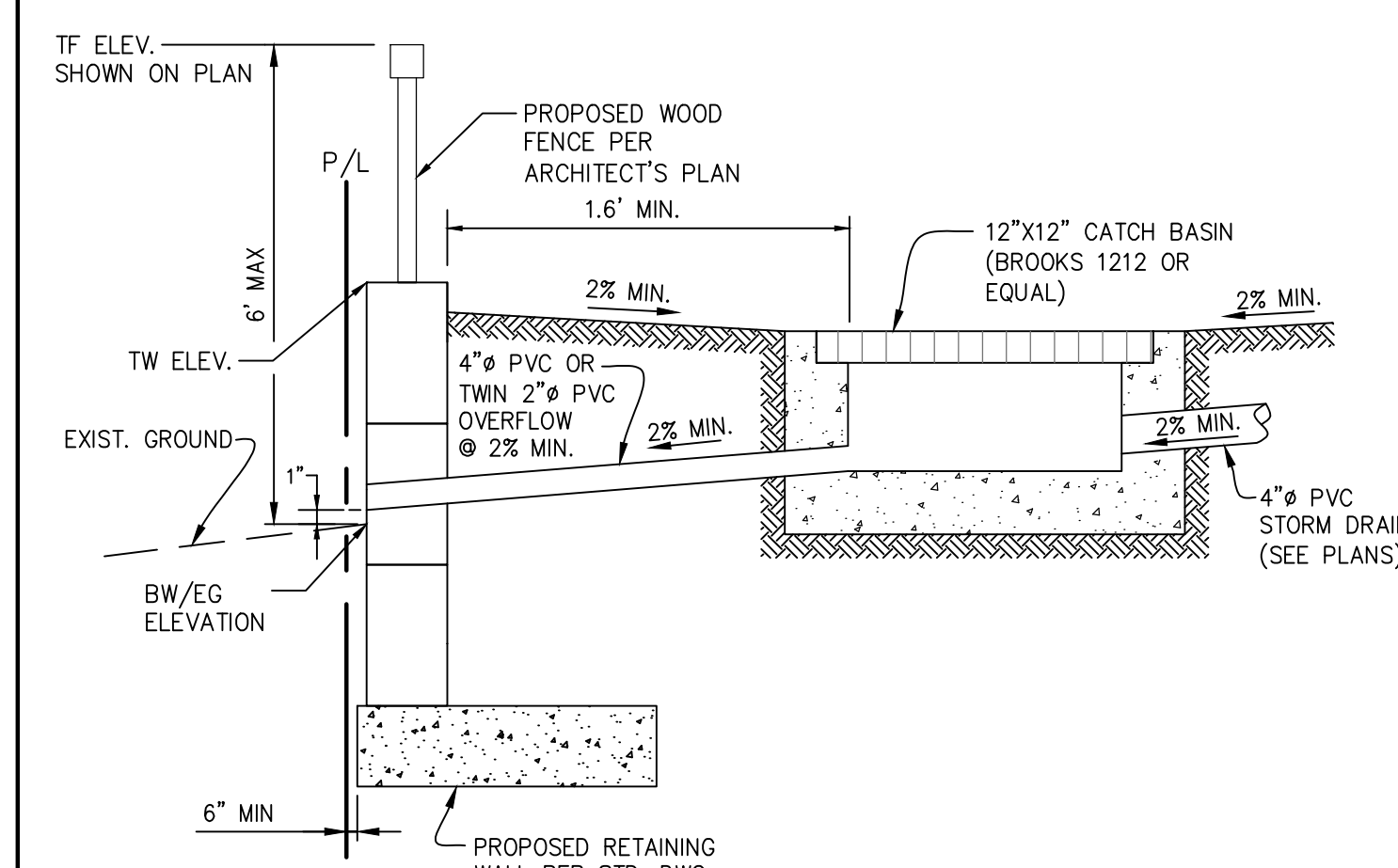
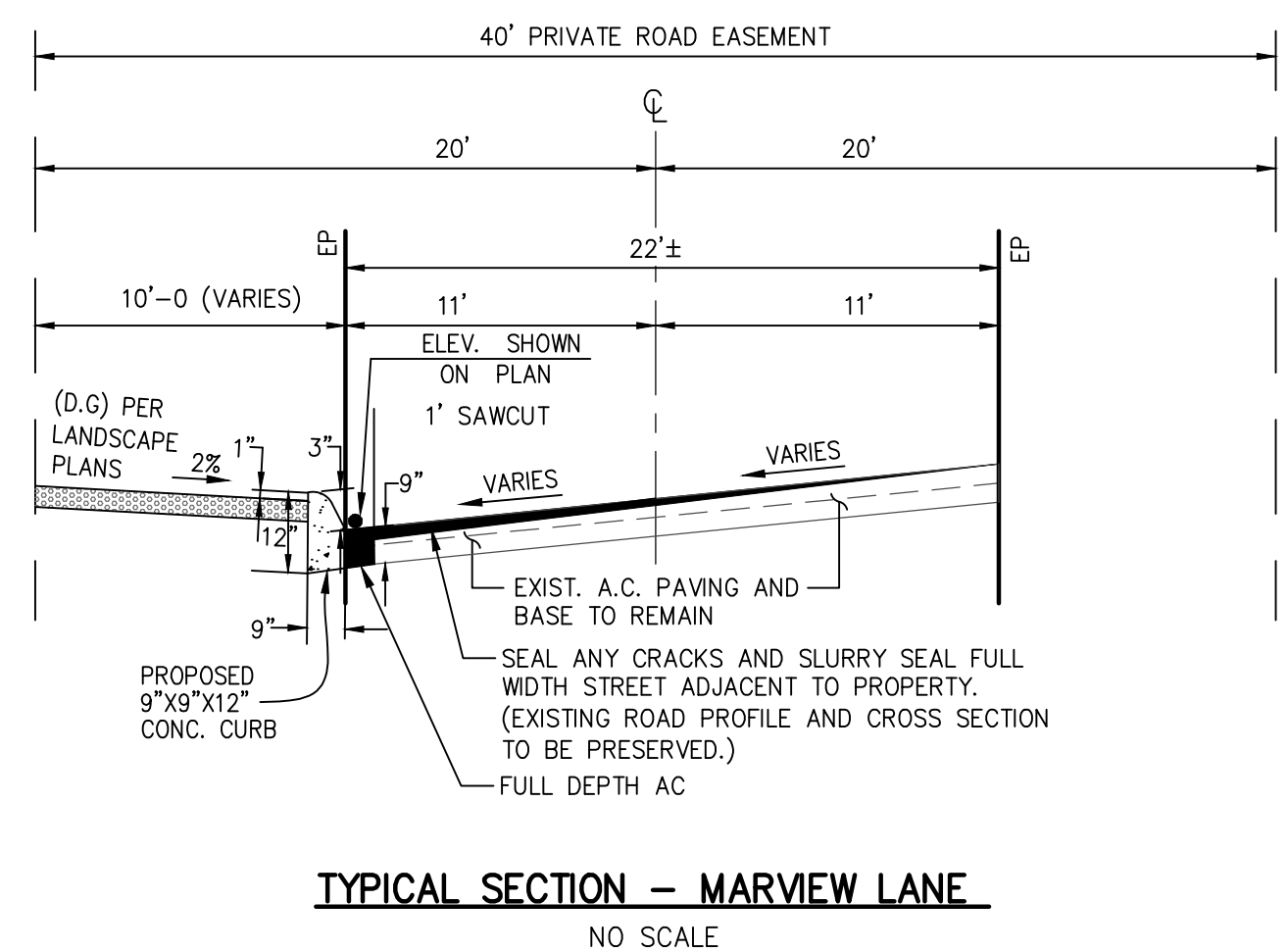
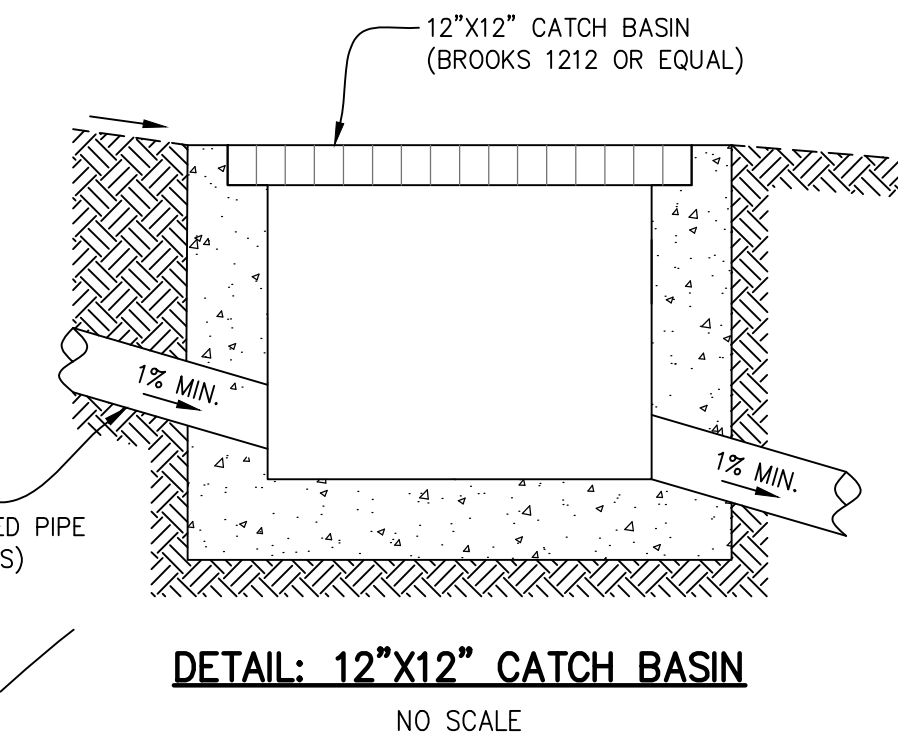
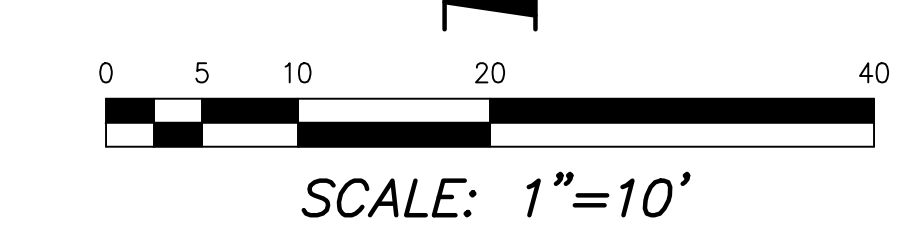
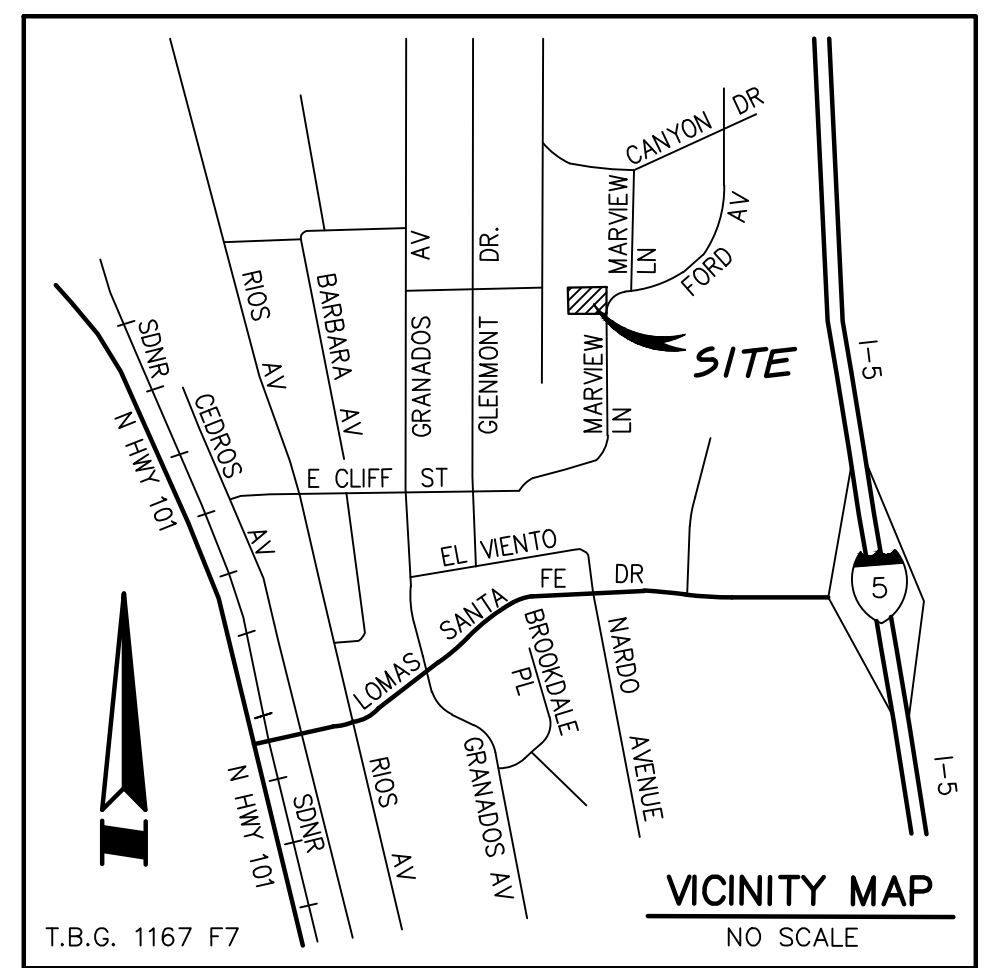
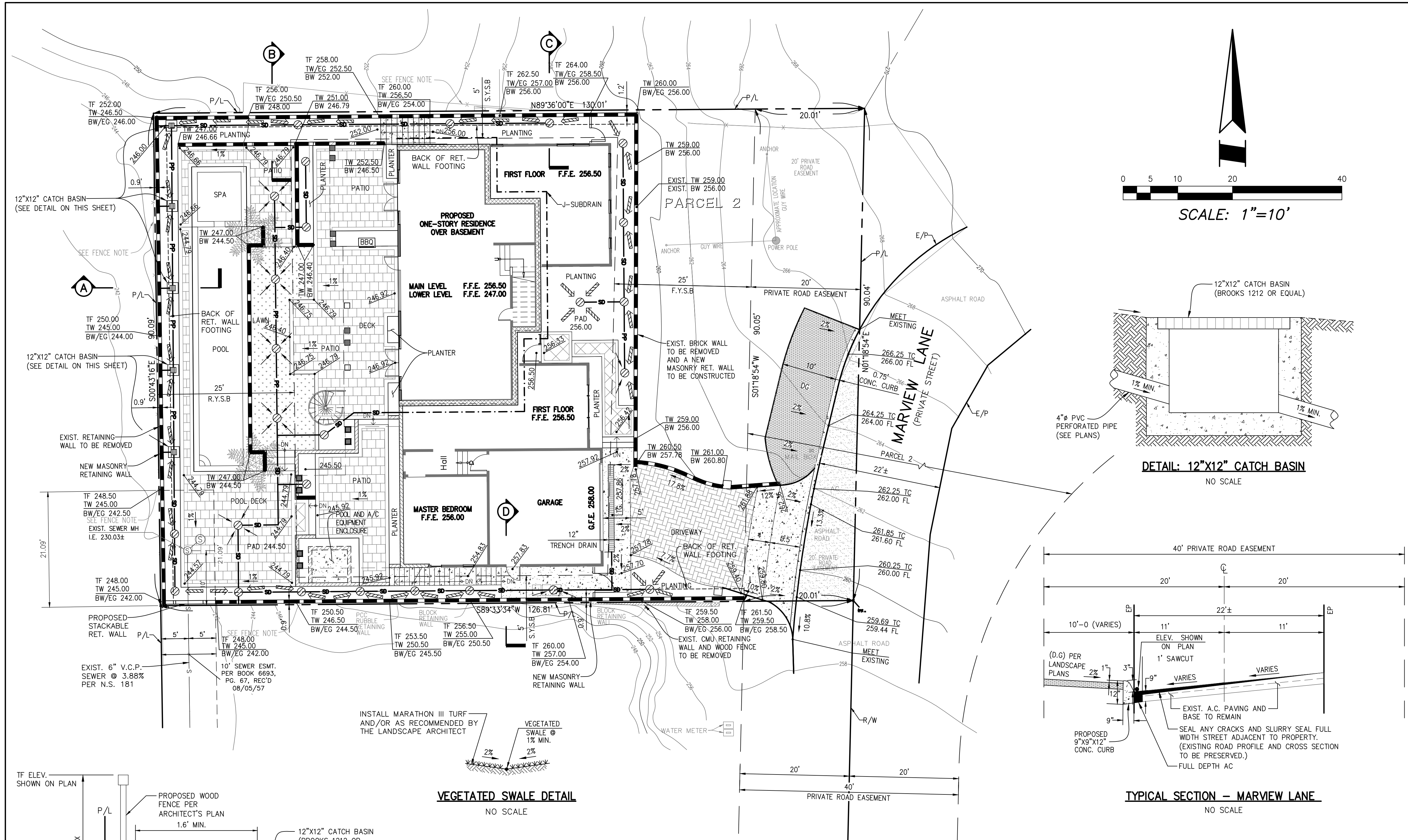
3. AN EASEMENT FOR WATER PIPELINE AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED NOVEMBER 01, 1918 IN BOOK 760 OF DEEDS, PAGE 418.
 THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
 THE EFFECT OF A DOCUMENT ENTITLED "QUITCLAIM SANTA FE IRRIGATION DISTRICT", RECORDED MAY 01, 2012 AS INSTRUMENT NO. 12-254232 OF OFFICIAL RECORDS.
4. UNRECORDED RIGHTS OF WAY FOR PIPELINES OVER PORTIONS OF THE PROPERTY HEREIN DESCRIBED; CONVEYED BY SAN DIEGO COUNTY WATER COMPANY, HARRY PAYNE WHITNEY AND PAYNE WHITNEY, TO SANTA FE IRRIGATION DISTRICT AS SHOWN BY MISCELLANEOUS MAP NO. 74, FILED IN THE OFFICE OF THE COUNTY RECORDER JULY 12, 1926.
 THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
5. EASEMENTS FOR PIPELINE PURPOSES OVER A PORTION OF SAID LAND AS SHOWN ON MISCELLANEOUS MAP NO. 74, FILED IN THE OFFICE OF THE COUNTY RECORDER JULY 12, 1926.
 THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
7. AN EASEMENT FOR PIPELINES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JULY 05, 1955 AS BOOK 5704, PAGE 108 OF OFFICIAL RECORDS.
 THE EFFECT OF A DOCUMENT ENTITLED "QUITCLAIM SANTA FE IRRIGATION DISTRICT", RECORDED MAY 01, 2012 AS INSTRUMENT NO. 12-254232 OF OFFICIAL RECORDS.
8. AN EASEMENT FOR SEWER PIPELINE AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AUGUST 05, 1957 AS BOOK 6693, PAGE 67 OF OFFICIAL RECORDS.
 THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.

EASEMENTS CONTINUED

9. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED DECEMBER 08, 1957 AS BOOK 6874, PAGE 327 OF OFFICIAL RECORDS.
 THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
10. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED DECEMBER 19, 1957 AS BOOK 6876, PAGE 179 OF OFFICIAL RECORDS.
 THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
11. AN EASEMENT FOR ROAD AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED APRIL 29, 1958 AS BOOK 7058, PAGE 499 OF OFFICIAL RECORDS.
12. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED SEPTEMBER 29, 1959 AS BOOK 7907, PAGE 532 OF OFFICIAL RECORDS.
 THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
13. AN EASEMENT FOR RIGHT OF WAY TO LAY, CONSTRUCT, MAINTAIN, OPERATE, REPAIR, RENEW, RELAY AND ENLARGE A LINE OF PIPE, OR LINES OF PIPE, FOR THE CONVEYANCE OF WATER IN, OVER, ALONG AND ACROSS A STRIP OF LAND 20 FEET AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED NOVEMBER 04, 1969 AS INSTRUMENT NO. 202486 OF OFFICIAL RECORDS.
 THE EFFECT OF A DOCUMENT ENTITLED "QUITCLAIM SANTA FE IRRIGATION DISTRICT", RECORDED MAY 01, 2012 AS INSTRUMENT NO. 12-254232 OF OFFICIAL RECORDS.
15. AN EASEMENT FOR LAYING UNDERGROUND WATER AND RECYCLED WATER PIPELINES AND LATERALS AND OTHER UNDERGROUND AND SURFACE STRUCTURES APPURTENANT TO SAID WATER AND RECYCLED WATER LINES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED JANUARY 06, 2011 AS INSTRUMENT NO. 11-0011362 OF OFFICIAL RECORDS.

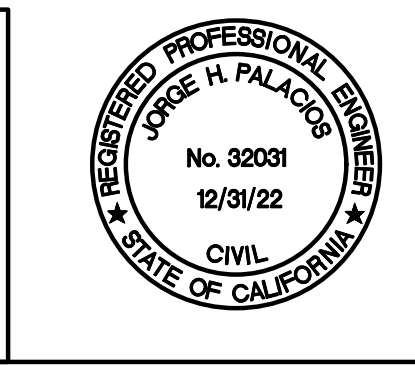
BENCH MARK	
DESCRIPTION:	CITY OF SOLANA BEACH VERTICAL CONTROL POINT "SOLB-2".
LOCATION:	CITY OF SOLANA BEACH
RECORD FROM:	SOLANA BEACH
ELEVATION:	108.230' DATUM: NGVD 29

SHEET	C-1	Project No. 1084-19
DESIGNER	TOPOGRAPHY AND BOUNDARY	PROJECT NAME: 475 MARVIEW LANE
DRAWN	CHECKED	A.P.N. 263-181-12-00
DATE	DATE	DATE
03-29-21	03-29-21	03-29-21
BY		
NO.	DATE	DATE
CIVIL ENGINEERING • LAND PLANNING • SURVEYING • 4849 RONSON COURT, SUITE 105, SAN DIEGO, CA 92111 • (858)569-7377 FAX (858)569-0830		



LEGEND	STANDARD DRAWING	SYMBOL
PROPOSED FIRST FLOOR ELEVATION	F.F.E. 256.00
PROPOSED BASEMENT FLOOR ELEVATION	F.F.E. 247.00
PROPOSED GARAGE FLOOR ELEVATION	G.F.E. 258.00
PROPOSED PAD ELEVATION	PAD 246.50
PROPOSED CONCRETE PAVING		
PROPOSED PERVIOUS PAVERS DRIVEWAY		
PROPOSED PERVIOUS PAVERS		
PROPOSED DECOMPOSED GRANITE (D.G.)		
PROPOSED 9'X9'X12" CONCRETE CURB		
PROPOSED RETAINING WALL	C-1, C-3
PROPOSED STACKABLE RETAINING WALL	
PROPOSED SPOT ELEVATION	256.53
PROPOSED TOP OF FENCE ELEVATION	TF 262.50
PROPOSED TOP OF WALL/EXISTING GRADE ELEVATION	TW/EG 250.50
PROPOSED TOP OF WALL ELEVATION	TW 251.00
PROPOSED BOTTOM OF WALL/EXISTING GRADE ELEVATION	BW/EG 256.50
PROPOSED BOTTOM OF WALL ELEVATION	BW 246.79
PROPOSED DIRECTION OF FLOW	
PROPOSED VEGETATED SWALE		
PROPOSED 12" TRENCH DRAIN		
PROPOSED CATCH BASIN		
PROPOSED 12" x 12" CATCH BASIN		
PROPOSED 4" STORM DRAIN PIPE		SD
PROPOSED 4" PERFORATED STORM DRAIN PIPE		PP
INDICATES FRONT SETBACK	F.Y.S.B
INDICATES SIDE YARD SETBACK	S.Y.S.B
INDICATES STREET SIDE SETBACK	STREET S.Y.S.B
INDICATES REAR SETBACK	R.Y.S.B
INDICATES EDGE OF PAVEMENT	E/P
INDICATES PROPERTY LINE	P/L
INDICATES EASEMENT LINE	

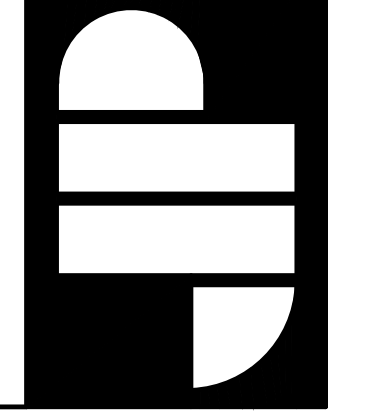
BENCH MARK	EMRA NOTE:
DESCRIPTION: CITY OF SOLANA BEACH VERTICAL CONTROL POINT "SOLB-2".	AN EMRA WILL BE REQUIRED FOR IMPROVEMENTS WITHIN THE 10-FT WIDE SEWER EASEMENT. THIS SHALL INCLUDE THE STACKABLE RETAINING WALL, PERVIOUS PAVERS, STORM DRAIN PIPE AND PERFORATED STORM DRAIN PIPE.
LOCATION: CITY OF SOLANA BEACH.	
RECORD FROM: SOLANA BEACH	
ELEVATION: 108.230' DATUM: NGVD 29	

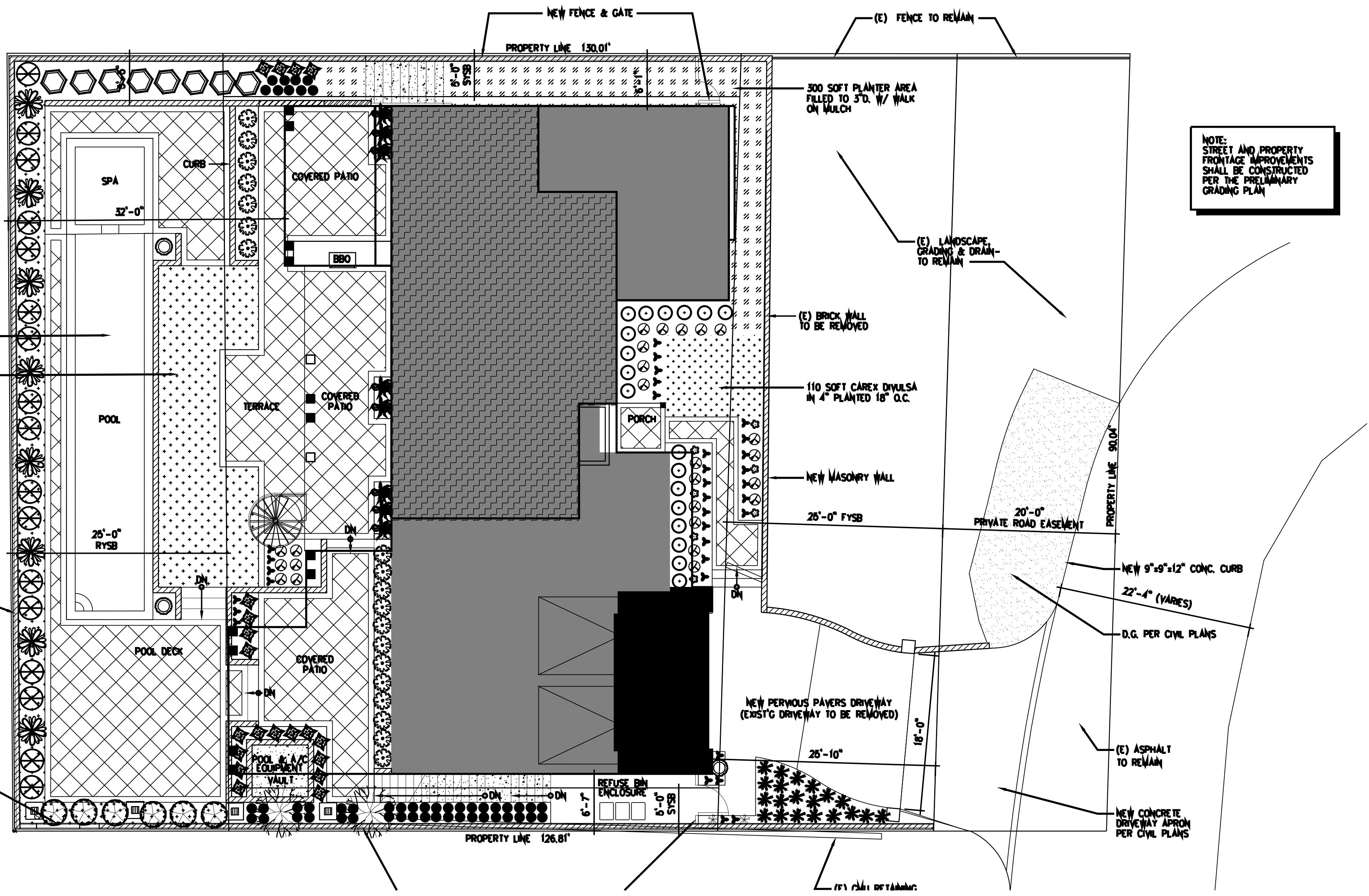


TYPICAL SECTION A	TYPICAL SECTION B	TYPICAL SECTION C	TYPICAL SECTION D
NO SCALE	NO SCALE	NO SCALE	NO SCALE

ASSESSOR'S PARCEL NUMBER	GRADING QUANTITIES
263-181-12-00	SITE EXCAVATION: 450 C.Y.
	SITE FILL: 100 C.Y.
	FOOTING EXCAVATION: 36 C.Y.
	REMOVAL AND RECOMPACTION: 200 C.Y.
	AGGREGATE GRADING: 786 C.Y.
	EXPORT: 386 C.Y.
	EXPORT MATERIAL SHALL BE TAKEN TO A LEGAL SITE.
	NOTE: GRADING QUANTITIES ARE ESTIMATED FOR PERMIT PURPOSES ONLY AND ARE NOT TO BE USED FOR FINAL PAY QUANTITIES.

NO. DATE	BY	NO. DATE	BY	NO. DATE	BY	NO. DATE	BY
DESIGNER: JHP		DRAWN: SP		CHECKED: JHP		DATE: 03-29-21	
PROJECT NAME: 475 MARVIEW LANE		PROJECT NO.: A.P.N. 263-181-12-00		DATE: 03-29-21		DATE: 03-29-21	
SHEET TITLE: PRELIMINARY GRADING PLAN		SHEET: C-2		PROJECT NO.: 475 MARVIEW LANE		PROJECT NO.: 1084-19	
BY: JHP		BY: JHP		BY: JHP		BY: JHP	
NO. DATE		NO. DATE		NO. DATE		NO. DATE	
CIVIL ENGINEERING - LAND PLANNING - SURVEYING		4849 RONSON COURT, SUITE 105, SAN DIEGO, CA 92111		(858)569-7377		FAX (858)569-0830	



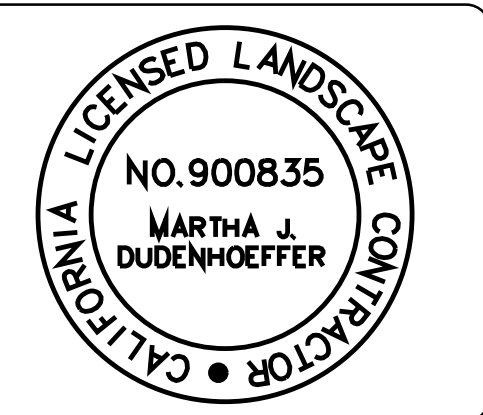


PLANTING LEGEND

LATIN NAME	COMMON NAME	MATURE SIZE	SIZE	QTY/ SPACING	WUCOLS
Acca sellowiana	Pineapple Guava	12-20' x 10-15'	15g	6	Low
Agonix flexuosa	Peppermint Tree	25-40' x 15-25'	24" box	2	Low
Bougainvillea 'Purple Queen'	Purple Bougainvillea	Vine on stake	5g	2	Low
Camellia japonica	Camellia TBD	6-8' x 6-8'	5g	8	Moderate
Carex divulsa	European Gray Sedge	1-2' x 1-2'	4" Flats	12" O.C.	Low
Cupressus sempervirens 'Tiny Towers'	Dwarf Italian Cypress	8-10' x 2-3'	15g	4	Low
Dianella 'baby bliss'	Flax Lily	2-3' x 1-2'	1g	34	Low
Hibiscus rosa sinensis 'Lipstick'	Pink Hibiscus	8-10' x 6-8'	15g	8	Moderate
Lavendula dentata	French Lavender	2-3' x 3-5'	5g	24	Low
Ligustrum texanum	Texas Privet	6-8' x 4-6'	15g stake	17	Moderate
Lomandra longifolia 'Breeze'	Dwarf Mat Rush	3' x 3'	5g	47	Low
Myrtus communis 'compacta'	Dwarf Myrtle	2-4' x 2-4'	5g	18	Low
Pennisetum orientale 'Karley Rose'	Fountain Grass	1-2' x 1-2'	1g	21	Low
Podocarpus gracillior	Fern Pine	20-40' x 20'	15g	8	Moderate
Rhaphiolepis umbellata 'minor'	Indian Hawthorne	4-6' x 2-3'	5g	19	Low
Teucrium chamaedrys	Germander	1-2' x 2-3'	1g	7	Low
Westringea fruticosa 'Small Ball'	Dwarf Coast Rosemary	3-4' x 3-4'	5g	20	Low

NOTE: ALL PLANTING BEDS TO HAVE 3" LAYER OF SHREDDED BARK MULCH UNLESS OTHERWISE SPECIFIED ON PLAN

- PLANTING NOTES**
- ALL TREES, SHRUBS, AND GROUND COVER SHALL BE SHAPELY, HEALTHY, WELL ROOTED, AND FREE OF DISEASE.
 - PLANT ARE TO BE OF SIZE AND TYPE SPECIFIED ON THESE DRAWINGS. THE OWNER AND THE LANDSCAPE ARCHITECT RESERVE THE RIGHT TO REJECT ANY PLANT MATERIAL THAT DOES NOT COMPLY.
 - SUBSTITUTIONS FOR THE PLANT SPECIES AND SIZE WILL NOT BE ALLOWED WITHOUT PRIOR WRITTEN CONSENT OF THE OWNER AND LANDSCAPE ARCHITECT.
 - ALL PLANTS SHALL BE CONTINUOUSLY MAINTAINED BY THE LANDSCAPE CONTRACTOR WHILE AWAITING PLANTING. ALL PLANTS SHALL BE STORED AND PROTECTED FROM DRYING AND ALL OTHER INJURY.
 - EACH PLANT SHALL BE PLANTED IN THE CENTER OF THE PIT AND BACKFILLED WITH PREPARED SOIL. NO PLANTS SHALL BE PLANTED WITHOUT DRAINAGE FROM CROWN.
 - PLANT PITS SHALL BE DUG WITH LEVEL BOTTOMS, TWICE THE WIDTH (2X) OF THE CONTAINER OR ROOTBALL.
 - GROUND COVER SHALL BE AT THE SPACING INDICATED, IN A TRIANGULAR PATTERN, AND NOT BE PLANTED IN STRAIT ROWS.



PROJECT TITLE
ANDERSON RESIDENCE
 475 Marview Ln. Solana Beach, CA 92075



MARTHA'S CREATIVE GARDENS AND LANDSCAPES
 Del Mar, CA 92929
 (858)361-7667

LANDSCAPE NOTES

At the time of completion of the installation a certification of completion, using the City's form and signed by the licensed professional who prepared the landscape plans, will be required.

The following items shall be completed prior to the City's inspection:

- All landscape work has been installed and completed per the plans approved by the City of Solana Beach.
- A hydro-zone diagram shall be provided adjacent to the irrigation controller.
- The person operating the system shall receive all required maintenance and irrigation plans.
- All required soil amendments shall be incorporated and verified by the licensed professional.
- The following shall be submitted with the certification of completion form:
 - A copy of the soils management report.
 - A maintenance schedule for planting and irrigation.
 - An irrigation schedule that delineates irrigation times and water usage consistent with the approved plan's estimated total water use (ETWU) and current Santa Fe Irrigation District Requirements.

Furthermore, the following soil management and landscape preparation shall be followed:

- The soil prep shall include, at a minimum, 4 cubic yards of compost/1000 SF incorporate to depth of 6 inches into the soil.
- 3" of mulch shall be installed in all non-slope planter areas.
- The agronomic soil testing reports and recommendations will be prepared following grading and prior to planting.

WATER USE CALCULATIONS

TOTAL LOT SIZE: 11,552 SQFT
 TOTAL IRRIGATED LANDSCAPE AREA: 2,322 SQFT
 MAWA = 32,463.8 gallons per year
 ETWU = 31,693.7 gallons per year
 ETAF = 0.55 (residential)

*reference water use calculations worksheet for full calculations

Prior to issuance of building permits, the applicant shall provide a Landscape Documentation Package (LDP) for the project prepared by a landscape architect of landscape contractor licensed by the state of California. The LDP required herein shall include anticipated water use calculations for the project's landscape and irrigation components. The LDP shall be accompanied by a certification from the preparer that the LDP is in compliance with the City's adopted water conservation policies in place at the time of LDP preparation, including Del Mar Municipal Code Chapter 23.60 (water efficient landscape ordinance) and any guidelines adopted by the city for such ordinance. The preparer shall also certify that the LDP is in compliance with the Governor's Order Nos. B-29-15 and B-36-15, which call for compliance with landscape/irrigation water use standards set by the California Building Standards Commission and the California Department of Housing and Community Development. The LDP shall be subject to the review and written approval of the director of Planning and Community Development (Director). The Director shall, as deemed necessary, work in consultation with the City's Landscape Architect, with the os for such consultation to be borne by the applicant for his/her designee. If the submitted LDP is found not to be in compliance with the standards referenced herein, it shall be revised accordingly and resubmitted for compliance review.

In the event that compliance with this condition results in the need to modify a landscape or irrigation plan approved as part of a discretionary permit granted by the City, the Director shall have discretion to authorize changes of landscape materials in a manner that retains like-for-like consistency with the parameters of the project's approved discretionary permit, with such parameters to include: the size of landscape material to be installed and its anticipated mature height; and the location of any trees to be installed.

I AM FAMILIAR WITH THE REQUIREMENTS FOR LANDSCAPE AND IRRIGATION PLANS CONTAINED IN THE CITY'S WATER EFFICIENT LANDSCAPE REGULATIONS. I HAVE PREPARED THIS PLAN IN COMPLIANCE WITH THOSE REGULATIONS AND THE LANDSCAPE DESIGN MANUAL. I CERTIFY THAT THE PLAN IMPLEMENTS THOSE REGULATIONS TO PROVIDE EFFICIENT USE OF WATER

Martha J. Dudenhoeffer
 MARTHA DUDENHOEFFER



NO.	DATE	REVISION	BY

DWG TITLE
LANDSCAPE PLANTING

ENGINEER XXXXX	CHECKED BY
JOB NO. ANDERSON	DRAWN BY H. Shurtz
SCALE 1/8" = 1'	DATE April 22, 2020
SHEET NUMBER L - 1	



PROJECT TITLE
ANDERSON RESIDENCE
 475 Marview Ln. Solana Beach, CA 92075



MARTHA'S CREATIVE
 GARDENS AND LANDSCAPES
 Del Mar, CA 92929
 (858)361-7667



ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET

ETWU is calculated using this formula $ETWU = (ETo)(0.62) \left(\frac{PF \times HA}{IE} + SLA \right)$

ETWU = Estimated total water use per year (gallons per year)
 ETo = Evapotranspiration rate (inches per year)
 PF = Plant Factor from WUCOLS (see Definitions)
 HA = Hydro-zone Area (square feet). Define hydro-zones by water use: very low, low, moderate and high
 SLA = Special Landscape Area (square feet). Edible plants, irrigated with recycled water, & turf used for active play
 0.62 = Conversion Factor (to gallons per square foot) *please note Low WU Planters include the Bioretention Zone*
 IE = Irrigation Efficiency

CITY OF SOLANA BEACH ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET

Line	Hydro-zone Number				
	Carex	Low WU Pl	Mod WU Pl	Mulch	Pool
Evapotranspiration Rate (ETo) See "A" below	Use 41 (west of I-5) / 47 (east of I-5)				
Conversion Factor - .62	0.62				
(Line 1 x Line 2) See "B" below	25.42 (west of I-5) / 29.14 (east of I-5)				
Plant Factor (PF) See "B" below	0.3	0.3	0.6	0	1.0
Hydro-zone Area (HA) - in square feet	480	720	400	300	422
(Line 4 x Line 5)	144	216	240	0	422
Irrigation Efficiency (IE) See "C" below	.55	.81	.81	1	1
(Line 6 x Line 7)	261.8	266.7	296.3	0	422
TOTAL of all Line 8 boxes + SLA	1,246.8				
Line 3 x Line 9 Estimated Total Water Use - ETWU (gallons per year) Total shall not exceed MAWA below	31,693.7				

MAXIMUM APPLIED WATER APPLICATION (MAWA) calculation:

$$\frac{25.42}{25.42 \text{ or } 29.14} \left[(ETAF \times \frac{2,322}{\text{Total Landscape Area}}) + (1-ETAF \times \frac{0}{\text{Total SLA}}) \right] = \text{MAWA}$$

Evapotranspiration adjustment factor (ETAF) use .55 residential .45 non-residential

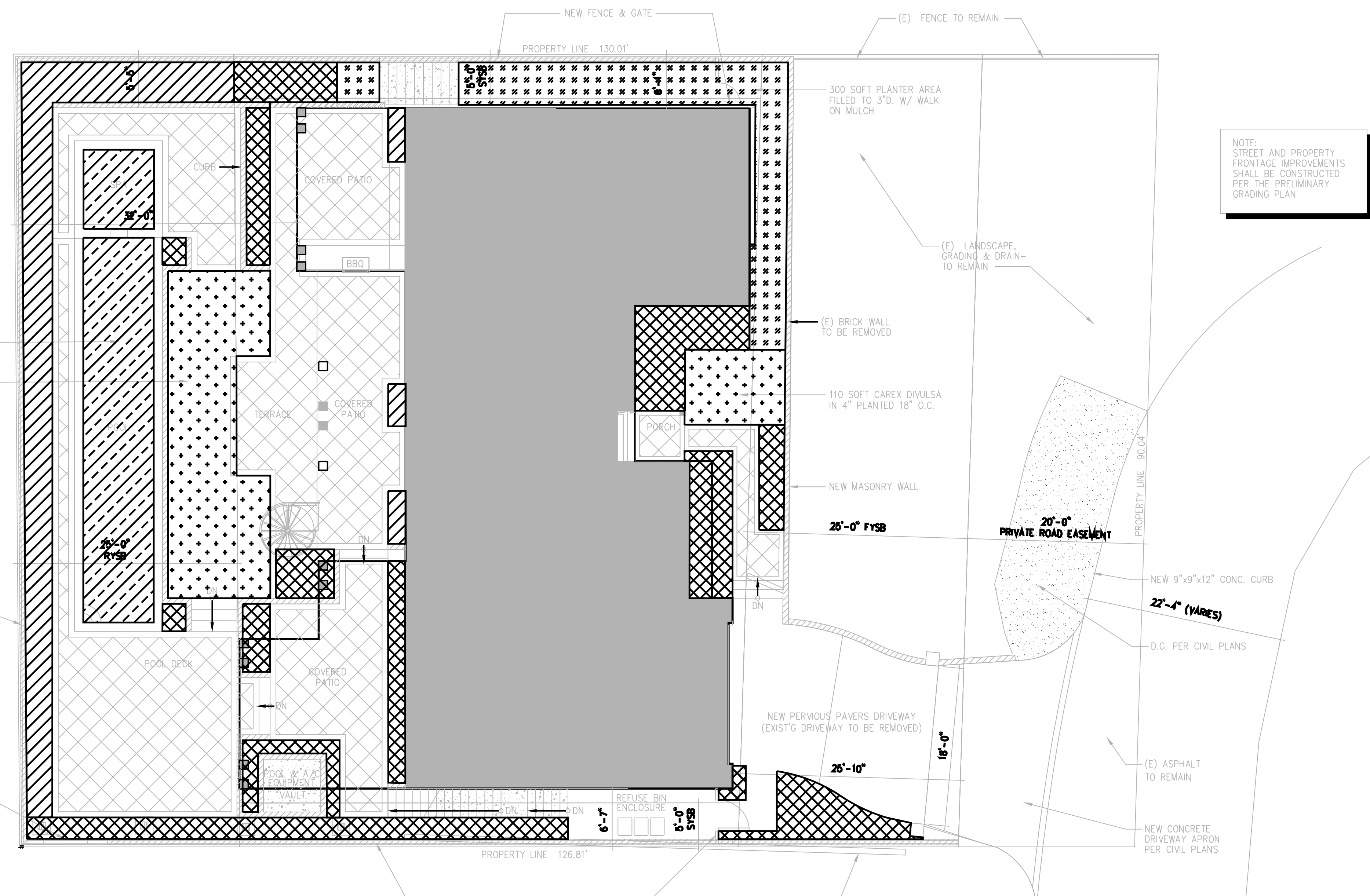
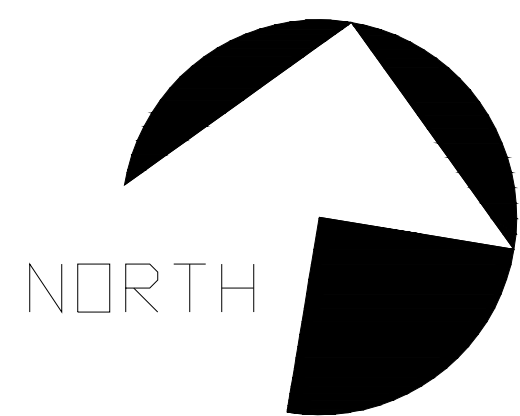
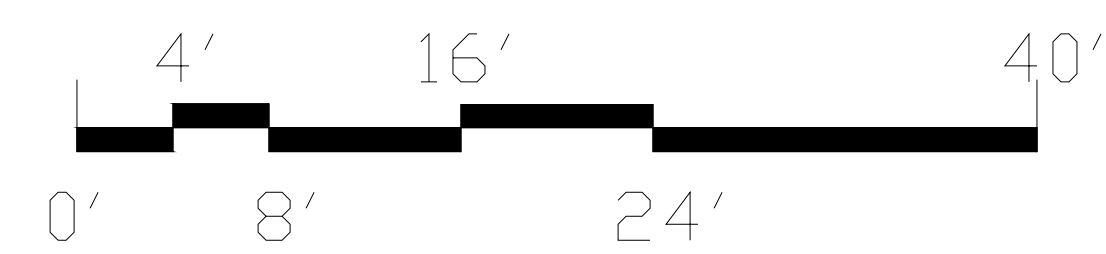
MAWA = 32,463.8

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Martha J. Dudenhoeffer
 MARTHA DUDENHOEFFER



LANDSCAPE HYDROZONES

- Low Water Use Planters (Spray): 480 SQFT
- Low Water Use Planters (Drip): 720 SQFT
- Moderate Water Use Planters (Drip): 400 SQFT
- Mulch= 300 SQFT
- Pool & Spa Surface Area (Pipe)= 422 SQFT

WATER USE CALCULATIONS

TOTAL LOT SIZE: 11,552 SQFT
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 ETAF = 0.55 (residential)
 *reference water use calculations worksheet for full calculations

NO.	DATE	REVISION	BY

DWG TITLE
WATER CONSERVATION PLAN

ENGINEER
 XXXX
 JOB NO.
 ANDERSON
 SCALE
 1/8" = 1'
 DATE
 April 22, 2020
 SHEET NUMBER

BOKAL
& SNEED
ARCHITECTS

6 April 2021

Solana Beach City Council
635 S. Highway 101
Solana Beach, Ca 92075

RE: DRP17-18-17
Anderson Residence
475 Marview Lane, Solana Beach

Honorable Council Members

The subject property contains a single-story home probably built in the 60's with tuck-under space (including a studio) on the westerly side below. The lot is sloped and terraced, with as much as a 23' drop from the front property line to the rear (west) property line.

Our initial approach for this project was to add a small second story master toward the north portion of the lot, thinking that this would create the least disruption to any existing views. We started our design work by placing 3 preliminary story poles at what we thought would be the west wall of a potential second story and we sent (informal) notices to about 8-10 of the closest neighbors asking if they would give us some feedback on the poles. We met with three of the noticed neighbors, all indicating that this proposal was pushed too far to the west.

Our subsequent design included a main level, a lower level tucked into the slope, and a second story pushed further to the east than our original story poles. This design was submitted to the Planning Department and was heard by the VAC. A majority of the VAC members were concerned with the view blockage created by our second story. **As a result of feedback from both neighbors and VAC members, we eliminated the second story element from the design altogether.**

The current design appears as a one-story building from the street with a lower level tucked into the sloped site. The building height, as measured from pre-existing grade, is less than 16.' Proposed grading for the project enables us to develop the lower level and avoid the necessity for a second story as well to create usable yard space. The general topography of the site as well as the site drainage will remain consistent with what exists today, and proposed contours will blend with the existing terrain both on and adjacent to the site.

We hope the Council will agree that the proposed project resolves the previous view concerns that were raised, sits comfortably into the existing lot conditions, and is consistent with similarly developed downhill sloped lots within the general neighborhood. We look forward to your approval.

Sincerely,



Richard D Bokal

ATTACHMENT 3



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 14, 2021
ORIGINATING DEPT: Community Development Department
SUBJECT: **Public Hearing: Request for a Development Review Permit for a First-Story Addition and Remodel to an Existing Two-Story Single-Family Residence with an Attached Garage and Perform Associated Site Improvements at 457 Dell Court (Case # DRP20-013 Applicant: Mark Ohman and Cynthia Claxton; APN: 263-430-35-00; Resolution No. 2021-040)**

BACKGROUND:

The Applicants, Mark Ohman and Cynthia Claxton, are requesting City Council (Council) approval of a Development Review Permit (DRP) to construct a first-story addition and remodel to an existing two-story, single-family residence with an attached garage, and perform associated site improvements. The 13,811 square-foot lot is located at 457 Dell Court and is within both the Low Residential (LR) Zone and Scaled Residential Overlay Zone (SROZ).

The Applicants propose aggregate grading in the amount of 18 cubic yards of cut. The maximum building height is proposed at 13.50 feet above existing grade and 208.15 feet above mean sea level (MSL). The project requires a DRP for construction in excess of 60 percent of the maximum allowable floor area.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicant's request as contained in Resolution 2021-040 (Attachment 1).

DISCUSSION:

The subject property is located on the northwest side of Dell Court. The 13,811 square-foot lot is an irregular shape fronting on Dell Court to the west, with residential properties to the north, east and south.

CITY COUNCIL ACTION:

The topography of the subject site slopes down from the rear (west) of the property to Dell Court with an approximately 10-foot grade differential. The front yard is relatively flat and the finished floor of the existing garage and residence are at the same elevation as the street.

The site is currently developed with a 2,042 square-foot two-story, single-family residence with an attached 700 square-foot garage. The existing residence is structurally nonconforming in that a portion of the garage encroaches into the front-yard setback. The Applicants propose to add 876 square-feet of living area to the first floor and to convert 134 square feet of the existing garage to habitable space. The remaining garage will be 566 square feet. A single-family residence is required to provide two (2) off-street parking spaces pursuant to Solana Beach Municipal Code (SBMC) Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM). The proposed 566 square-foot garage would allow for two conforming parking spaces. Since the parking space provided in the proposed garage would comply with the OSPDM, the project would qualify for a 400 square foot floor area exemption. Therefore, the total proposed floor area would be 3,218 square feet. The maximum allowable floor area for the property is 4,367 square feet, pursuant to the SROZ (SBMC Section 17.48.040). The maximum proposed building height would be 13.50 feet above existing grade. The project would also include associated site improvements including a patio cover. The project plans are provided in Attachment 2.

Table 1 (below) provides a comparison of the zoning regulations with the Applicants' proposed design.

Table 1			
LOT INFORMATION			
Property Address:	457 Dell Court	Zoning Designation:	LR (3 du/ac)
Lot Size (Net):	13,811 ft ²	# of Units Allowed:	1 Dwelling Unit and 1 ADU
Max. Allowable Floor Area:	4,367 ft ²	# of Units Requested:	1 Dwelling Unit
Proposed Floor Area:	3,218 ft ²		
Below Max. Floor Area by:	1,149 ft ²		
Max. Allowable Height:	25.00 ft.	Setbacks:	Required Proposed
Max. Proposed Height:	13.50 ft.	Front (S)	25 ft. 22.92 ft.
Highest Point/Ridge:	208.15 MSL	Interior Side (E)	5 ft. 10.08 ft.
Overlay Zone(s):	SROZ	Interior Side (W)	5 ft. 5.58 ft.
		Rear (N)	25 ft. 42.75 ft.
PROPOSED PROJECT INFORMATION			
Floor Area Breakdown:		Required Permits:	
Existing First Floor:	996 ft ²	DRP: A DRP is required for a structure that exceeds 60% of the maximum allowable floor area	
Proposed First Floor Addition:	876 ft ²		
Existing Second Floor:	1,046 ft ²		
Existing Garage to Remain:	566 ft ²		
Proposed Garage Conversion:	134 ft ²		
Subtotal:	3,618 ft ²		
Off Street Parking Exemption:	- 400 ft ²		
Total Floor Area:	3,218 ft²		
Proposed Grading: 18 cubic yards aggregate grading (16.45 cubic yards of excavation for new footings; 1.48 cubic yards of cut)			
Proposed Parking: 2-Car Attached Garage		Existing Development:	
Proposed Fences and Walls: No		Two-story, single-family residence with an attached garage	
Proposed Accessory Dwelling Unit: No			
Proposed Accessory Structure: No			

Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required because the total proposed floor area exceeds 60% of the maximum allowable. The total floor area proposed is 3,218 square feet and 4,367 square feet is the maximum. Therefore, the proposal is 74% of the allowable floor area.

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

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

6. Lighting
7. Usable Open Space

The following is a discussion of the findings for a DRP as each applies to the proposed project as well as reference to recommended conditions of approval contained in Resolution 2021-040. 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 this title, 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 Low Residential (LR) 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 and attached three-car garage. The Applicants propose to construct an addition and remodel to the existing first-story.

As designed, the project is consistent with the permitted uses for the LR Zone as described in Solana Beach Municipal Code (SBMC) Sections 17.20.010 and 17.12.020, which permits one single-family residence. The property is designated Low Density Residential in the General Plan and intended for single-family residential development with a maximum density of three 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. As a condition of project approval, the Applicants would be required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of a Building Permit.

Building and Structure Placement:

The site is currently developed with a 2,042 square-foot two-story, single-family residence and a 700 square-foot garage located on a flat building pad at approximately the same elevation as the street. The existing residence is structurally nonconforming in that a small portion at the southeast corner of the garage encroaches into the front-yard setback. The Applicants propose to add 876 square-feet of living area to the first floor and to convert 134 square feet of the existing garage to habitable space. The remaining garage will be 566 square feet. No modifications are proposed for the portion of the garage that encroaches into the front-yard setback. The existing garage is located towards the south side of the lot and is accessed by Dell Court.

The LR Zone requires 25-foot front and rear yard setbacks and 5-foot interior side yard setback. The additions are proposed to be located within the buildable area. The proposed residence is set back 10.92 feet from the east side property line, 5.58 feet from the west property line, and 42.75 feet from the rear property line. As previously noted, the front yard is legal nonconforming as the existing structure is 22.92 feet from the south property line where a twenty-five-foot setback is required. Pursuant to SBMC Section 17.16.060 where a nonconforming structure exists on a lot (including an accessory structure on a residential lot), additional uses, structures, or structural internal and external additions may be established on the lot; provided such additional uses, structures, or structural additions do not increase the size or degree of the existing nonconformity. The existing front-yard encroachment will not be expanded or increased, therefore, the size and degree of the nonconformity is not being increased.

The 3,052 square-foot residence will consist of a living room, dining room, kitchen, pantry, laundry room, and primary suite on the first floor, and four bedrooms and two bathrooms on the second floor. The proposed development also includes a covered patio. Pedestrian and vehicular access would be maintained on the southern side of the residence from the existing driveway.

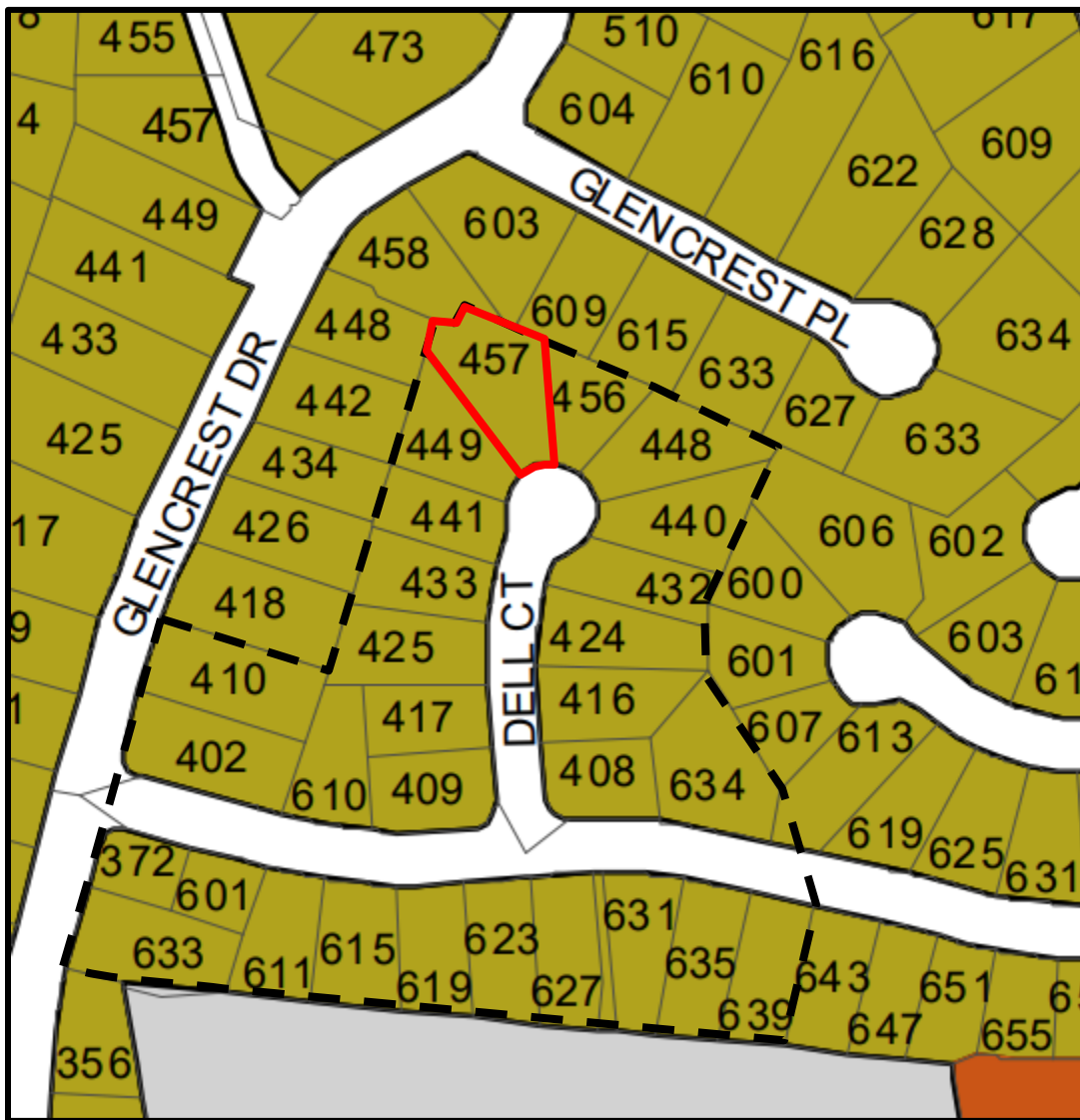
The SBMC parking regulations require two (2) off-street parking spaces, 9' x 19' clear, per single-family residence. The SBMC indicates that when required spaces are provided in a garage, up to 200 square feet of floor area is exempted for each required space. As designed, the proposed residence would provide two (2) parking spaces in the 566 square-foot garage; therefore, the project is afforded a 400 square-foot exemption and the total proposed floor area would be 3,218 square feet, which is 1,149 square feet under the maximum allowable floor area for the lot pursuant to the SROZ. The maximum floor area calculation for this project is as follows:

0.500 for first 6,000 ft ²	3,000 ft ²
0.175 for 6,001 – 15,000 ft ²	1,367 ft ²
Total Allowable Floor Area:	4,367 ft ²

The proposed project, as designed, meets the minimum required interior side-, and rear-yard setbacks.

Neighborhood Comparison:

Staff compared the proposed project to 28 other properties within the Dell Court and Dell Street neighborhood as shown on the following map:



The properties evaluated in this comparison are located in the LR Zone. The existing homes range in size from 1,248 square feet to 3,053 square feet, according to the County Assessor records. It should be noted that the County Assessor does not include garages, covered porches, unfinished basements or accessory buildings in the total square

footage. Accordingly, the building area of the proposed project has been calculated for comparison purposes by deleting the area of the garage as follows:

Project Gross Building Area:	3,618 ft ²
Delete Garage Area:	- 566 ft ²
Project Area for Comparison to Assessor's Data	3,052 ft ²

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 ² (SanGis)	Existing ft ² (Assessor)	Proposed / Recently Approved ft ²	Max. Allowable ft ²	Zone
1	410 GLENCREST DR	16,500	3,050		4,500	LR
2	402 GLENCREST DR	14,600	2,066		4,505	LR
3	372 GLENCREST DR	6,800	1,248		3,018	LR
4	364 GLENCREST DR	13,100	2,277		3,140	LR
5	601 DELL ST	6,100	1,896		4,243	LR
6	639 DELL ST	10,300	2,021		3,753	LR
7	635 DELL ST	10,500	3,053		3,788	LR
8	631 DELL ST	9,700	2,758		3,648	LR
9	627 DELL ST	10,100	2,144		3,718	LR
10	623 DELL ST	10,500	2,217		3,788	LR
11	619 DELL ST	9,900	1,942		3,683	LR
12	615 DELL ST	10,500	1,874		3,788	LR
13	611 DELL ST	10,200	1,870		3,735	LR
14	610 DELL ST	10,400	2,021		3,770	LR
15	409 DELL CT	9,900	1,870		3,683	LR
16	417 DELL CT	8,400	1,632		3,420	LR
17	425 DELL CT	11,600	2,021		3,980	LR
18	433 DELL CT	9,900	2,960		3,683	LR
19	441 DELL CT	8,900	2,021		3,508	LR
20	449 DELL CT	9,700	2,845		3,648	LR
21	457 DELL CT	13,811	2,021	3,052	4,367	LR
22	456 DELL CT	8,400	2,289		3,420	LR
23	448 DELL CT	12,300	2,075		4,103	LR
24	440 DELL CT	12,100	2,534		4,068	LR
25	432 DELL CT	9,500	2,317		3,613	LR
26	424 DELL CT	11,400	1,856		3,945	LR
27	416 DELL CT	10,900	2,184		3,858	LR
28	408 DELL CT	9,600	1,632		3,630	LR
29	634 DELL ST	14,900	2,344		4,558	LR

Fences, Walls and Retaining Walls:

The Applicants are not proposing any new walls or fences as part of this project. All existing fences currently on the site will remain as is. If the Applicants decide to modify any of the proposed fences and walls or construct additional fences and walls on the project site, a condition of project approval indicates that they would be required to be in compliance with the municipal code. If the Applicants decide to modify any of the design of the proposed fences and walls or construct additional fences and walls, a condition of project approval indicates that they would be required to be in compliance with SBMC 17.20.040(O) and 17.60.070(C) and (D).

Landscape:

The project is not subject to the water efficient landscaping regulations of SBMC Chapter 17.56. According to SBMC Section 17.56.040, the regulations apply to modified irrigated landscaped areas that exceed 500 square feet. The proposed project does not propose any new or modified irrigated landscaping.

Parking:

SBMC Section 17.52.040 and the Off Street Parking Design Manual require two (2) parking spaces for a single-family residence. The Applicants are proposing to convert 134 square feet of the existing 700 square foot attached garage to habitable space. The remaining a 566 square-foot attached garage would provide two (2) off-street parking space that are 9' X 19' and clear of obstruction, therefore, the proposed project would be in compliance with the parking standards.

Grading:

The proposed grading quantities include 16.45 cubic yards for the excavation for the new footings. Additionally, the project proposes 1.48 cubic yards of cut. The proposed total aggregate amount of grading is 18 cubic yards.

Lighting:

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

Usable Open Space:

The project consists of the construction of an addition to a 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 residence would not exceed 16 feet in height, therefore, the Applicants are not required to obtain a Structure Development Permit.

The project plans show the maximum structure height at 13.50 feet above the adjacent existing grade, or 208.15 feet above mean sea level (MSL).

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 2021-040 for Council's consideration based upon the information in the report. The applicable SBMC sections are provided in the 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 Applicants would be required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of a Building Permit. 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 April 1, 2021. 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 Section 15303 of the State CEQA Guidelines. Section 15303 is a Class 3 exemption for new construction or the conversion of small structures. Examples of this exemption include one single-family residence or second dwelling unit in a residential zone. In urbanized areas, up to three-single-family residences may be constructed or converted under this exemption.

FISCAL IMPACT: N/A

WORKPLAN: N/A

OPTIONS:

- Approve Staff recommendation adopting the attached Resolution 2021-040.

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

DEPARTMENT RECOMMENDATION:

The proposed project could be found to be consistent with the General Plan and the underlying SBMC could 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 2021-040 conditionally approving a DRP to allow for the construction of a first-story addition and remodel to an existing two-story, single-family residence with an attached garage at 457 Dell Court.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2021-040
2. Project Plans

RESOLUTION NO. 2021-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A FIRST-STORY ADDITION AND REMODEL TO AN EXISTING TWO-STORY, SINGLE-FAMILY RESIDENCE WITH AN ATTACHED GARAGE AND PERFORM ASSOCIATED SITE IMPROVEMENTS AT 457 DELL COURT, SOLANA BEACH

APPLICANT: Mark Ohman and Cynthia Claxton
CASE NO.: DRP 20-013

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

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

WHEREAS, at the Public Hearing on April, 14, 2021, the City Council received and considered evidence concerning the proposed application; and

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

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

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

1. That the foregoing recitations are true and correct.
2. That the project is exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines.
3. That the request for a DRP to construct a 876 square-foot, first-story addition and remodel to an existing two-story, single-family residence and attached garage on a 13,811 square-foot lot in the Low Residential (LR) Zone and the Scaled Residential Overlay Zone (SROZ) is conditionally approved based upon the following Findings and subject to the following Conditions:
4. 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 Low Density Residential, which allows for three dwelling units per acre. Further, the proposed development is consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

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 Low Residential (LR) Zone and cited by SBMC Section 17.020.030.

The project meets the minimum required interior side- and rear-yard setbacks and is below the maximum allowable Floor Area Ratio (FAR) for the property.

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

- a. *Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and where feasible, complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects, as well as protection of the property from adverse surrounding influences.*

The subject site is located within the Low Residential (LR) Zone. The surrounding neighborhood consists of a mix of one- and two-story single-family residences. The project site is currently developed with a two-story, single-family residence and attached garage. The Applicants propose to construct a first-floor addition and remodel to an existing two-story, single-family residence with an attached garage, and perform associated site improvements

As designed, the project is consistent with the permitted uses for the LR Zone as described in Solana Beach Municipal Code (SBMC) Sections 17.20.010 and 17.12.020, which permits one

single-family residence. The property is designated Low Density Residential in the General Plan and intended for single-family residences developed at a maximum density of three 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 is in conformance with, the regulations of the SROZ. As a condition of project approval, the Applicants are required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of a Building Permit.

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

The site is currently developed with a 2,042 square-foot single-story, single-family residence and a 700 square-foot garage located on a flat building pad at approximately the same elevation as the street. The existing residence is structurally nonconforming in that a portion of the garage encroaches into the front-yard setback. The Applicants propose to add 876 square-feet of living area to the first floor and to convert 134 square feet of the existing garage to habitable space. The remaining garage will be 566 square feet. No modifications are proposed for the portion of the garage that encroaches into the front-yard setback. The existing garage is located towards the south of the lot and is accessed by Dell Court.

The LR Zone requires 25-foot front and rear yard setbacks and 5-foot interior side yard setback. The additions are proposed to be located within the buildable area. The proposed residence is set back 10.92 feet from the east side property line, 5.58 feet from the west property line, and 42.75 feet from the rear property line. As previously noted, the rear yard is legal nonconforming as the existing structure is 22.92 feet from the south property line where a twenty-five-foot setback is required. Pursuant to SBMC Section 17.16.060 where a nonconforming structure exists on a lot (including an accessory structure on a residential lot), additional uses, structures, or structural internal and external additions may be established on the lot; provided such additional uses, structures, or structural additions do not increase the size or degree of the existing nonconformity. The existing front-yard encroachment will

not be expanded or increased, therefore, the size and degree of the nonconformity is not being increased.

The 3,052 square-foot residence will consist of a living room, dining room, kitchen, pantry, laundry room, and master suite on the first floor, and four bedrooms and two bathrooms on the second floor. The proposed development also includes a covered patio. Pedestrian and vehicular access would be maintained on the southern side of the residence from the existing driveway.

The SBMC parking regulations require two (2) off-street parking spaces, 9' x 19' clear, per single-family residence. The SBMC indicates that when required spaces are provided in a garage, up to 200 square feet of floor area is exempted for each required space. As designed, the proposed residence would provide two (2) parking spaces in the 566 square-foot garage; therefore, the project is afforded a 400 square-foot exemption and the total proposed floor area would be 3,218 square feet, which is 1,149 square feet under the maximum allowable floor area for the lot pursuant to the SROZ. The maximum floor area calculation for this project is as follows:

0.500 for first 6,000 ft ²	3,000 ft ²
0.175 for 6,001 – 15,000 ft ²	1,367 ft ²
Total Allowable Floor Area:	4,367 ft ²

The proposed project, as designed, meets the minimum required interior side- and rear-yard 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. Trees and other large plantings shall not obstruct significant views when installed or at maturity.*

The project is not subject to the water efficient landscaping regulations of SBMC Chapter 17.56. According to SBMC Section 17.56.040, the regulations apply to modified irrigated landscaped areas that exceed 500 square feet. The proposed project does not propose any new or modified irrigated landscaping.

- 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 require two (2) parking spaces for a single-family residence. The Applicant is proposing to convert 134 square feet of the existing 700 square foot attached garage to habitable space. The remaining a 566 square-foot attached garage would provide two off-street parking space that is 9' X 19' and clear of obstruction, therefore, the proposed project would be in compliance with the parking standards.

- 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 proposed grading quantities include 16.45 cubic yards for the excavation for the new footings. Additionally, the project proposed 1.48 cubic yards of cut. The proposed total aggregate amount of grading is 18 cubic yards.

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

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

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

The project consists of the construction of a new 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 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.*

All required permits are being processed concurrently with the DRP. As a condition of project approval, the Applicants will be required to obtain approval from the CCC prior to issuance of Building Permits.

The project will not exceed 16 feet above the existing grade; therefore, a Structure Development Permit (SDP) is not required.

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

As a condition of project approval, the Applicants will be required to obtain approval from the California Coastal Commission (CCC) prior to the issuance of Building Permits.

5. CONDITIONS

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

A. Community Development Department Conditions:

- I. The Applicants shall pay required Public Facilities Fees, as established by SBMC Section 17.72.020 and Resolution 1987-36.
- II. Building Permit plans must be in substantial conformance with the plans presented to the City Council on April 14, 2021 and located in the project file with a submittal date of September 28, 2021.
- III. The residence will not exceed 13.50 feet in height above the existing grade or 208.15 feet above MSL.
- IV. Any proposed onsite fences, walls, and retaining walls and any proposed railing located on top, or any combination thereof, shall comply with applicable regulations of SBMC Section 17.20.040 and 17.60.070 (Fences and Walls).
- V. The Applicants shall obtain required 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 Applicants shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on Dell Court and minimize impact to the surrounding neighbors.
 - X. The Applicants shall connect to temporary electrical service as soon as feasible to the satisfaction of the City. The use of gas-powered generator(s) during construction activity is discouraged and shall be limited only to selective use at the discretion of the City.
- B. Fire Department Conditions: Please note that this list provides detailed Fire Department requirements and is not meant to be an all-inclusive plan check list of the Fire Department comments.
- I. ACCESS ROAD MINIMUM DIMENSIONS: Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Exception: Single-Family residential driveways; serving no more than two single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities.
 - II. OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION: All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Solana Beach Fire Department.
 - III. ADDRESS NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following

minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

- IV. AUTOMATIC FIRE SPRINKLER SYSTEM-ONE AND TWO FAMILY DWELLINGS: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.
- V. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.

C. Engineering Department Conditions:

- I. The Applicant shall record the Encroachment Maintenance Removal Agreement (EMRA) with the County of San Diego prior to Final Inspection of the Building Permit. The EMRA shall be recorded against this property for all private improvements in the public right-of-way including, but not limited to:
 - a. Existing wood deck and 2 posts within the existing drainage easement.
- II. The Applicant shall record a Hold Harmless Agreement prior to Final Inspection of the Building Permit. The document will hold the City of Solana Beach harmless resulting from any failure of the storm drain system on the Applicants property. The Applicants shall record the Hold Harmless Agreement document prior to Final Inspection of the Building Permit.
- III. The Applicants shall obtain an Engineering Permit. The Engineering Permit shall be prepared by a Registered Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code. A Preliminary Hydrology Study prepared and all recommendations of the Hydrology Study shall be incorporated into the Engineering Permit plan. A soils report is not required.
- IV. 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.

- V. Construction fencing shall be located on the subject property unless the Applicants have obtained an Encroachment Permit in accordance with chapter 11.20 of the SBMC which allows otherwise.
6. 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 1.16 and 1.18 in addition to any applicable revocation proceedings.
7. EXPIRATION: The DRP for the project will expire 24 months from the date of this Resolution, unless the Applicants have obtained building permits and have commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council, subject to SBMC Section 17.72.110.
8. INDEMNIFICATION AGREEMENT: The Applicants shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicants of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicants shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicants regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicants shall not be required to pay or perform any settlement unless such settlement is approved by the Applicants.

NOTICE TO 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 14th day of April, 2021, by the following vote:

AYES: Councilmembers –

NOES: Councilmembers –

ABSENT: Councilmembers –

ABSTAIN: Councilmembers –

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

Ohman Residence

457 Dell Court / Solana Beach, CA 92075

benzoni design

371 glencrest dr.
solana beach, ca
92075, usa

benzonidesign.com

Ohman Residence
457 Dell Court Solana Beach, CA 92075

TITLE SHEET
SCALE AS SHOWN
DRAWN

A0.1

DATE 2-17-2021

GENERAL NOTES

- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD, SITE CONDITIONS, EXISTING TOPOGRAPHY, LOCATION OF UTILITIES, OR ANY SPECIAL FEATURES UNIQUE TO THE SITE AND SHALL REPORT ANY CONFLICTS OR INCONSISTENCIES TO BENZONI DESIGN PRIOR TO PROCEEDING WITH ANY WORK. THE CONTRACTOR SHALL STAKE OUT THE BUILDING FOR BENZONI DESIGN AND OWNER'S REVIEW PRIOR TO PROCEEDING WITH CONSTRUCTION. THE CONTRACTOR SHALL RESOLVE ANY CONFLICTS IN THE CONSTRUCTION DOCUMENTS WITH BENZONI DESIGN BEFORE PROCEEDING WITH CONSTRUCTION.
- ANY EQUIPMENT, WORK OR ITEM INDICATED ON THE DRAWINGS TO BE N.I.C. (NOT IN CONTRACT) SHALL BE PROVIDED UNDER SOME OTHER CONTRACT OR ARRANGEMENTS BY THE OWNER OR OTHERS. POWER OR UTILITY SUPPLIES AND HOOKUPS SHALL BE PROVIDED BY THE CONTRACTOR TO N.I.C. ITEM, UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL ALSO INSTALL N.I.C. ITEMS PROVIDED BY THE OWNER OR OTHERS.
- ALL MATERIALS & WORKMANSHIP SHALL BE IN COMPLIANCE WITH ALL CURRENT GOVERNING CODES AND ORDINANCES, AND CURRENTLY ADOPTED OSHA, CITY, COUNTY, STATE AND NATIONAL STANDARDS, INCLUDING THE 2019 CALIFORNIA RESIDENTIAL CODE (2019 CRC), WHICH ADOPTS THE 2018 IBC, 2018 UMC, 2018 UPC AND THE 2019 NEC & ASSOCIATED AMENDMENTS IN THE CITY OF SAN DIEGO MUNICIPAL CODE (EMC) FOR PROJECTS UNDER THE JURISDICTION OF THE CITY OF SAN DIEGO, THE 2019 CALIFORNIA BUILDING CODE (CBC) [WHICH IS BASED ON THE 2019 IBC] FOR THE NON-CONVENTIONAL FRAMING STRUCTURAL PROVISIONS.
- WORK IN FURRED AREAS SHALL NOT BE CONCEALED UNTIL SUCH WORK HAS BEEN INSPECTED AND APPROVED BY THE INSPECTING AUTHORITIES. IF SUCH WORK IS CONCEALED WITHOUT INSPECTION AND APPROVAL, THE CONTRACTOR SHALL BE FINANCIALLY RESPONSIBLE FOR ALL WORK REQUIRED TO OPEN AND RESTORE THE CONCEALED AREAS IN ADDITION TO ANY REQUIRED MODIFICATION TO THE SYSTEM AS WELL AS TO OTHER SYSTEMS.
- NO CHANGES OR MODIFICATIONS TO THE WORK SHALL BE MADE WITHOUT APPROVAL OF THE OWNER (OR BENZONI DESIGN). FAILURE TO OBTAIN OWNER'S (OR BENZONI DESIGN) APPROVAL SHALL CAUSE THE GENERAL CONTRACTOR TO ASSUME FULL RESPONSIBILITY FOR ANY SUBSEQUENT MODIFICATION OF THE WORK REQUIRED BY THE OWNER OR ANY REGULATORY AGENCY.
- OMISSIONS FROM THE DRAWINGS AND SPECIFICATIONS, OR THE MISDESCRIPTION OF THE WORK WHICH IS MANIFESTLY NECESSARY TO CARRY OUT THE INTENT OF THE DRAWINGS AND SPECIFICATIONS, OR WHICH IS CUSTOMARILY PERFORMED, SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING SUCH OMITTED OR MISDESCRIBED DETAILS OF THE WORK AS IF FULLY AND COMPLETELY SET FORTH AND DESCRIBED IN THE DRAWINGS AND SPECIFICATIONS.
- WHERE NO DETAILS ARE SHOWN OR NOTED FOR ANY PART OF THE WORK, THE DETAILS SHALL BE THE SAME AS FOR OTHER SIMILAR WORK, NEW OR EXISTING, OR BENZONI DESIGN NOTIFIED WHEN A DETAIL IS IDENTIFIED AS "TYPICAL". THE CONTRACTOR IS TO APPLY THIS DETAIL IN ESTIMATING AND CONSTRUCTION TO EVERY LIKE CONDITION WHETHER OR NOT THE REFERENCE IS REPEATED IN EVERY INSTANCE.
- DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DRAWING SCALE OR PROPORTION. LARGER SCALE DRAWINGS SHALL TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS. DUE TO REPROGRAPHIC PROCESSES, THESE PLANS MAY NOT BE ACCURATE TO SCALE, THEREFORE, THESE PLANS SHOULD NOT BE "SCALED".
 - ALL DIMENSIONS ARE ROUGH AND TO STUD LINE UNLESS NOTED OTHERWISE.
 - ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE VERIFIED IN FIELD BEFORE COMMENCING WORK. NOTIFY BENZONI DESIGN OF ANY DISCREPANCIES.
 - REFERENCE TO ANY DETAIL OR DRAWING IS FOR CONVENIENCE ONLY AND DOES NOT LIMIT THE APPLICATION OF SUCH DRAWING OR DETAIL.
 - THESE DRAWINGS ARE ONLY REPRESENTATIVE WITH DETAILS TO ASSIST THE CONTRACTOR. DRAWINGS DO NOT ILLUSTRATE EVERY CONDITION.
- ALL SURFACES, STRUCTURAL OR FINISH, WHICH ARE EXPOSED TO VIEW IN THE COMPLETED BUILDING, AND ALL ITEMS OR EQUIPMENT SHALL BE COMPLETELY PROTECTED FROM DAMAGE DURING THE CONSTRUCTION PHASE BY THE CONTRACTOR, WHO SHALL TAKE ALL NECESSARY PRECAUTIONS TO INSURE THAT THE PROJECT IS TURNED OVER TO THE OWNER ENTIRELY FREE FROM SCRATCHES, ABRASIONS, DENTS, DRIPS, GOUGES, STAINS, WATER MARKS, PAINT OR OIL RUNS, OR SIMILAR TYPES OF DAMAGE. WHEREVER SUCH DAMAGE DOES OCCUR, AND BEFORE THE FINAL INSPECTION OF THE BUILDING BY BENZONI DESIGN, THE CONTRACTOR SHALL AT NO EXPENSE TO THE OWNER, AND UNDER THE DIRECTION OF BENZONI DESIGN, COMPLETELY REPAIR, OR, WHERE REQUIRED, REPLACE THE DAMAGED WORK IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ALL METHODS OF PROTECTION SHALL BE SELECTED BY THE CONTRACTOR. PROTECTION SHALL BE MAINTAINED BY THE CONTRACTOR IN GOOD CONDITION UNTIL EACH ELEMENT SO PROTECTED IS READY FOR THE NEXT PHASE OF THE WORK, OR UNTIL IT IS BEING PREPARED FOR FINAL CLEANING.
- ALL MATERIALS STORED ON SITE SHALL BE PROPERLY STACKED AND PROTECTED TO PREVENT DAMAGE AND INSPECTIONS, OR OTHER TEST NECESSARY FOR THE WORK, SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY.
- ALL TESTING REQUIRED FOR SOIL COMPACTION, PERCOLATION TESTS, CORING SAMPLES, CONTINUOUS CONCRETE INSPECTIONS, OR OTHER TEST NECESSARY FOR THE WORK, SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY.
- THE OWNER HAS BEEN ADVISED THAT SINCE THIS WORK INVOLVES REMODELING OR EXISTING CONDITIONS THAT ARE CONCEALED AND CANNOT BE EXAMINED BY BENZONI DESIGN WITHOUT DAMAGE TO THE EXISTING BUILDING, THE DETAILS AND METHODS OF REPAIR MAY NEED TO BE ADJUSTED TO INCORPORATE ADDITIONAL ITEMS OF WORK. THE CONTRACTOR SHALL NOTIFY BENZONI DESIGN WHEN SUCH CONDITIONS ARE ENCOUNTERED. A REASONABLE CHANGE IN THE SCOPE OF THE WORK WILL THEN BE NEGOTIATED.
- PLANS IDENTIFIED AS "BID SET" OR "PROGRESS SET" - NOT FOR CONSTRUCTION" ON ANY OR ALL SHEETS MAY BE SUBJECT TO REVIEW BY BENZONI DESIGN, OR OTHERS SUCH AS THE BUILDER, BUILDING INSPECTION DEPARTMENT, ETC. THIS REVIEW MAY RESULT IN CHANGES WHICH MAY BE MADE TO THE PLANS PRIOR TO ISSUANCE OF THE FINAL CONSTRUCTION SET WHICH WILL CONTAIN NO SUCH DESIGNATIONS.
- BENZONI DESIGN SHALL IN NO WAY BE RESPONSIBLE FOR HOW THE FIELD WORK IS PERFORMED, SAFETY IN, ON, OR ABOUT THE JOBSITE, METHODS OF PERFORMANCE, OR TIMELINESS IN THE PERFORMANCE OF THE WORK. ANY PERIODIC VISITS TO THE JOBSITE BY BENZONI DESIGN ARE SOLELY FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH THE TECHNICAL PROVISIONS OF THE CONTRACT DOCUMENTS.
- ALL IDEA, DESIGN, ARRANGEMENTS OF PLANS INDICATED OR REPRESENTED BY THESE DRAWINGS ARE OWNED BY, AND ARE THE PROPERTY OF BENZONI DESIGN, AND WERE CREATED, EVOLVED, AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THE SPECIFIC PROJECT. NONE OF SUCH IDEAS, DESIGN, ARRANGEMENTS OF PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITH THE WRITTEN PERMISSION OF BENZONI DESIGN.
- BUILDING ADDRESS NUMBERS SHALL BE EASILY SEEN FROM THE STREET.
- SUBSTITUTION OF "EQUAL" OR "EQUIVALENT" PRODUCTS WILL BE ACCEPTABLE ONLY WITH BENZONI DESIGN OR OWNER'S WRITTEN REVIEW.
- INDEMNIFICATION: CONTRACTOR SHALL PROTECT AND SAVE HARMLESS THE OWNER AND BENZONI DESIGN FROM ALL CLAIMS, ACTIONS OR DAMAGES OF EVERY KIND AND DESCRIPTION WHICH MAY ACCRUE TO, OR BE SUFFERED BY, ANY PERSON OR PERSONS, CORPORATION OR PROPERTY BY REASON OF THE PERFORMANCE BY THE CONTRACTOR OF THE WORK UNDER THIS CONTRACT, CHARACTER OF MATERIAL, USED OR MANNER OF INSTALLATION, OR BE THE IMPROPER OCCUPANCY OR RIGHTS-OF-WAY OR PUBLIC PLACES.
- THESE PLANS AND ALL WORK SHALL COMPLY WITH THE CALIFORNIA BUILDING STANDARDS CODE FOUND IN STATE OF CALIFORNIA TITLE 24 CSR AS AMENDED AND ADOPTED BY THE GOVERNING JURISDICTION(S).
- ALL WATER PIPING SHALL BE COPPER AS INDICATED IN THE SPECIFICATIONS, DIVISION 15.
- DISPOSITION OF ALL EXISTING DOORS, WINDOWS, APPLIANCES, PLUMBING, LIGHTING, ETC., SHALL BE VERIFIED WITH THE OWNER.
- THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR SIGNING ANY AND ALL CERTIFICATES OF COMPLIANCE IF REQUIRED BY THE STATE OF CALIFORNIA OR ANY OTHER CERTIFICATES REQUIRED BY THE GOVERNING JURISDICTION(S).

PROJECT DATA

LEGAL OWNER: OHMAN-CLAXTON FAMILY TRUST
PROJECT ADDRESS: 457 DELL COURT / SOLANA BEACH, CA 92075
LEGAL DESCRIPTION: LOT 101 OF SOLANA DEL MAR UNIT 2
ASSESSORS PARCEL NUMBER: 263-430-35-00
CONSTRUCTION TYPE: V-B
OCCUPANCY GROUP: R-3 / U-1
BUILDING HEIGHT: 25'-0"
CALIFORNIA CLIMATE ZONE: 7
ZONING: LOW RESIDENTIAL ZONE
SCALED RESIDENTIAL OVERLAY ZONE
LOT AREA: 13,811 SF
BUILDING AREA:

EXISTING AREA	
FIRST FLOOR LIVING SPACE	996 SF
SECOND FLOOR LIVING SPACE	1,046 SF
GARAGE	700 SF
TOTAL EXISTING LIVING AREA	2,742 SF

PROPOSED AREA	
(E) FIRST FLOOR LIVING SPACE	996 SF
(N) FIRST FLOOR ADDITIONS	
ENTRY	64 SF
MASTER SUITE	484 SF
FAMILY ROOM	328 SF
EXISTING GARAGE CONVERTED	134 SF
(E) GARAGE REMAINING	566 SF
(E) SECOND FLOOR LIVING SPACE	1,046 SF

SUBTOTAL	3,618 SF
EXEMPTION (2 PARKING SPACES)	- 400 SF

TOTAL PROPOSED FLOOR AREA	3,218 SF
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FAR CALCULATION	6,000 SF x 0.5	3,000 SF
	7,811 SF x .175	1,367 SF

FAR ALLOWED	4,367 SF
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n(i) **60% OF 4,367 = 2,620**

BUILDING HEIGHT:
MAXIMUM ALLOWED: 25'-0"
EXISTING TO REMAIN: 22'-0" (CHIMNEY - 24'-6")
PROPOSED ADDITION: 13'-6"

GRADING:
EXCAVATION FOR FOOTINGS: 16.45 CY
REMOVAL/RECOMPACTION FOR SLABS: 0 CY
GRADING ASSOCIATED WITH PROJECT: CUT 1.48 CY
FILL 0 CY

TOTAL GRADING:	17.93 CY
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* EARTHWORK QUANTITIES ARE ESTIMATED FOR PERMIT PURPOSES ONLY AND REPRESENT COMPACTED (IN PLACE) VOLUMES ONLY. THESE VALUES ARE CALCULATED ON A THEORETICAL BASIS; ACTUAL QUANTITY OF MATERIAL VARY DUE TO OBSERVED SHRINKAGE AND IOR SWELL FACTORS.

FIRE HAZARD ZONE: VERY HIGH - COMPLYING WITH CHAPTER 7A IS REQUIRED

FIRE SPRINKLERS: INSTALLATION REQUIRED

AGE OF BUILDING: 1968

BUILDING SETBACK		
	REQUIRED	PROPOSED
FRONT YARD	25'-0"	22'-11" (E) NONCONFORMITY
EAST SIDE YARD	5'-0"	10'-1"
WEST SIDE YARD	5'-0"	5'-7"
REAR YARD	25'-0"	EAST 42'-9" / WEST 57'-1 1/2"

SCOPE OF WORK

- REMODEL OF EXISTING RESIDENCE TO INCLUDE:
 - REMODEL OF 996 SF EXISTING AT FIRST FLOOR
 - ADDITION OF 880 SF AT FIRST FLOOR
 - CONVERSION 134 SF OF (E) GARAGE TO (N) LIVING SPACE
 - (N) COVERED PATIO OF 280 SF
 - REPLACEMENT OF ALL (E) WINDOWS

PROJECT TEAM

- DESIGN:** BENZONI DESIGN
PAOLA BENZONI
(858) 822 9697
- BUILDER:**
- ENGINEERING:** SCHMIT ENGINEERING
JOHN SCHMIT
(760) 703 3389
- TITLE 24:** COMPUCALC
ELIZABETH SMITHWICK
(530) 268 8722

CAL GREEN NOTES

- ANY RESIDENTIAL BUILDING UNDERGOING ALTERATIONS OR IMPROVEMENTS SHALL REPLACE ALL NON-COMPLIANT PLUMBING FIXTURES WITH WATER-CONSERVING FIXTURES
- AT THE TIME OF FINAL INSPECTION, A COMPLETE MAINTENANCE AND OPERATION MANUAL SHALL BE PLACED IN THE HOUSE
- PROVIDE COMPLETE SPECIFICATIONS FOR ALL ADHESIVE, SEALANTS, CAULKS, PAINTS AND COATINGS, COMPOSITE MATERIALS, CARPET SYSTEMS, CUSHIONS AND ADHESIVE, RESILIENT FLOORING SYSTEMS, COMPOSITE WOOD PRODUCTS. SEE Division 4.5
- CONCRETE SLAB FOUNDATIONS OR CONCRETE SLAB-ON-FLOORS REQUIRED TO HAVE A VAPOR RETARDER BY THE CBC Chapter 19, OR THE CRC Chapter 5
- A CAPILLARY BREAK SHALL BE INSTALLED IN COMPLIANCE WITH AT LEAST ONE OF THE FOLLOWINGS:
 - A 4 INCH THICK BASE OF 3/4" OR LARGER CLEAN AGGREGATE SHALL BE PROVIDED WITH A VAPOR RETARDER IN DIRECT CONTACT WITH CONCRETE AND CONCRETE MIX DESIGN WHICH WILL ADDRESS BLEEDING, SHRINKAGE AND CURLING SHALL BE USED.
 - A SLAB DESIGN SPECIFIED BY A LICENSED DESIGN PROFESSIONAL.
- BUILDING MATERIALS WITH VISIBLE SIGNS OF WATER DAMAGE SHALL NOT BE INSTALLED. WALL AND FLOOR FRAMING SHALL NOT BE ENCLOSED WHEN THE FRAMING MEMBERS EXCEED 19% MOISTURE CONTENT. MOISTURE CONTENT SHALL BE VERIFIED IN COMPLIANCE WITH THE FOLLOWINGS:
 - MOISTURE CONTENT SHALL BE DETERMINED WITH EITHER A PROBE-TYPE OR A CONTACT-TYPE MOISTURE METER
 - MOISTURE READING SHALL BE TAKEN AT A POINT 2 FEET TO 4 FEET FROM THE GRADE-STAMPED END OF EACH PIECE TO BE VERIFIED
 - AT LEAST THREE RANDOM MOISTURE READINGS SHALL BE PERFORMED ON WALL AND FLOOR FRAMING WITH DOCUMENTATION ACCEPTABLE TO THE ENFORCING AGENCY PROVIDED AT THE TIME OF APPROVAL TO ENCLOSE THE WALL AND FLOOR FRAMING.
- A MINIMUM OF 50% OF CONSTRUCTION WASTE IS TO BE RECYCLED
- CONTRACTOR SHALL SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN TO THE JURISDICTION AGENCY THAT REGULATES WASTE MANAGEMENT.
- DURING CONSTRUCTION, ENDS OF DUCTS OPENINGS ARE TO BE SEALED AND MECHANICAL EQUIPMENT IS TO BE COVERED
- PRIOR TO FINAL INSPECTION THE CONTRACTOR MUST PROVIDE TO THE BUILDING DEPARTMENT OFFICIAL WRITTEN CERTIFICATION THAT ALL APPLICABLE PROVISIONS FROM THE GREEN BUILDING STANDARDS CODE HAVE BEEN IMPLEMENTED AS PART OF THE CONSTRUCTION.

CODES

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING CODES
2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA RESIDENTIAL CODE,
2019 CALIFORNIA GREEN BUILDING CODE,
2019 CALIFORNIA ELECTRICAL CODE,
2019 CALIFORNIA MECHANICAL CODE,
2019 CALIFORNIA PLUMBING CODE,
2019 CALIFORNIA FIRE CODE,
2019 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS,
AND ALL COUNTY OF SAN DIEGO AMENDMENTS.

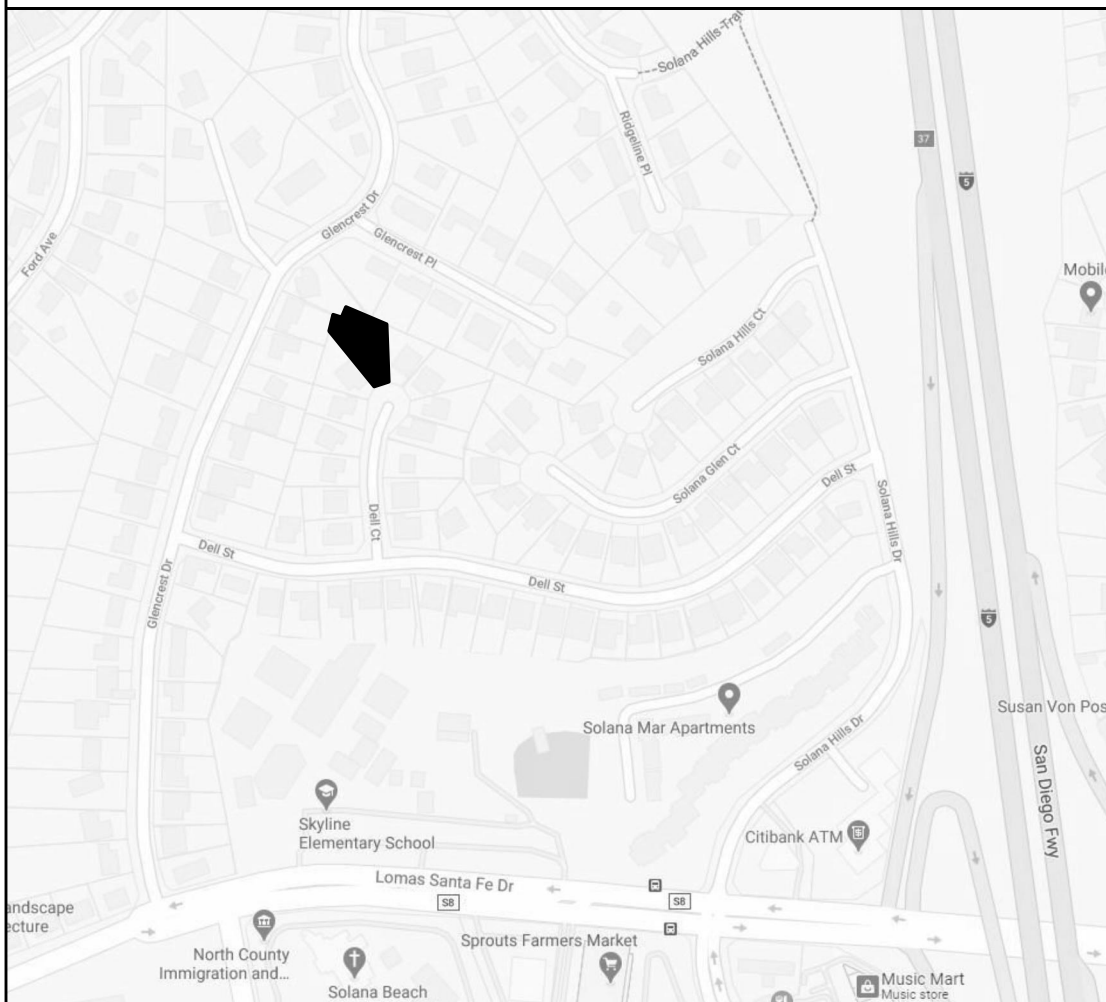
SHEET INDEX

- A0.1 TITLE SHEET
- A1.1 SITE PLAN
- A1.2 FAR PLAN (1st & 2nd FLOORS)
- A1.3 LAND USE STUDY
- A2.1 DEMO PLAN (1st & 2nd FLOORS)
- A2.3 FLOOR PLAN - FIRST FLOOR
- A2.4 FLOOR PLAN - SECOND FLOOR
- A2.6 ROOF PLAN
- A3.1 EXTERIOR ELEVATIONS
- A3.2 EXTERIOR ELEVATIONS
- A4.1 SECTIONS
- A4.2 SECTIONS

FIRE DEPT. NOTES

- DURING CONSTRUCTION, AT LEAST ONE EXTINGUISHER SHALL BE PROVIDED ON EACH FLOOR LEVEL AT EACH STAIRWAY, IN ALL STORAGE AND CONSTRUCTION SHED, IN LOCATION WHERE FLAMMABLE OR COMBUSTIBLE LIQUID ARE STORED OR USED, AND WHERE OTHER SPECIAL HAZARDS ARE PRESENT PER CFC Section 3315.1.
- BUILDING UNDERGOING CONSTRUCTION, ALTERATION, OR DEMOLITION SHALL CONFORM TO CFC Chapter 35.
- ADDRESS IDENTIFICATION SHALL BE PROVIDED FOR ALL NEW AND EXISTING BUILDINGS IN A LOCATION THAT IS PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY, WHERE ACCESS IS BY WAY OF PRIVATE ROAD AND THE BUILDING ADDRESS CANNOT BE VIEWED FROM THE PUBLIC WAY, AN APPROVED SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. PREMISES IDENTIFICATION SHALL CONFORM TO CBC Section 501.2.
- WALL, FLOOR AND CEILING FINISHES AND MATERIALS SHALL NOT EXCEED THE INTERIOR FINISH CLASSIFICATION IN CBC Table 803.9 AND SHALL MEET THE FLAME PROPAGATION PERFORMANCE CRITERIA OF THE CALIFORNIA CODE OF REGULATIONS, Title 19, Division 1. DECORATIVE MATERIALS SHALL BE PROPERLY TREATED BY A PRODUCT OF PROCESS APPROVED BY THE STATE FIRE MARSHALL WITH APPROPRIATE DOCUMENTATION PROVIDED TO THE CITY OF SOLANA BEACH. DUMPSTER AND TRASH CONTAINERS EXCEEDING 1.5 CUBIC YARDS SHALL NOT BE STORED IN BUILDINGS OR PLACED WITHIN 5 FEET OF COMBUSTIBLE WALLS, OPENINGS OR COMBUSTIBLE ROOF EAVE LINES UNLESS PROTECTED BY AN APPROVED SPRINKLER SYSTEM OR LOCATED IN A TYPE I OR IIA STRUCTURE SEPARATED BY 10 FEET FROM OTHER STRUCTURES. CONTAINERS LARGER THAN 1 CUBIC YARD SHALL BE OF NON-OR LIMITED-COMBUSTIBLE MATERIALS OR SIMILARLY PROTECTED OR SEPARATED. CFC 304.3.
- ACCESS ROAD MINIMUM DIMENSIONS:** FIRE APPARATUS ACCESS ROADS SHALL HAVE AN UNOBSTRUCTED IMPROVED WIDTH OF NOT LESS THAN 20 FEET; CURB LINE TO CURB LINE, AND AN UNOBSTRUCTED VERTICAL CLEARANCE OF NOT LESS THAN 13 FEET 6 INCHES. EXCEPTION: SINGLE-FAMILY RESIDENTIAL DRIVEWAYS; SERVING NO MORE THAN TWO SINGLE FAMILY DWELLING, SHALL HAVE MINIMUM OF 16 FEET, CURB LINE TO CURB LINE, OF UNOBSTRUCTED IMPROVED WIDTH. ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF NOT LESS THAN 75.00 POUNDS AND SHALL BE PROVIDED WITH AN APPROVED PAVED SURFACE TO PROVIDE ALL-WEATHER DRIVING CAPABILITIES.
- OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION:** ALL ROADWAYS SHALL BE A MINIMUM OF 20 FEET IN WIDTH DURING CONSTRUCTION AND MAINTAINED FREE AND CLEAR, INCLUDING THE PARKING OF VEHICLES, IN ACCORDANCE WITH THE CALIFORNIA FIRE CODE AND SOLANA BEACH FIRE DEPARTMENT.
- ADDRESS NUMBERS:** APPROVED NUMBERS AND/OR ADDRESSES SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS AND AT APPROPRIATE ADDITIONAL LOCATIONS AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROADWAY FRONTING THE PROPERTY FROM EITHER DIRECTION OF APPROACH. SAID NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, AND SHALL MEET THE FOLLOWING MINIMUM STANDARDS AS TO SIZE: 4" HIGH WITH A 1/2" STROKE WIDTH FOR RESIDENTIAL BUILDINGS. ADDITIONAL NUMBER SHALL BE REQUIRED WHERE DEEMED NECESSARY BY THE FIRE MARSHAL, SUCH AS REAR ACCESS DOORS, BUILDING CORNERS.
- AUTOMATIC FIRE SPRINKLER SYSTEM-ONE AND TWO FAMILY DWELLINGS:** STRUCTURES SHALL BE PROTECTED BY AUTOMATIC FIRE SPRINKLER SYSTEM DESIGNED AND INSTALLED TO THE SATISFACTION OF THE FIRE DEPARTMENT. PLANS FOR THE AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE APPROVED BY THE FIRE DEPARTMENT PRIOR TO INSTALLATION.
- FIRE RESISTIVE CONSTRUCTION REQUIREMENTS FOR WILDLAND/URBAN INTERFACE AREAS:** STRUCTURES SHALL MEET ALL WILDLAND/URBAN INTERFACE STANDARDS TO THE SATISFACTION OF THE FIRE DEPARTMENT. STRUCTURES SHALL COMPLY WITH CURRENT CALIFORNIA BUILDING CODE CHAPTER 7A.
- CLASS "A" ROOF:** ALL STRUCTURES SHALL BE PROVIDED WITH A CLASS "A" ROOF COVERING TO THE SATISFACTION OF THE SOLANA BEACH FIRE DEPARTMENT.

VICINITY MAP



HOURS OF OPERATION WORK AUTHORIZED BY BUILDING PERMITS

CONSTRUCTION WORKERS CAN NOT CONGREGATE AT OR REPORT TO THE SITE PRIOR TO THE BEGINNING OF CONSTRUCTION HOURS.

ALL OPERATIONS AUTHORIZED BY BUILDING PERMITS, INCLUDING THE DELIVERY, SETUP AND USE OF EQUIPMENT, SHALL BE CONDUCTED ON PREMISES DURING THE HOURS OF **7:00 AM TO 7:00 PM ON MONDAY THROUGH FRIDAY** and **8:00 AM TO 6:00 PM ON SATURDAY**.

NO WORK SHALL BE CONDUCTED ON SUNDAYS OR HOLIDAYS OBSERVED BY THE CITY OF SAN DIEGO.

CONSTRUCTION NOISE LEVELS SHALL NOT EXCEED 75 DECIBELS FOR MORE THAN EIGHT HOURS DURING ANY 24 HOUR PERIOD. FAILURE TO COMPLY WILL RESULT IN THE ISSUANCE OF CITATIONS.

ENERGY CERTIFICATES

- AN ELECTRONICALLY SIGNED AND REGISTERED INSTALLATION CERTIFICATE(S) (CF2R) POSTED BY THE INSTALLING CONTRACTOR SHALL BE SUBMITTED TO THE FIELD INSPECTOR DURING CONSTRUCTION AT THE BUILDING SITE. A REGISTERED CF2R WILL HAVE A UNIQUE 21-DIGIT REGISTRATION NUMBER FOLLOWED BY FOUR ZEROS LOCATED AT THE BOTTOM OF EACH PAGE. THE FIRST 12 DIGITS OF THE NUMBER WILL MATCH THE REGISTRATION NUMBER OF THE ASSOCIATED CF1R. CERTIFICATE OF OCCUPANCY WILL NOT BE ISSUED UNTIL FORM CF2R IS REVIEWED AND APPROVED.
- AN ELECTRONICALLY SIGNED AND REGISTERED CERTIFICATE(S) OF FIELD VERIFICATION AND DIAGNOSTIC TESTING (CF3R) SHALL BE POSTED AT THE BUILDING SITE BY A CERTIFIED HERS RATER. A REGISTERED CF3R WILL HAVE A UNIQUE 25-DIGIT REGISTRATION NUMBER LOCATED AT THE BOTTOM OF EACH PAGE. THE FIRST 20 DIGITS OF THE NUMBER WILL MATCH THE REGISTRATION NUMBER OF THE ASSOCIATED CF2R. CERTIFICATE OF OCCUPANCY WILL NOT BE ISSUED UNTIL CF3R IS REVIEWED AND APPROVED.

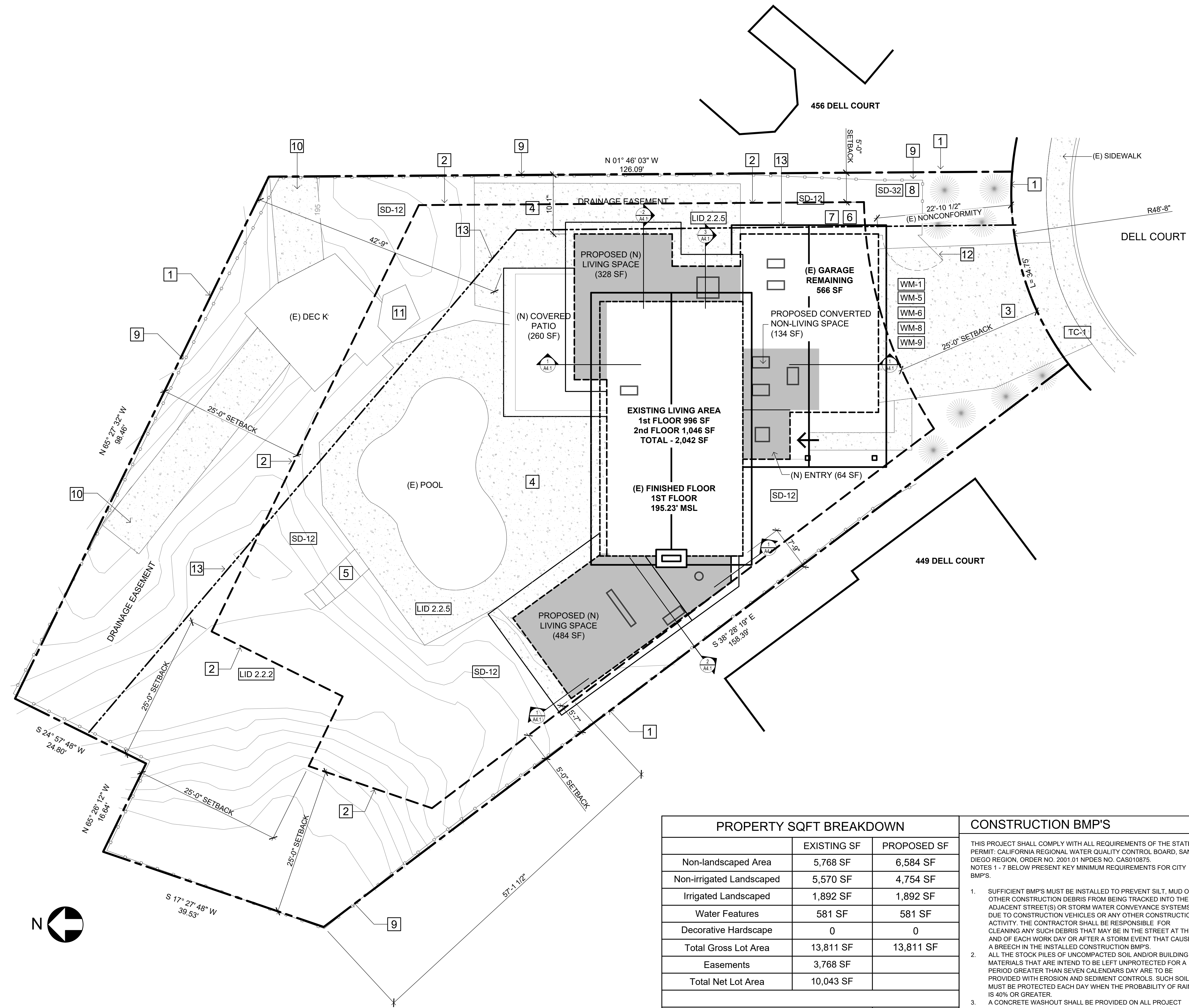
FIXTURE FLOW RATES

FIXTURE TYPE	MAXIMUM FLOW RATE
WATER CLOSET	1.28 gallons/flush
URINALS (WALL MOUNTED)	.125 gallon/flush
URINALS (OTHERS)	0.5 gallon/flush
SHOWERHEADS	1.8 gpm @ 80 psi
LAVATORY FAUCETS	1.2 gpm @ 60 psi **
KITCHEN FAUCETS	1.8 gpm @ 60 psi
METERING FAUCETS	0.25 gallons per cycle

** Lavatory faucets shall not have a flow rate less than 0.8 gpm at 20 psi

ATTACHMENT 2

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THE DRAWINGS ARE OWNED BY AND THE PROPERTY OF BENZONI DESIGN INC. AND WERE CREATED, DEVELOPED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF BENZONI DESIGN, INC. THESE DRAWINGS OR ANY INFORMATION CONTAINED THEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND CONDITIONS ON THE SITE PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOLANA BEACH, CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOLANA BEACH, CALIFORNIA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOLANA BEACH, CALIFORNIA.



- KEYNOTES**
- 1 PROPERTY LINE
 - 2 SETBACK LINE
 - 3 EXISTING DRIVEWAY
 - 4 (E) CONCRETE
 - 5 (E) STEPS TO REAR OF LOT
 - 6 ELECTRICAL METER
 - 7 GAS METER
 - 8 TRASH HOLDING AREA
 - 9 (E) WOOD FENCE
 - 10 (E) GUNITE LINED DRAINAGE DITCH
 - 11 (E) POOL PUMP
 - 12 WOOD ENTRY GATE
 - 13 DRAINAGE EASEMENT BOUNDARY

- BMP LEGEND**
- DRAINAGE**
 DIRECTION OF LOT DRAINAGE
- MATERIALS & WASTE MANAGEMENT CONTROL BMP'S:**
- WM-1 MATERIAL DELIVERY AND STORAGE
 - WM-5 SOLID WASTE MANAGEMENT
 - WM-6 HAZARDOUS WASTE MANAGEMENT
 - WM-8 CONCRETE WASTE MANAGEMENT
 - WM-9 SANITARY WASTE MANAGEMENT
- TEMPORARY RUNOFF CONTROL BMP'S:**
- SC-6 GRAVEL BAGS
 - TC-1 STABILIZED CONSTRUCTION ENTRANCE
- PERMANENT BMP'S:**
- SD-12 IMPLEMENTATION OF EFFICIENT IRRIGATION SYSTEM
 - SD-32 PROPER DESIGN OF OF TRASH STORAGE AREA
- LOW IMPACT DEVELOPMENT BMP'S:**
- LID 2.2.2 MINIMIZE DISTURBANCE TO NATURAL DRAINAGE
 - LID 2.2.5 DRAIN RUNOFF FROM IMPERVIOUS TO PERVIOUS SURFACES

- LEGEND**
- PROPERTY LINE
 - SETBACK LINE
 - DRAINAGE EASEMENT BOUNDARY
 - LINE OF WALL UNDER ROOF
 - PROPOSED FIRST FLOOR ADDITION
 - CONCRETE
 - MAIN ENTRY

ELEVATIONS TIED TO CITY OF SOLANA BEACH BENCHMARK "SOLB-2" NAVD88 EL=110.41 FEET

PROPERTY SQFT BREAKDOWN		
	EXISTING SF	PROPOSED SF
Non-landscaped Area	5,768 SF	6,584 SF
Non-irrigated Landscaped	5,570 SF	4,754 SF
Irrigated Landscaped	1,892 SF	1,892 SF
Water Features	581 SF	581 SF
Decorative Hardscape	0	0
Total Gross Lot Area	13,811 SF	13,811 SF
Easements	3,768 SF	
Total Net Lot Area	10,043 SF	
		AREA OF WORK
Irrigated Landscape		0 SF
Water Features		0 SF
Decorative Hardscape		0 SF
Aggregate Landscape Area		0 SF

CONSTRUCTION BMP'S

THIS PROJECT SHALL COMPLY WITH ALL REQUIREMENTS OF THE STATE PERMIT: CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION, ORDER NO. 2001.01 NPDES NO. CAS010875. NOTES 1 - 7 BELOW PRESENT KEY MINIMUM REQUIREMENTS FOR CITY BMP'S.

- SUFFICIENT BMP'S MUST BE INSTALLED TO PREVENT SILT, MUD OR OTHER CONSTRUCTION DEBRIS FROM BEING TRACKED INTO THE ADJACENT STREET(S) OR STORM WATER CONVEYANCE SYSTEMS DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING ANY SUCH DEBRIS THAT MAY BE IN THE STREET AT THE END OF EACH WORK DAY OR AFTER A STORM EVENT THAT CAUSES A BREACH IN THE INSTALLED CONSTRUCTION BMP'S.
- ALL THE STOCK PILES OF UNCOMPACTED SOIL AND/OR BUILDING MATERIALS THAT ARE INTEND TO BE LEFT UNPROTECTED FOR A PERIOD GREATER THAN SEVEN CALENDARS DAY ARE TO BE PROVIDED WITH EROSION AND SEDIMENT CONTROLS. SUCH SOIL MUST BE PROTECTED EACH DAY WHEN THE PROBABILITY OF RAIN IS 40% OR GREATER.
- A CONCRETE WASHOUT SHALL BE PROVIDED ON ALL PROJECT WHICH PROPOSE THE CONSTRUCTION OF ANY CONCRETE IMPROVEMENTS THAT ARE TO BE POURED IN PLACE ON THE SITE.
- ALL EROSION/SEDIMENT CONTROL DEVICES SHALL BE MAINTAINED IN WORKING ORDER AT ALL TIMES.
- ALL SLOPES THAT ARE CREATED OR DISTURBED BY CONSTRUCTION ACTIVITY MUST BE PROTECTED AGAINST EROSION AND SEDIMENT TRANSPORT AT ALL TIMES.
- THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS INTO THE ENVIRONMENT.

SITE PLAN
 1/8"=1'-0"

Revision / Issue	Date

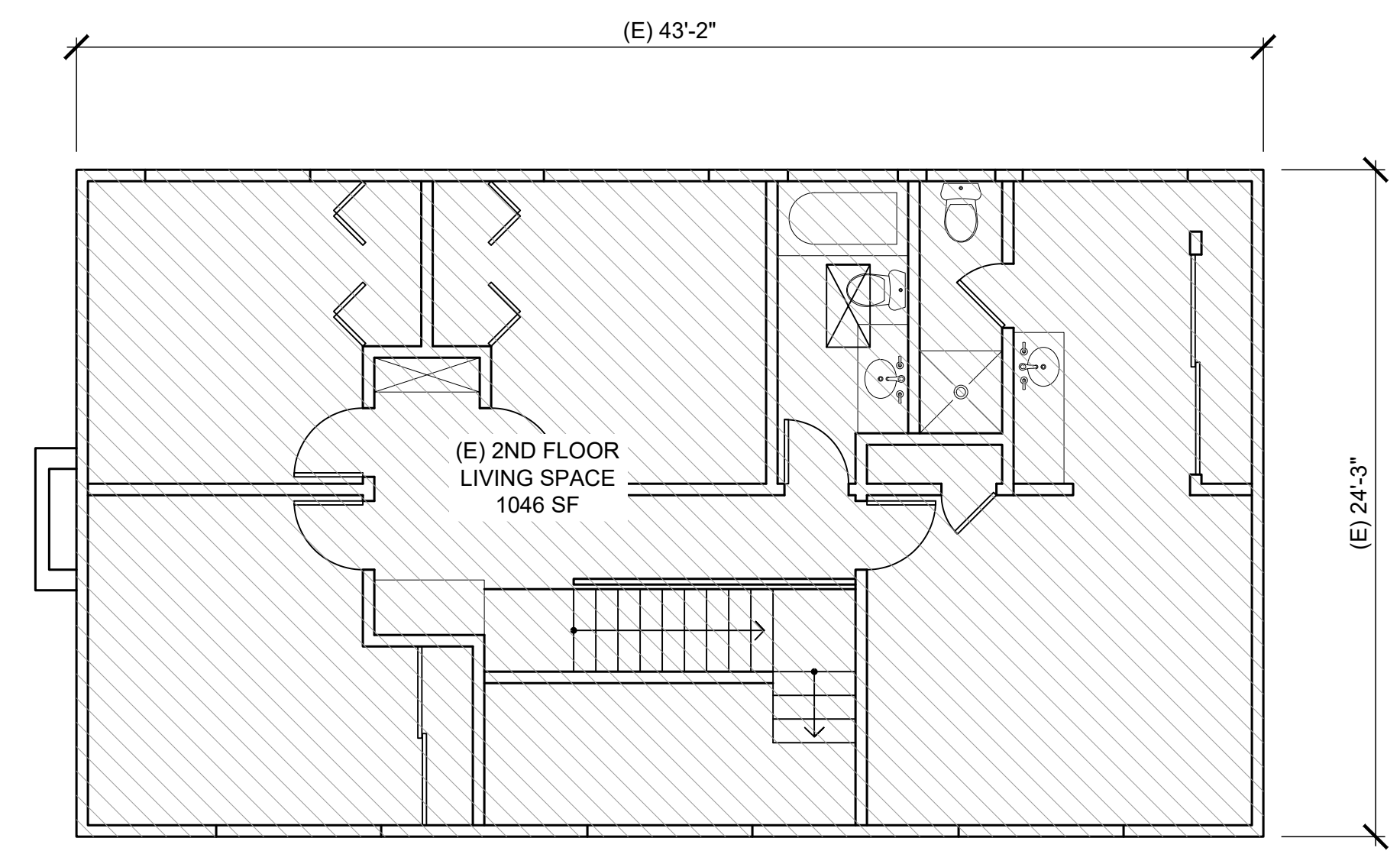
SITE PLAN

SCALE AS SHOWN

DRAWN JWN

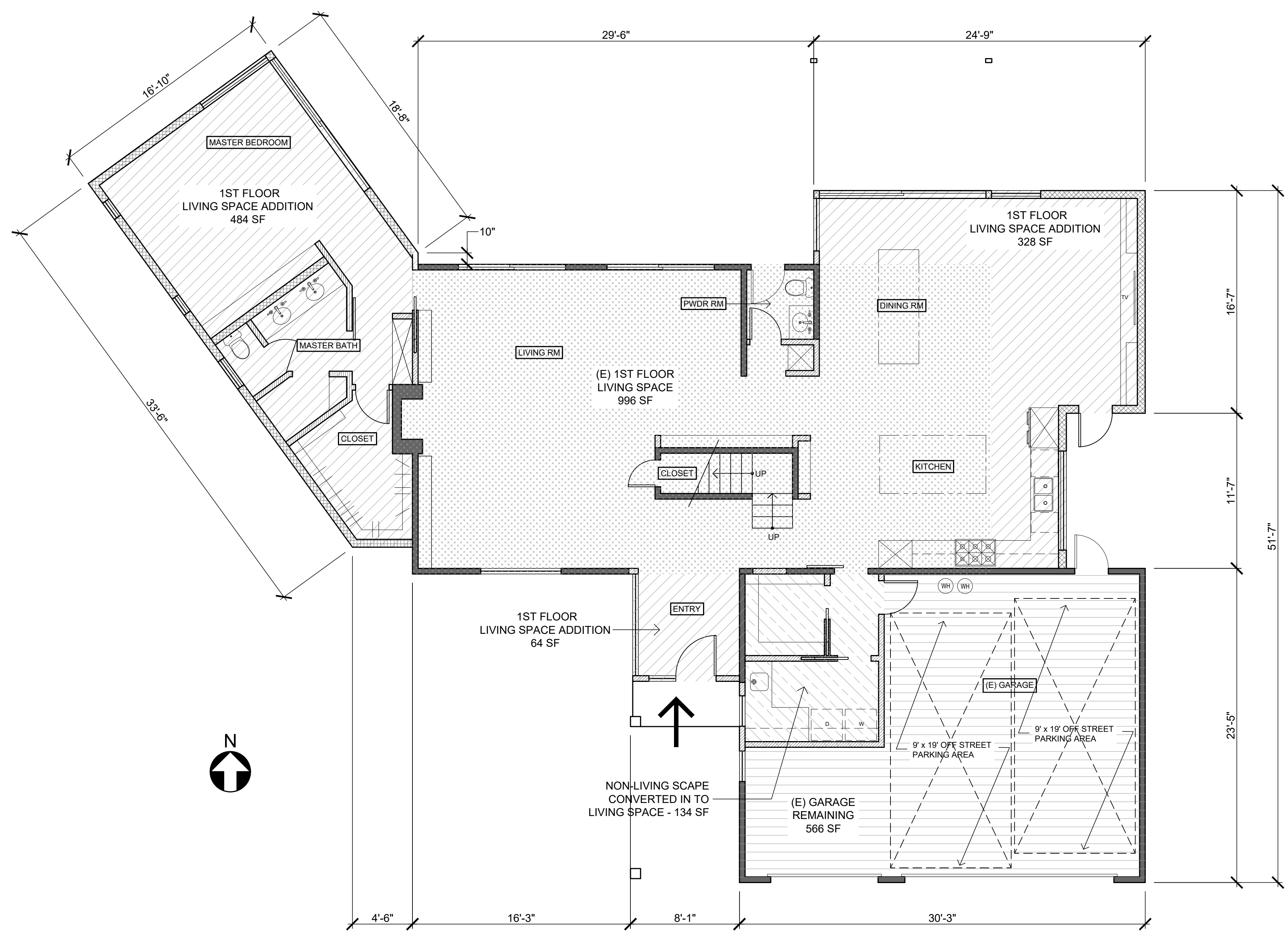
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SECOND FLOOR PLAN OF AREAS INCLUDED IN FAR

3/16"=1'-0"



FIRST FLOOR PLAN OF AREAS INCLUDED IN FAR

3/16"=1'-0"

LOT AREA:	13,811 SF	
BUILDING AREA:		
EXISTING AREA		
FIRST FLOOR LIVING SPACE	996 SF	
SECOND FLOOR LIVING SPACE	1,046 SF	
GARAGE	700 SF	
TOTAL EXISTING LIVING AREA	2,742 SF	
PROPOSED AREA		
(E) FIRST FLOOR LIVING SPACE	996 SF	
(N) FIRST FLOOR ADDITIONS		
ENTRY	64 SF	
MASTER SUITE	484 SF	
FAMILY ROOM	328 SF	
EXISTING GARAGE CONVERTED	134 SF	
(E) GARAGE REMAINING	566 SF	
(E) SECOND FLOOR LIVING SPACE	1,046 SF	
SUBTOTAL	3,618 SF	
EXEMPTION (2 PARKING SPACES)	- 400 SF	
TOTAL PROPOSED FLOOR AREA	3,218 SF	
FAR CALCULATION		
6,000 SF x 0.5	3,000 SF	
7,811 SF x .175	1,367 SF	
FAR ALLOWED	4,367 SF	
n(i)	60% OF 4,367 = 2,620	

Revision / Issue	Date

NOTE: ALL DIMENSIONS ARE MEASURED FROM THE EXTERIOR WALL SURFACES.

LEGEND		
	LIVING SPACE - FIRST FLOOR EXISTING	966 SF
	LIVING SPACE - FIRST FLOOR ADDITION	* 880 SF
	CONVERTED NON-LIVING SPACE - FIRST FLOOR ADDITION	* 134 SF
	EXISTING GARAGE - REMAINING	566 SF
	LIVING SPACE-SECOND FLOOR EXISTING	1,046 SF
	PROPOSED SECOND FLOOR ADDITION	0 SF

DRAWN JWN

SCALE AS SHOWN

FAR PLAN

A1.2

* 484 SF + 64 SF + 332 SF + 134 SF = 1,014 SF

PRELIMINARY - NOT FOR CONSTRUCTION

Ohman Residence

457 Dell Court, Solana Beach, CA 92075

Revision / Issue	Date

LAND USE STUDY

SCALE N/A DRAWN JWN

A1.3

- Impervious Surface
- Building - Impervious
- Pervious Surface
- Proposed (N) Pervious surface



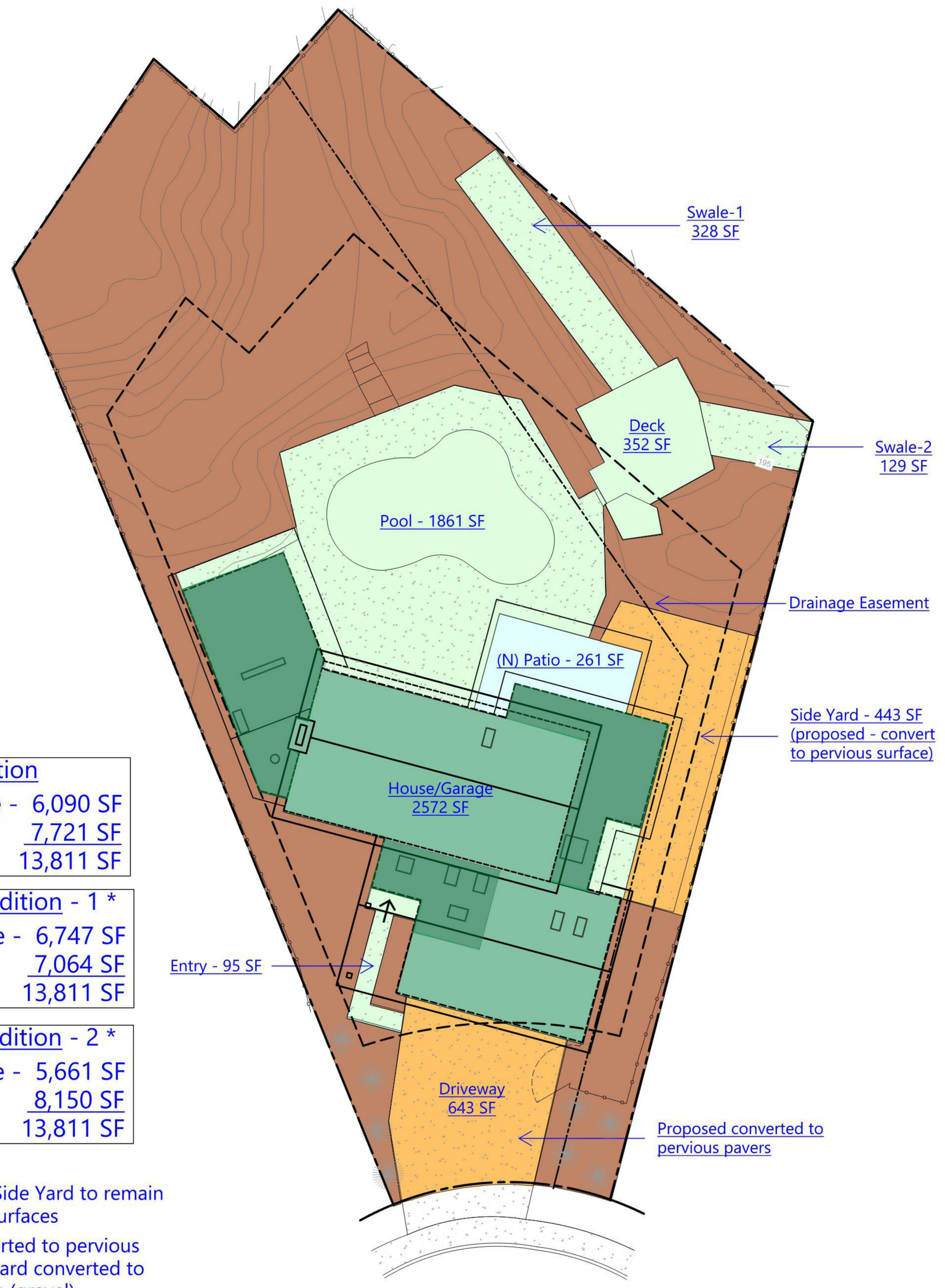
Existing Site Plan

Existing Site Condition	
Impervious Surface -	6,090 SF
Pervious Surface -	7,721 SF
Lot size	13,811 SF

Proposed Site Condition - 1 *	
Impervious Surface -	6,747 SF
Pervious Surface -	7,064 SF
Lot size	13,811 SF

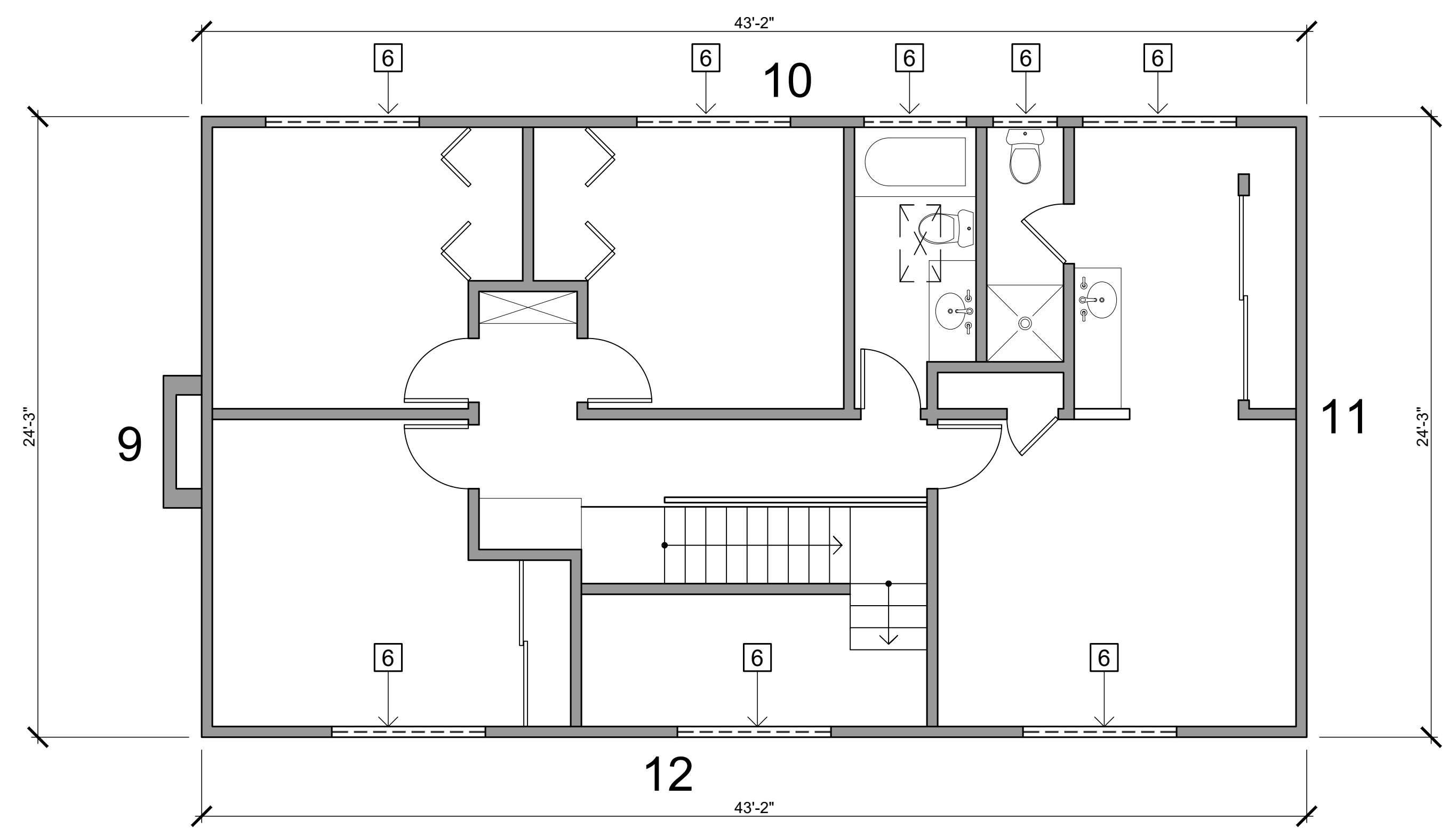
Proposed Site Condition - 2 *	
Impervious Surface -	5,661 SF
Pervious Surface -	8,150 SF
Lot size	13,811 SF

- * Condition -1 (E) Driveway & Side Yard to remain as impervious surfaces
- * Condition - 2 Driveway converted to pervious pavers & Side Yard converted to pervious surface (gravel)

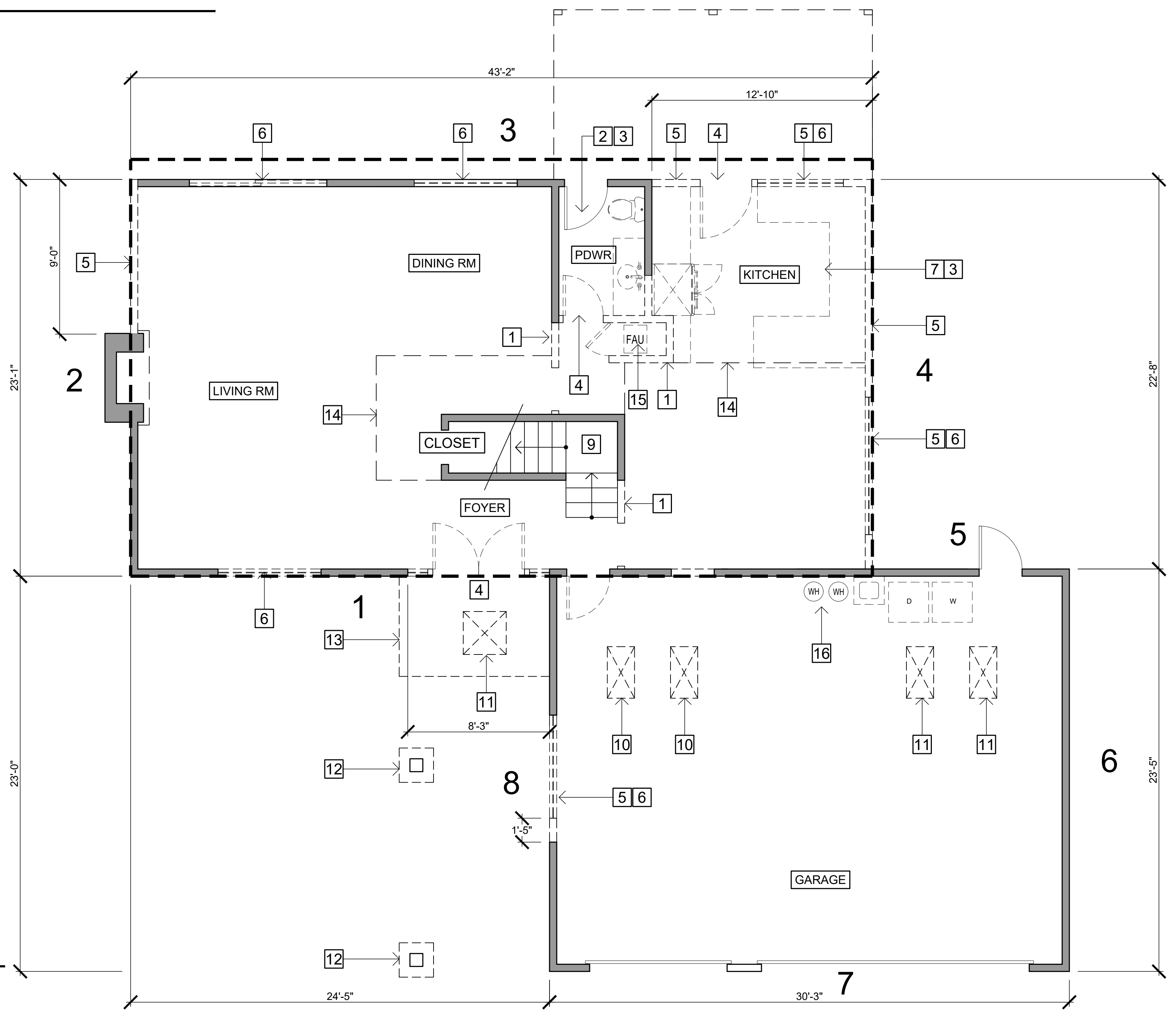


Proposed Site Plan

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SECOND FLOOR DEMO PLAN
 1/4"=1'-0"



FIRST FLOOR DEMO PLAN
 1/4"=1'-0"

- KEYNOTES**
- 1 DEMOLISH AND REMOVE (E) INTERIOR WALL
 - 2 REMOVE (E) SINK, CABINET. RE-USE EXISTING TOILET
 - 3 REMOVE/RE-ROUTE AND/OR CAP (E) PLUMBING
 - 4 REMOVE (E) DOOR
 - 5 DEMOLISH AND REMOVE (E) EXTERIOR WALL
 - 6 REMOVE (E) WINDOW / DOOR
 - 7 DEMOLISH AND REMOVE (E) KITCHEN COUNTERTOP AND CABINETRY
 - 8 (E) WINDOW TO REMAIN
 - 9 (E) STAIRS TO REMAIN
 - 10 DEMO (E) SKYLIGHT - PATCH AND PREPARE ROOF AS REQ'D
 - 11 (E) SKYLIGHT TO REMAIN
 - 12 REMOVE (E) COLUMN BUILD-OUT STRUCTURAL SUPPORT TO REMAIN
 - 13 REMOVE (E) ENTRY STEP
 - 14 DEMO & REMOVE (E) DROP SOFFIT & HVAC
 - 15 REMOVE AND RELOCATE (E) FAU TO 2nd FLOOR ATTIC
 - 16 (E) WATERHEATER TO REMAIN

WALL MATRIX

WALL NUMBER	(E) WALL LENGTH	REMOVED WALL LENGTH	REMAIN WALL LENGTH
1	24'-5"	8'-3"	16'-2"
2	23'-1"	9'-0"	14'-1"
3	43'-2"	12'-10"	30'-4"
4	22'-8"	22'-8"	0'-0"
5	11'-6"	0'-0"	11'-6"
6	23'-5"	0'-0"	23'-5"
7	30'-3"	0'-0"	30'-3"
8	23'-0"	1'-5"	21'-7"
9	24'-3"	0'-0"	24'-3"
10	43'-2"	0'-0"	43'-2"
11	24'-3"	0'-0"	24'-3"
12	43'-2"	0'-0"	43'-2"
TOTAL	336'-4"	54'-2"	282'-2"
83% OF ORIGINAL WALL TO REMAIN			

Revision / Issue	Date

LEGEND

— (E) WALLS TO REMAIN

- - - (E) WALLS TO BE DEMOLISHED

DEMO PLAN

SCALE AS SHOWN

A2.1

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Revision / Issue	Date

FLOOR PLAN

SCALE AS SHOWN

DRAWN JWN

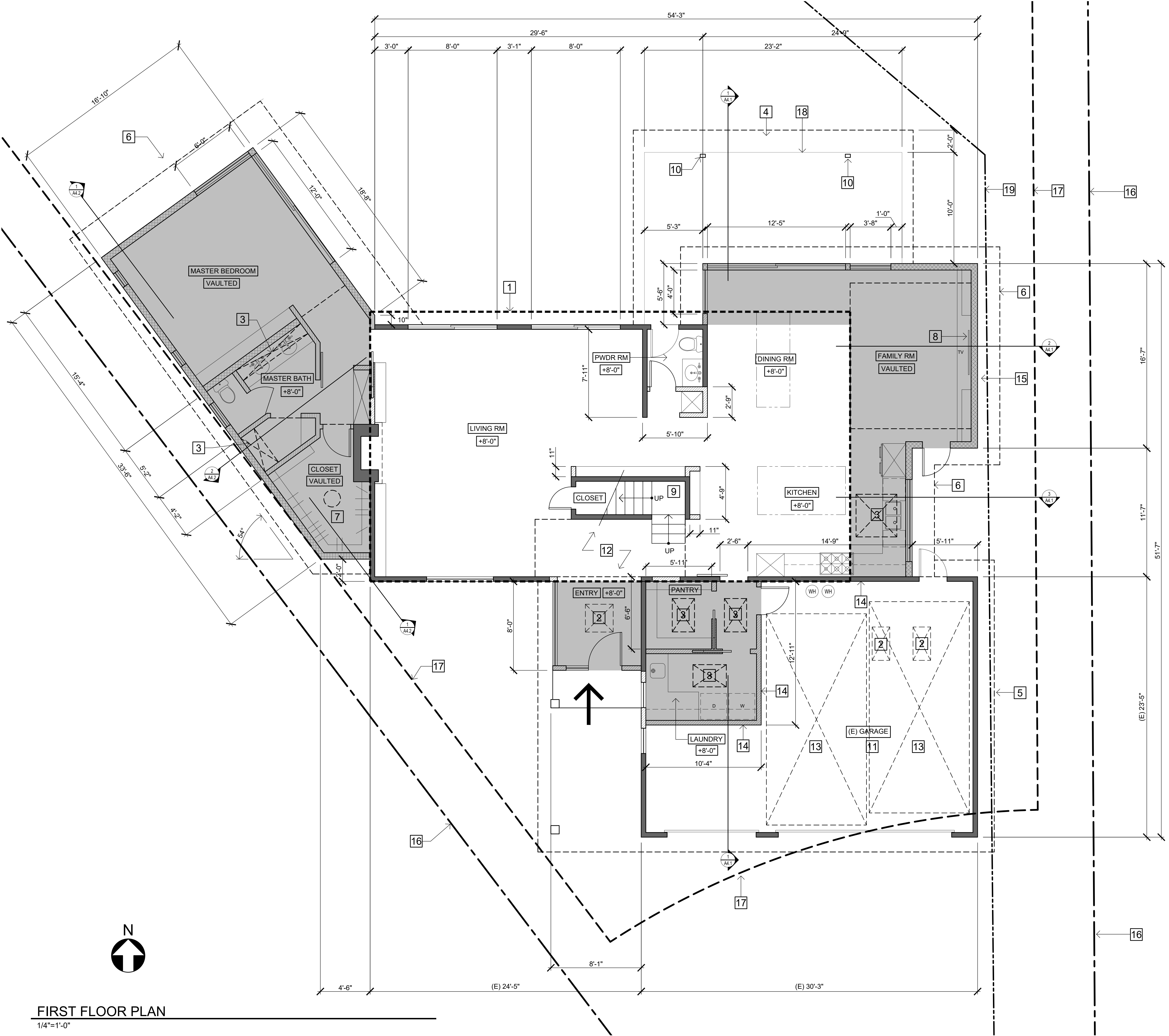
A2.3

KEYNOTES

- OUTLINE OF 2nd FLOOR FOOTPRINT ABOVE
- (E) SKYLIGHT ABOVE
- (N) SKYLIGHT ABOVE
- (N) PATIO CANOPY
- (E) FIRST FLOOR ROOF ABOVE
- (N) FIRST FLOOR ROOF ABOVE
- (N) 18" SOLAR TUBE ABOVE
- WALL MOUNTED TV
- (E) STAIRS TO REMAIN REFINISH AS REQUIRED
- (N) STRUCTURAL POST FOR PATIO CANOPY
- (E) GARAGE TO REMAIN
- OPEN TO SECOND FLOOR CEILING ABOVE
- (2) 8.5' x 19' UNOBSTRUCTED PARKING SPACES
- 5/8" TYTYPE X GYPSUM BOARD AT GARAGE SIDE OF WALL BETWEEN GARAGE AND DWELLING
- CLERESTORY WINDOW - SEE SHT A2.7 WINDOW Q
- PROPERTY LINE
- SET BACK LINE
- (N) CONCRETE PATIO
- (E) DRAINAGE EASEMENT BOUNDARY

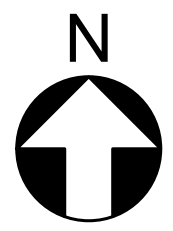
LEGEND

- EXISTING WALLS
- NEW 2x4 WALLS
- NEW 2x6 WALLS
- NEW 2x8 WALLS
- NEW ADDITIONAL SQUARE FOOTAGE



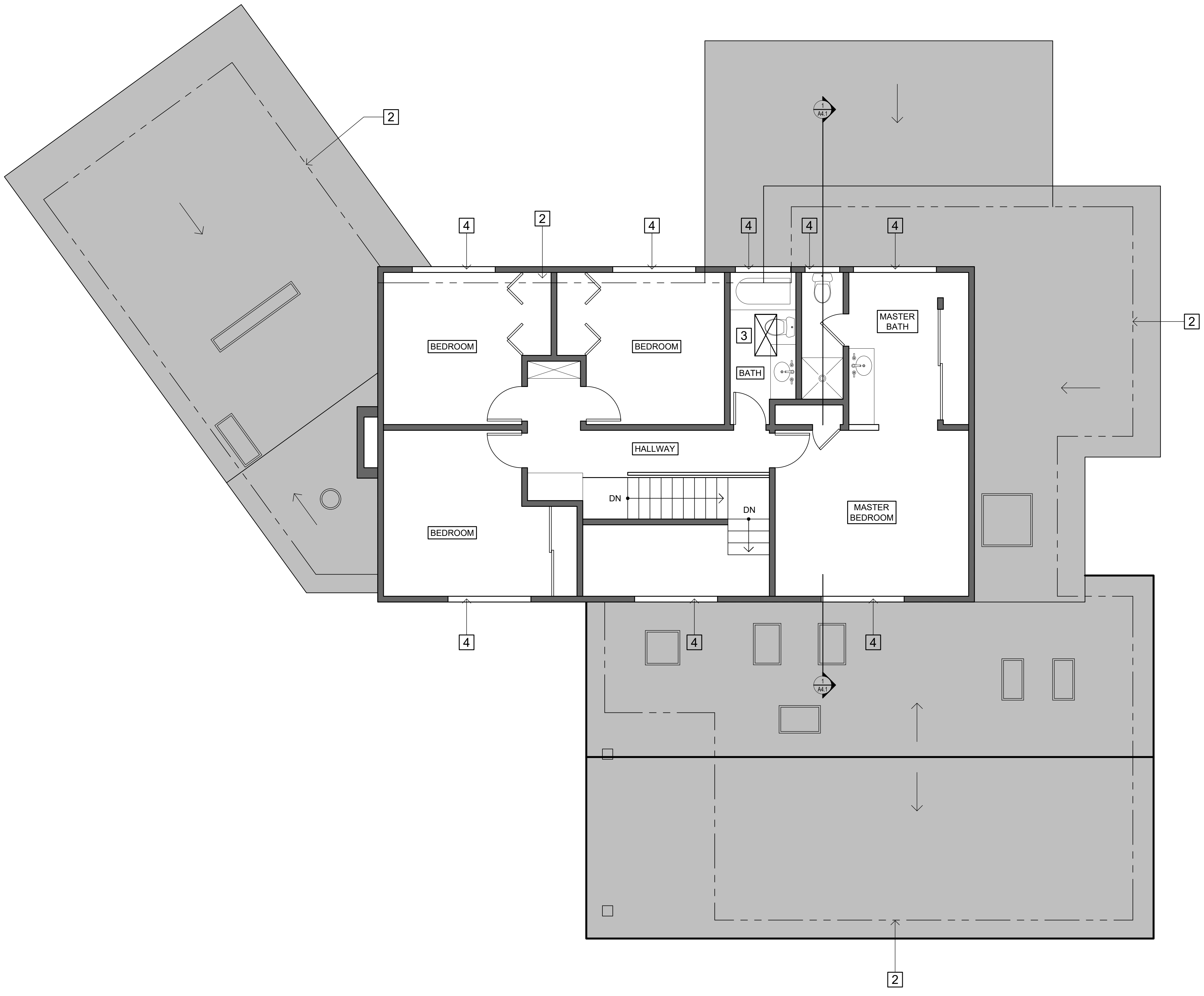
FIRST FLOOR PLAN
 1/4"=1'-0"

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SECOND FLOOR PLAN (EXISTING)

1/4"=1'-0"



KEYNOTES

- 1 1st FLOOR CANOPY COVER
- 2 1st FLOOR EXTERIOR WALL BELOW
- 3 (E) SKYLIGHT @ 2nd FLOOR ROOF
SEE SCHEDULE - A2.7
- 4 (N) WINDOWS IN EXISTING OPENINGS
SEE SCHEDULE - SHT. A2.7

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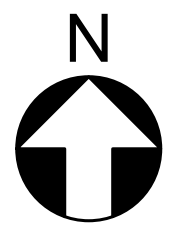
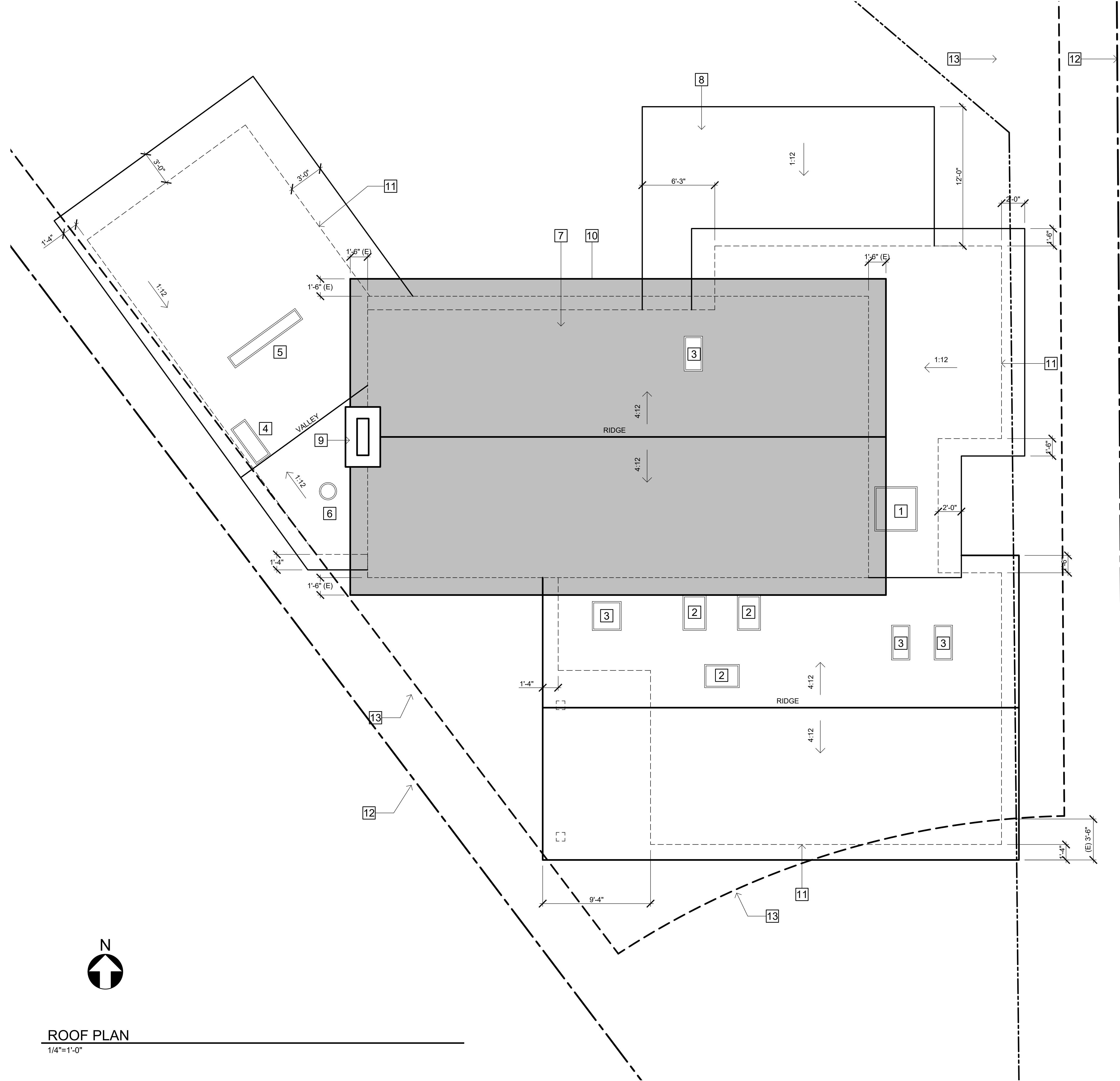
Revision / Issue	Date

SECOND FLOOR PLAN

SCALE AS SHOWN
 DRAWN

A2.4

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ROOF PLAN
1/4"=1'-0"

KEYNOTES	
1	(N) 4' x 4' SKYLIGHT
2	(N) 2' x 3' SKYLIGHT
3	(E) SKYLIGHT
4	CUSTOM SKYLIGHT 18" x 40"
5	12" x 86" CUSTOM SKYLIGHT
6	18" DIA ELITE SOLAR SYSTEM TUBULAR SKYLIGHT ICC-ESR-1761
7	EXISTING 2nd FLOOR ROOF
8	(N) PATIO COVER
9	EXISTING CHIMNEY
10	2nd FLOOR EXTERIOR BELOW ROOF
11	1st FLOOR EXTERIOR BELOW ROOF
12	PROPERTY LINE
13	SET BACK LINE

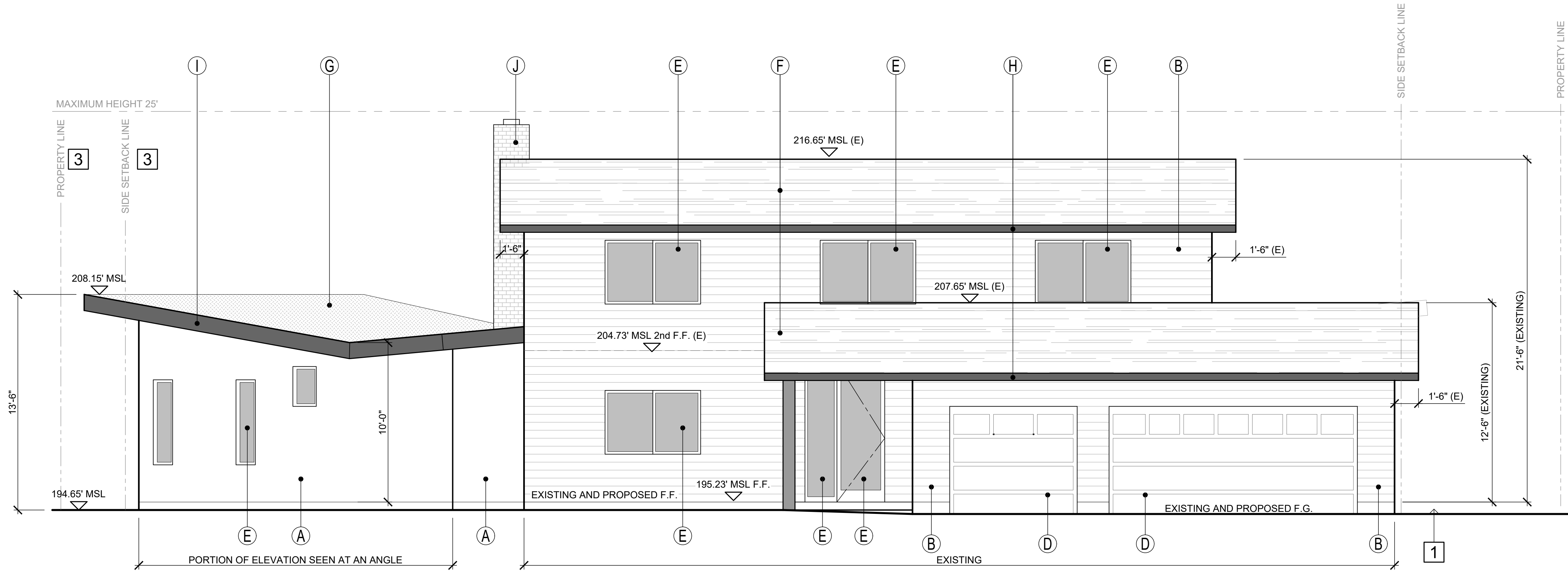
NOTES	
1.	HORIZONTAL ROOF DRAINS SHALL BE 3 INCHES MIN. VERTICAL ROOF DRAIN 2 INCHES MIN.
2.	OVERFLOW DRAINS SHALL HAVE THE SAME SIZE AS THE ROOF DRAIN AND SHALL BE INSTALLED WITH THE FLOW LINE LOCATED 2 INCHES ABOVE THE LOW POINT OF THE ROOF
3.	OVERFLOW SCUPPERS SHALL HAVE AN OPENING AREA THREE TIMES THE SIZE OF THE ROOF DRAIN; HAVE A MINIMUM OPENING HEIGHT OF 4 INCHES; BE INSTALLED IN AN ADJACENT PARAPET WALL AND WITH THE INLET FLOW LOCATED 2 INCHES ABOVE THE LOW POINT OF THE ROOF
4.	OVERFLOW DRAINS AND SCUPPERS MUST HAVE SEPARATE OUTLETS FROM THE ROOF DRAINS/SCUPPERS

ATTIC VENTILATION	
1,047 SF ATTIC AREA / 150 = 6.98 SF OF CODE REQUIRED VENTILATION.	
COMPENSATE WITH EXISTING ATTIC VENTILATION PROVIDING ADDITIONAL SCREENED VENT HOLES PROTECTED BY CORROSION RESISTANT NONCOMBUSTIBLE WIRE MESH SCREEN WITH 1/2" OPENING OR EQUIVALENT OR	
PROVIDE NEW VENTILATION WITH:	
#5 OHAGIN ATTIC VENT LOW (72 SQ INCHES EACH)	
#5 OHAGIN ATTIC VENT HIGH (72 SQ INCHES EACH)	

Revision / Issue	Date

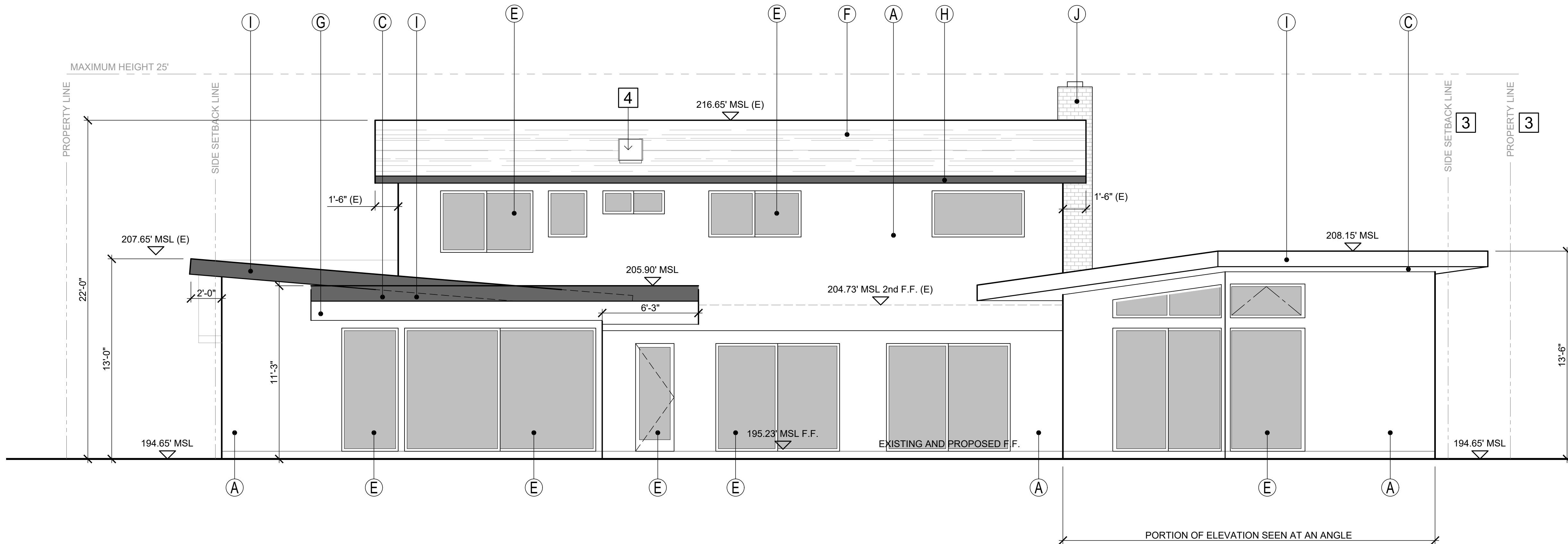
ROOF PLAN	DRAWN
	SCALE AS SHOWN

A2.6



SOUTH ELEVATION

1/4"=1'-0"



NORTH ELEVATION

1/4"=1'-0"

KEYNOTES

- 1 EXISTING FINISH GRADE TO SLOPE AWAY FROM BUILDING 2% MIN.
- 2 EXISTING GRADE
- 3 PROPERTY AND SETBACK LINE VIEWED AT AN ANGLE
- 4 (E) SKYLIGHT
- 5
- 6
- 7
- 8

EXTERIOR FINISH SCHEDULE

(A)	EXTERIOR PLASTER	ELASTOMETRIC STUCCO	COLOR - TBD
(B)	HARDBOARD SIDING	PAINTED FINISH	FINISH COLOR - TBD
(C)	NEW EAVES	XXX	XXX
(D)	GARAGE DOOR	XXX	XXX
(E)	WINDOW / DOOR FRAMES	EXTRUDED ALUMINUM	STANDARD - BLACK
(F)	ROOF (E)	COMPOSITION SHINGLES CLASS A ASSEMBLY	N/A
(G)	ROOF (N)	BUILT-UP ASPHALT ROOFING - CLASS A ASSEMBLY	FINISH COLOR - TBD
(H)	(E) FASCIA / (E) EAVES	PAINTED WOOD	FINISH COLOR - TBD
(I)	(N) FASCIA	PAINTED WOOD	FINISH COLOR - TBD
(J)	(E) CHIMNEY	(E) BRICK	NATURAL
(K)			

Revision / Issue _____ Date _____

FIRE REQUIREMENTS (CBC 7A)

- FIRE RESISTIVE CLASS A ROOF ASSEMBLY COMPOSITION SHINGLE FASTENED OVER TYP 1/2" PLYWOOD DECKING.
- EXTERIOR COVERING 1/2" EXPO STUCCO NON COMBUSTIBLE EXTENDING FROM FOUNDATION TO ROOF AND TERMINATE AT 2" NOMINAL SOLID WOOD BLOCKING BETWEEN RAFTERS AT ALL ROOF OVERHANGS AND ENCLOSURES AND
- EXTERIOR SIDING HARDIE PLANK CLASS A NON COMBUSTIBLE.
- UNDERFLOOR PROTECTION. SECOND FLOOR OVERHANGS: HARDIE SOFFIT PANELS CLASS A NON COMBUSTIBLE.
- ATTIC VENTILATION OPENINGS SHALL BE COVERED WITH CORROSION RESISTANT WIRE MESH WITH OPENING OF A MINIMUM OF 1/8" NOT EXCEEDING 1/2"
- PATIO COVER, AWNINGS TO BE BUILT WITH HEAVY TIMBER ASSEMBLY.
- EXTERIOR WINDOWS, SKYLIGHTS, GLAZED DOORS AND GLAZED OPENINGS SHALL BE MULTI-PANE GLAZING WITH MINIMUM OF ONE TEMPERED PANE MEETING SEC.2406 REQUIREMENTS OR HAVE 20 MINUTES MINIMUM FIRE-RESISTANCE RATING ACCORDING TO NFPA 257

EXTERIOR ELEVATIONS

DRAWN

SCALE AS SHOWN

A3.1

DATE 2-17-2021

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KEYNOTES

- EXISTING FINISH GRADE TO SLOPE AWAY FROM BUILDING 2% MIN.
- EXISTING GRADE
- PROPERTY AND SETBACK LINE VIEWED AT AN ANGLE
- (E) SKYLIGHT
- (N) CONCRETE PATIO
- (E) ENCROACHMENT AT EAST CORNER OF (E) GARAGE SEE SHT. A1.1 FOR SETBACK LAYOUT
- FRONT ENTRY STUP
-

EXTERIOR FINISH SCHEDULE

	EXTERIOR FINISH	FINISH	NOTES
(A)	EXTERIOR PLASTER	ELASTOMETRIC STUCCO	COLOR - TBD
(B)	HARDIBOARD SIDING	PAINTED FINISH	FINISH COLOR - TBD
(C)	NEW EAVES	XXX	XXX
(D)	GARAGE DOOR	XXX	XXX
(E)	WINDOW / DOOR FRAMES	EXTRUDED ALUMINUM	STANDARD - BLACK
(F)	ROOF (E)	COMPOSITION SHINGLES CLASS A ASSEMBLY	N/A
(G)	ROOF (N)	BUILT-UP ASPHALT ROOFING - CLASS A ASSEMBLY	FINISH COLOR - TBD
(H)	(E) FASCIA / (E) EAVES	PAINTED WOOD	FINISH COLOR - TBD
(I)	(N) FASCIA	PAINTED WOOD	FINISH COLOR - TBD
(J)	(E) CHIMNEY	(E) BRICK	NATURAL

FIRE REQUIREMENTS (CBC 7A)

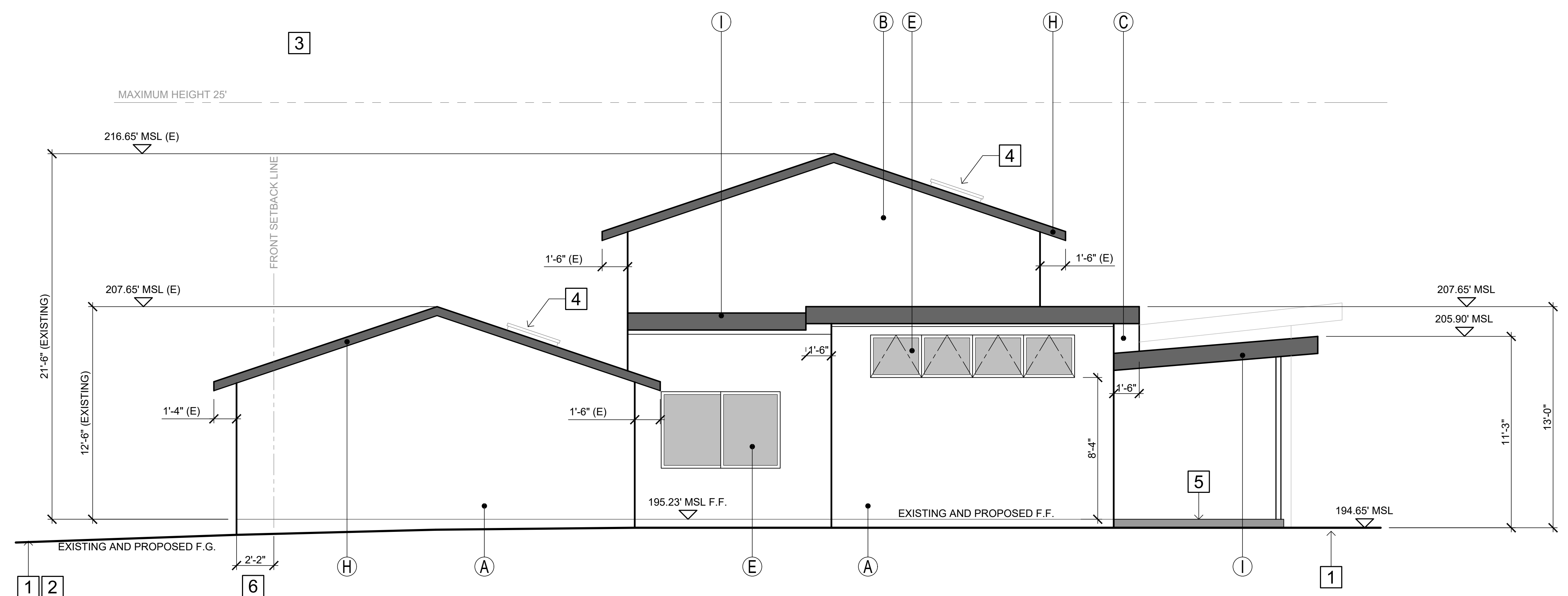
- FIRE RESISTIVE CLASS A ROOF ASSEMBLY COMPOSITION SHINGLE FASTENED OVER TYP ½" PLYWOOD DECKING.
- EXTERIOR COVERING ½" EXPO STUCCO NON COMBUSTIBLE EXTENDING FROM FOUNDATION TO ROOF AND TERMINATE AT 2" NOMINAL SOLID WOOD BLOCKING BETWEEN RAFTERS AT ALL ROOF OVERHANGS AND ENCLOSURES AND
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EXTERIOR ELEVATIONS

SCALE AS SHOWN

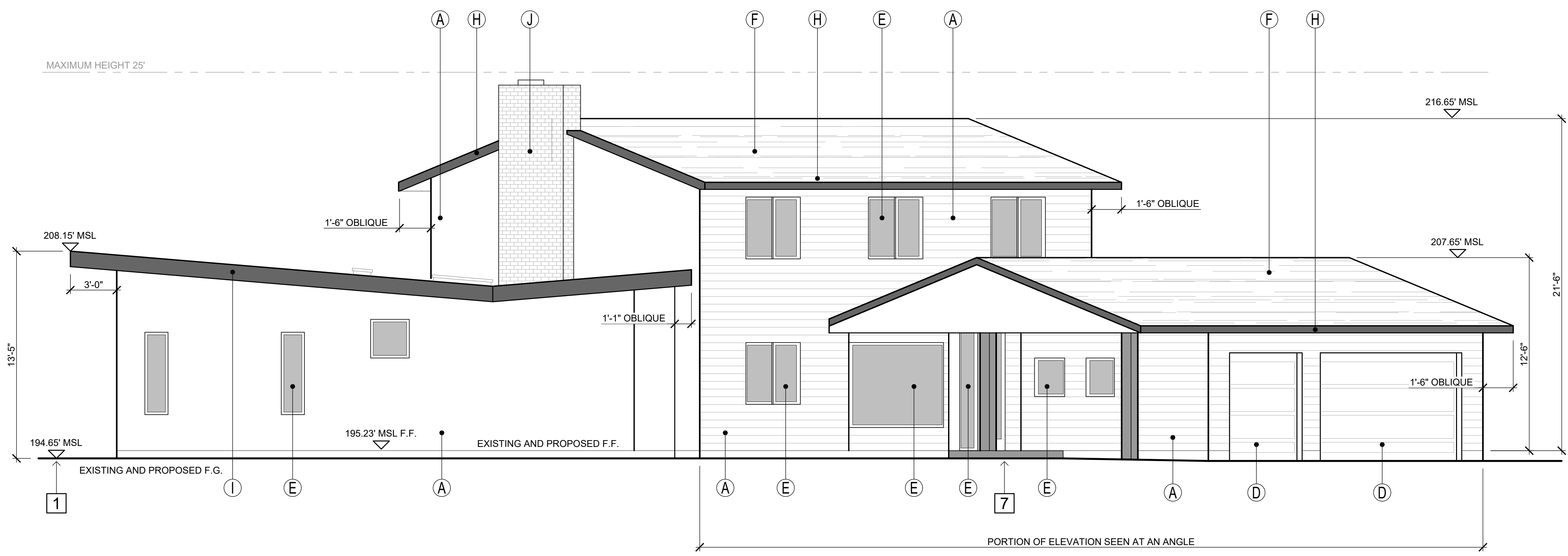
A3.2

DATE 2-17-2021



EAST ELEVATION

1/4"=1'-0"

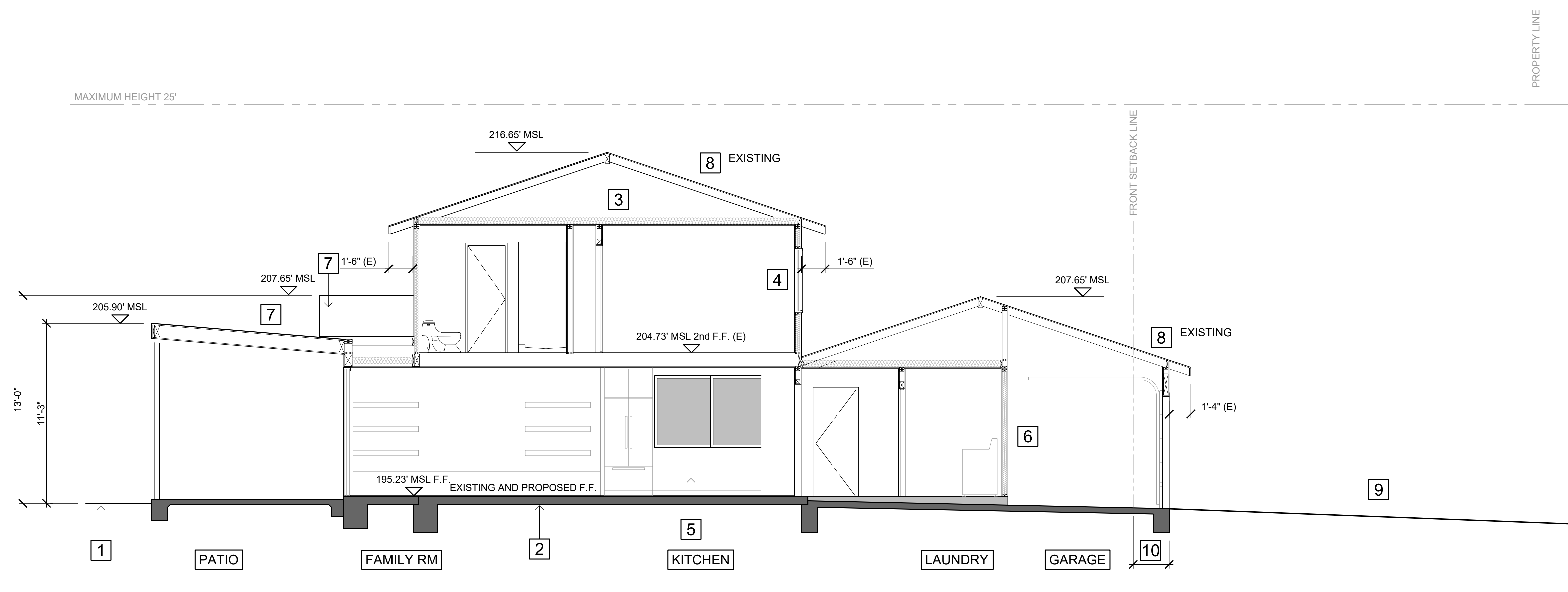


SOUTH-WEST ELEVATION

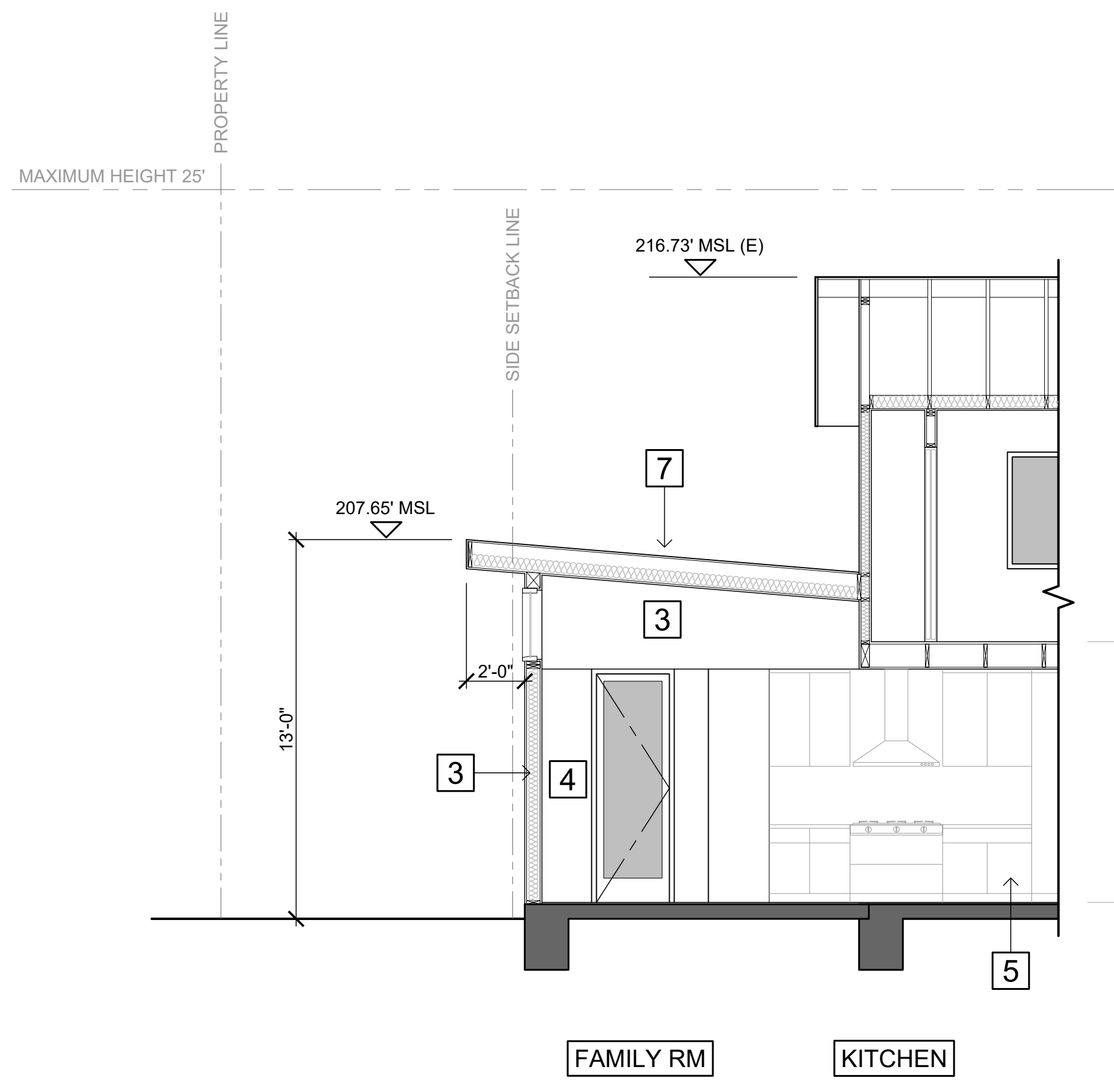
1/4"=1'-0"

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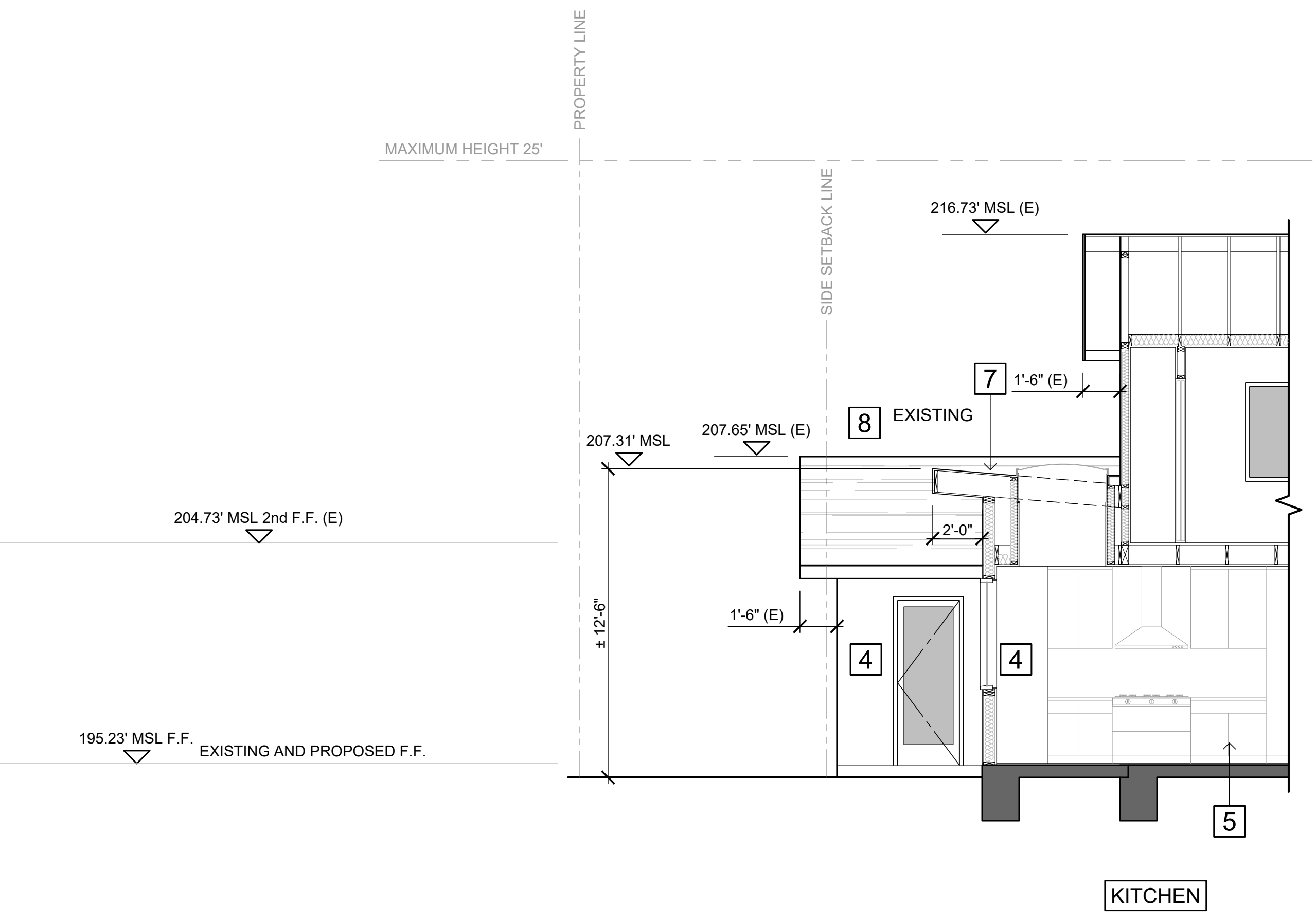
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1 SECTION
1/4"=1'-0"



2 SECTION
1/4"=1'-0"



3 SECTION
1/4"=1'-0"

KEYNOTES

- 1 EXISTING FINISHED GRADE TO SLOPE AWAY FROM BUILDING 2% MIN
- 2 FOUNDATION AND SLAB PER STRUCTURAL
- 3 THERMAL INSULATION PER TITLE 24 ROOF R19 / WALLS R13
- 4 DOOR OR WINDOW PER PLAN
- 5 CABINETS PER PLAN
- 6 5/8" TYPE A GYP. BD. AT CEILING AND SUPPORTS BETWEEN GARAGE AND LIVING SPACE
- 7 CLASS "A" BUILT UP ROOFING PER ROOF PLAN
- 8 CLASS A COMPOSITION SHINGLES PER ROOF PLAN
- 9 DRIVEWAY
- 10 (E) ENCROACHMENT AT EAST CORNER OF (E) GARAGE SEE SHT. A1.1 FOR SETBACK LAYOUT

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Revision / Issue	Date

SECTIONS

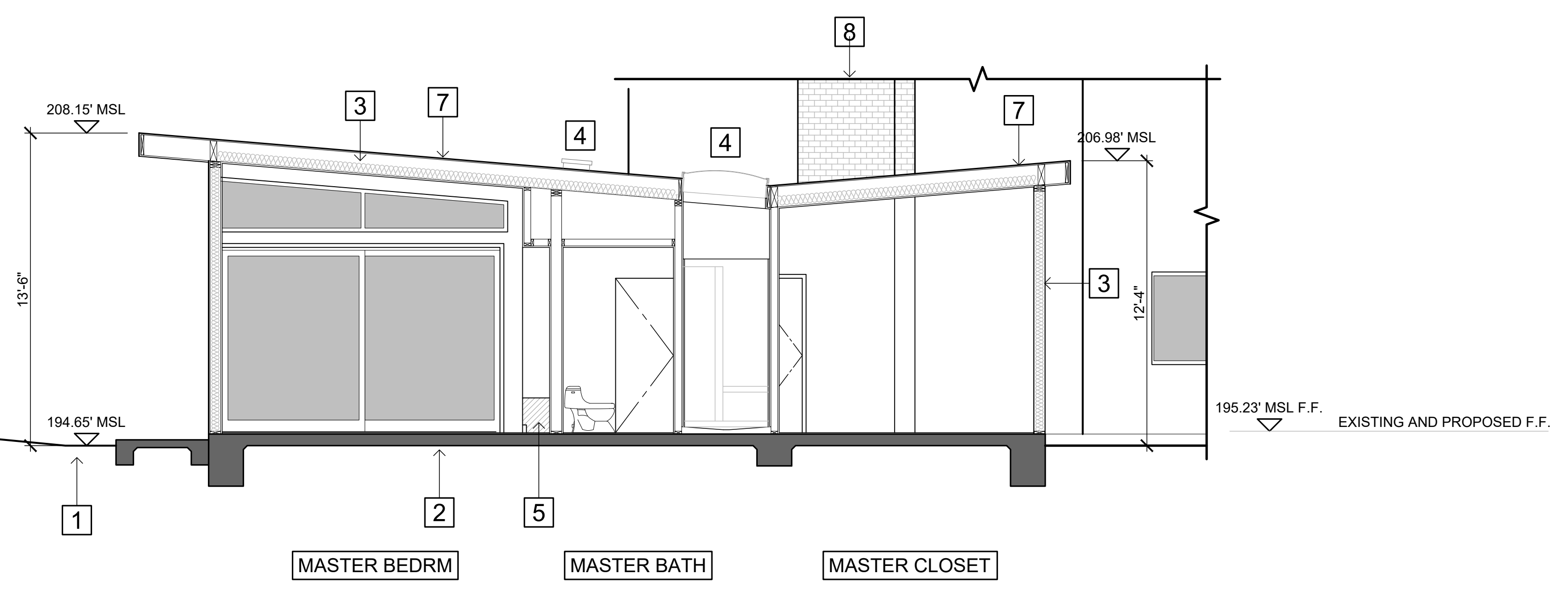
SCALE AS SHOWN

DRAWN

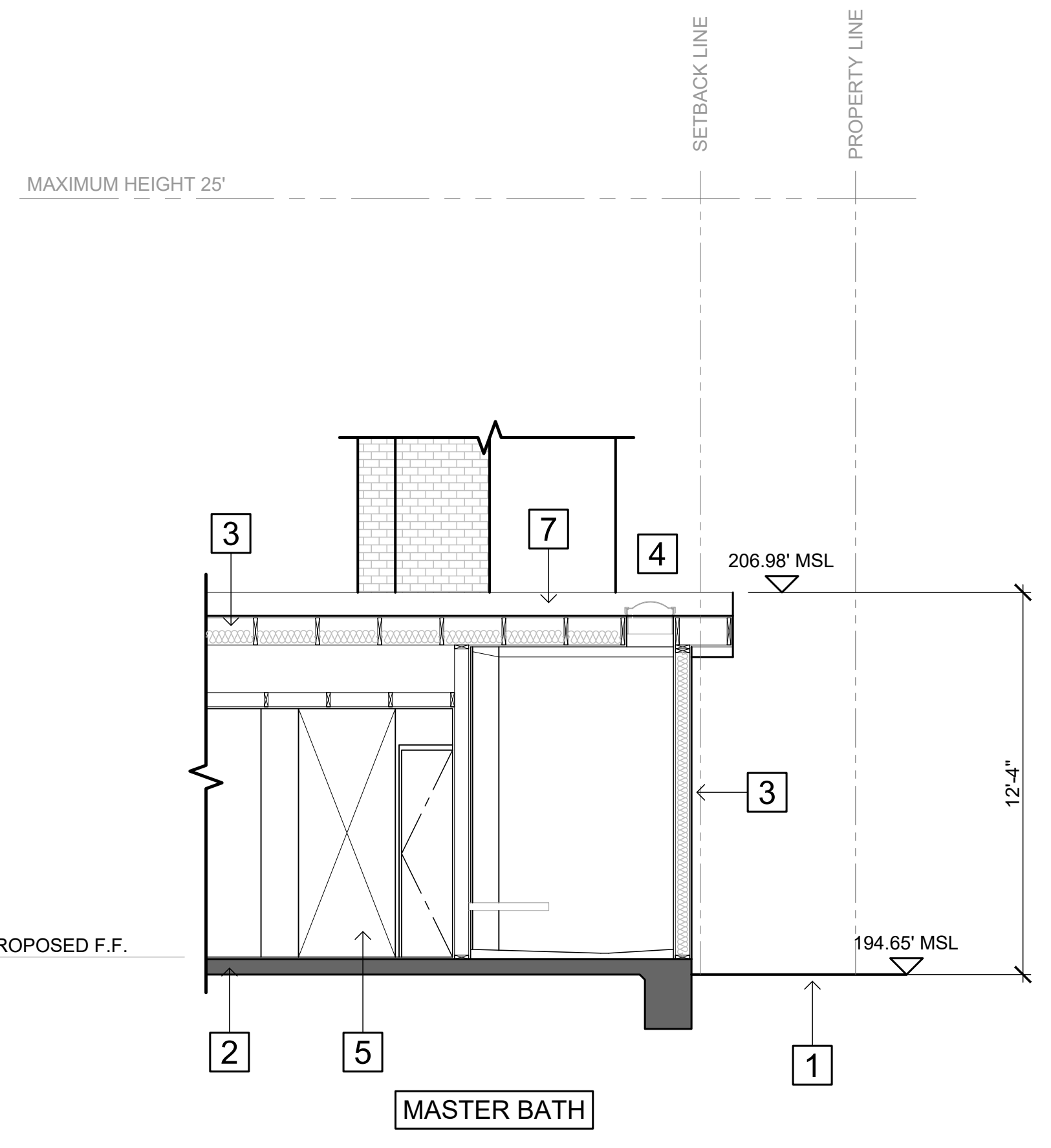
A4.1

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SETBACK LINE



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



2 SECTION
1/4"=1'-0"

KEYNOTES

- 1 EXISTING FINISHED GRADE TO SLOPE AWAY FROM BUILDING 2% MIN
- 2 FOUNDATION AND SLAB PER STRUCTURAL
- 3 THERMAL INSULATION PER TITLE 24 ROOF R19 / WALLS R13
- 4 DOOR OR WINDOW PER PLAN
- 5 CABINETS PER PLAN
- 6 5/8" TYPE A GYP. BD. AT CEILING AND SUPPORTS BETWEEN GARAGE AND LIVING SPACE
- 7 CLASS "A" BUILT UP ROOFING PER ROOF PLAN
- 8 EXISTING CHIMNEY

benzoni design

371 glencrest dr.
solana beach, ca
92075, usa

benzonidesign.com

Ohman Residence

457 Dell Court, Solana Beach CA 92075

Revision / Issue	Date

SECTIONS

SCALE AS SHOWN

A4.2

DATE 2-17-2021



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: April 14, 2021
ORIGINATING DEPT: Engineering Department
SUBJECT: **Consideration of Resolution 2021-044 and 2021-045 Authorizing the City Manager to Execute Agreements Among North County Transit District, Nature Collective and the City of Solana Beach for the Maintenance and Use of the Railroad Pedestrian Undercrossing at the North End of the City**

BACKGROUND:

The San Diego Association of Governments (SANDAG) is constructing the San Elijo Lagoon Double Tracking Project on North County Transit District's (NCTD) right of way. This project includes a concrete undercrossing structure that is a trail connection to provide a safe pedestrian crossing under the railroad tracks from the existing San Elijo Lagoon trail system on the east side of the tracks to the west side of the tracks, which includes Harbaugh Trails. Nature Collective is the nonprofit that either owns or maintains control and maintenance obligation of much of land immediately surrounding the NCTD right of way in this area.

This item is before the City Council to consider Resolution 2021-044 (Attachment 1) and 2021-045 (Attachment 2) that would authorize the City Manager to execute the following two agreements:

1. Memorandum of Understanding and License Agreement between NCTD, Nature Collective and the City of Solana Beach (Attachment 3), which allows the City, the Nature Collective and, through them, the public, to use the undercrossing as part of the trail.
2. Harbaugh Trails Maintenance and Indemnity Agreement between Nature Collective and the City of Solana Beach (Attachment 4), which allocates between Nature Collective and the City responsibilities related to the area being licensed from NCTD.

COUNCIL ACTION:

DISCUSSION:

Construction of the concrete structure under the railroad tracks provides a safe pedestrian crossing along and between the San Elijo Lagoon/Harbaugh trail system. This undercrossing trail feature was included into the Double Tracking Project as a Community Enhancement Project that benefits many entities such as NCTD, Nature Collective and all users of the pedestrian trail system, including Solana Beach residents.

NCTD has restrictive policies and regulations governing the use of their right of way for pedestrian and vehicular traffic. That fact, coupled with the location of the undercrossing in NCTD right of way, and proximity to the railroad tracks, triggered the need for a Memorandum of Understanding and License Agreement (Attachment 3) for this undercrossing to allow it to be used by anyone other than NCTD. In an effort to address issues such as maintenance of the trails, operation and administration of the trail system and in exchange for the use of their right of way, NCTD required an agreement among all involved parties. NCTD specifically required that the City of Solana Beach be a party to this agreement to enable the public to access the uncrossing. Before construction of the undercrossing, members of the public would often cross over the railroad tracks to connect to the existing trail.

Nature Collective is the owner in fee simple of that certain real property consisting of approximately 3.44 acres located at 640 North Highway 101, Solana Beach, San Diego County, California 92075 (designated as Tax Assessor's Parcel Number 263-011-32-00), and commonly known as the Harbaugh Trail Property. Nature Collective desires to use the undercrossing to allow access to the property by Nature Collective and the public at large. The City also has an interest in providing a safe way for pedestrians, which include Solana Beach residents, to cross (below) the railroad tracks. Because the undercrossing structure is located in the NCTD's right of way, permission from NCTD is required to enable Nature Collective and the public to use the undercrossing structure, which is accomplished through the Memorandum of Understanding and License Agreement (Attachment 3) between all three parties. To allocate maintenance responsibilities between the Nature Collective and the City, Staff is recommending execution of a second agreement exclusively between the City and Nature Collective (Attachment 4).

City Staff, with close coordination with the City Attorney's office, negotiated the terms of both agreements during the past several months. Under the terms of these agreements, Nature Collective will be responsible for primary maintenance of the trail system including graffiti removal and the surface use of the undercrossing. NCTD will remain the owner and responsible party for the structural aspects and the railroad tracks above. The City will be responsible for the drainage facilities on the east side of the structure, which is necessary to facilitate connectivity of the trail system. The drainage structure on the east side of the railroad tracks was constructed as part of the Double Tracking Project approximately at the same time as the construction of the undercrossing structure. These facilities are new so they require very little maintenance at this time. The agreement with NCTD (Attachment 3) contemplates that NCTD and the City will continue to work together

to create a long-term solution to some of the drainage challenges in the area, which would be brought back to City Council at a later date.

Execution of these agreements, if approved by the City Council, will officially open the undercrossing for pedestrian use and will provide a safe connection between the existing trail system on the east side of the tracks to the Harbaugh Trails property to the Coastal Rail Trail and ultimately to the Pacific Ocean on the west side of the tracks. As of the writing of this Staff Report, Staff is still awaiting approval of the agreements by the Nature Collective Board.

CEQA COMPLIANCE STATEMENT:

Execution of the agreements with NCTD and Nature Collective is not a project as defined by CEQA.

FISCAL IMPACT:

The City's permitting and maintenance costs associated with execution of these agreements are minimal and are anticipated to be absorbed by the City's park maintenance budget. Staff will monitor the increased maintenance efforts associated with this action during the next 12 months and will make appropriate recommendations to adjust the related budget units during the budget process for the next two fiscal years. While the storm drain structure on the east side of the railroad tracks is new and is expected to last for a minimum of 25 years, Staff recommends inclusion of \$10,000 into the City's asset replacement budget on an annual basis, beginning in Fiscal Year 2022/23, for future repair/replacement of this facility.

WORK PLAN:

This item is consistent with the Environmental Sustainability section of the Fiscal Year 2020/21 Work Plan.

OPTIONS:

- Approve Staff recommendation.
- Provide direction / feedback.
- Provide alternative direction.


DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution 2021-044 authorizing the City Manager to execute a Memorandum of Understanding and License Agreement between NCTD, Nature Collective and the City of Solana Beach for the use of the NCTD right of way and the undercrossing for pedestrian trail purposes.
2. Adopt Resolution 2021-045 authorizing the City Manager to execute the Harbaugh Trails Maintenance and Indemnity Agreement between Nature Collective and the City of Solana Beach for the operation and maintenance of the pedestrian trail system within NCTD right of way.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2021-044
2. Resolution 2021-045
3. Memorandum of Understanding and License Agreement between NCTD, Nature Collective and the City of Solana Beach
4. Harbaugh Trails Maintenance and Indemnity Agreement between Nature Collective and the City of Solana Beach

RESOLUTION 2021-044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND LICENSE AGREEMENT BETWEEN NCTD, NATURE COLLECTIVE AND THE CITY OF SOLANA BEACH RELATED TO THE RAILROAD PEDESTRIAN UNDERCROSSING AT THE NORTH END OF THE CITY

WHEREAS, the San Diego Association of Governments (SANDAG) is constructing the San Elijo Lagoon Double Tracking project on North County Transit District's (NCTD) right of way, which includes a concrete undercrossing structure as a trail connection to provide a safe pedestrian crossing under the railroad tracks from the existing trail system on the east side of the tracks to the west side of the tracks (Harbaugh Trail); and

WHEREAS, in the absence of the undercrossing, members of the public, including Solana Beach residents, trespassed in the NCTD right of way and crossed over the railroad tracks; and

WHEREAS, NCTD is the owner of the undercrossing and has restrictive policies and regulations governing the use of their right of way for pedestrian and vehicular traffic; and

WHEREAS, Nature Collective is the owner of the property where a portion of Harbaugh Trails is located; and

WHEREAS, the Memorandum of Understanding and License Agreement attached to this Resolution as Attachment 1 licenses the undercrossing and certain other specified areas to Nature Collective and the City of Solana Beach so that the public can lawfully use the NCTD undercrossing to safely access and connect between the trails; and

WHEREAS, NCTD required an agreement between all involved parties and specifically required that the City of Solana Beach to be a party to the agreement to provide access to the public; and

WHEREAS, it is in the best interest of the public to have a safe, legal means to cross underneath the railroad tracks and access the existing trail system; and

WHEREAS, through a separate agreement, Nature Collective has agreed to take primary responsibility for the maintenance of the undercrossing.

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

1. That the above recitations are true and correct.
2. That the City Council authorizes the City Manager to execute a Memorandum of Understanding and License Agreement, in a form acceptable to the City Attorney, between NCTD, Nature Collective and the City of Solana Beach for the use of the NCTD right of way and the undercrossing for pedestrian trail purposes.

PASSED AND ADOPTED this 14th day of April 2021, 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

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

RESOLUTION 2021-045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE HARBAUGH TRAILS MAINTENANCE AND INDEMNITY AGREEMENT BETWEEN NATURE COLLECTIVE AND THE CITY OF SOLANA BEACH RELATED TO THE OPERATION AND MAINTENANCE OF THE PEDESTRIAN TRAIL SYSTEM WITHIN NCTD RIGHT OF WAY

WHEREAS, the San Diego Association of Governments (SANDAG) is constructing the San Elijo Lagoon Double Tracking Project on North County Transit District's (NCTD) right of way, which includes a concrete undercrossing structure as a trail connection to provide a safe pedestrian crossing under the railroad tracks from the existing trail system on the east side of the tracks to the west side of the tracks (which includes Harbaugh Trails); and

WHEREAS, Nature Collective is the owner in fee simple of that certain real property consisting of approximately 3.44 acres located at 640 North Highway 101, Solana Beach, San Diego County, California 92075 (designated as Tax Assessor's Parcel Number 263-011-32-00), and commonly known as the Harbaugh Trail Property; and

WHEREAS, on April 14, 2021, through the adoption of Resolution 2021-044, the City Council authorized entry into a Memorandum of Understanding and License Agreement between NCTD, Nature Collective and the City of Solana Beach for the use of the NCTD right of way and the undercrossing for pedestrian trail purposes; and

WHEREAS, a separate agreement between Nature Collective and the City is necessary to set forth the parties' respective obligations and responsibilities with respect to the area being licensed from NCTD.

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

1. That the above recitations are true and correct.
2. That the City Council authorizes the City Manager to execute the Harbaugh Trails Maintenance and Indemnity Agreement, in a form acceptable to the City Attorney, between Nature Collective and the City of Solana Beach for the operation and maintenance of the pedestrian trail system within NCTD right of way.

PASSED AND ADOPTED this 14th day of April 2021, 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

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

MEMORANDUM OF UNDERSTANDING AND LICENSE AGREEMENT

THIS MEMORANDUM OF UNDERSTANDING AND LICENSE AGREEMENT (“Agreement”) is made and entered into as of the effective date of _____, 2020 (“Effective Date”) by and between the North County Transit District, (“NCTD”), a public agency existing under the laws of the State of California, pursuant to California Public Utilities Code sections 125000, et seq., City of Solana Beach, a California municipal corporation (“City”) and Nature Collective, a California non-profit public benefit corporation fka The San Elijo Lagoon Conservancy (“Nature Collective”) (collectively the “Licensee”); each a “Party” and collectively, the “Parties”.

RECITALS

- A. NCTD has policies regulating and governing the use of its property (“Property”) and Right-of-Way (“ROW”) (sometimes collectively, the “Property”).
- B. NCTD prohibits public pedestrian or vehicular access on its ROW (“Trespassing”).
- C. Licensee is requesting use of NCTD property for a safe and legal public pedestrian undercrossing at the San Elijo Lagoon (“Project”) to allow access to Licensee’s property, which is commonly known as 640 North Highway 101, Solana Beach, San Diego County, California 92075 (designated as Assessor’s Parcel Number 263-011-3200), over which the City holds a conservation easement that was recorded on December 23, 2014 in the San Diego County Recorder’s Office as document number 2014-0567337 and which is further described therein.
- D. The San Diego Association of Governments (“SANDAG”) is constructing the San Elijo Lagoon Double Track on NCTD’s ROW, to include the Project as a trail connection, which includes installation of a six (6) foot chain link fence up to the undercrossing as shown on Exhibit “A,” attached hereto and made a part hereof.
- E. In exchange for the use of the ROW for the Project, Licensee, through the City, has agreed to maintain the ROW License Area (as defined below) at its own costs and to assume all related liability for such use and maintenance as a reciprocal public benefit (the “Mutual Benefit”) pursuant to NCTD Board Policy #11.
- F. Licensee has applied for the issuance of a License in accordance with such policy and NCTD has agreed to allow Licensee to use that portion of the ROW identified in Exhibit “A” attached hereto and made a part hereof (“License Area”), subject to the terms and conditions of this Agreement.
- G. The Parties agree to be bound by the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises contained herein, the Parties agree as follows:

1. **License to Use and Right of Entry.** In consideration of the covenants and conditions set forth in this Agreement, NCTD licenses and permits Licensee to use and maintain the San Elijo Lagoon trail connection and pedestrian underpass crossing under the railroad tracks (“Undercrossing”), and pedestrian trail (“Trail”), between approximate mileposts 240.97 to 241.13, further defined as the License Area in Exhibit A. The License Area includes the Trail, Undercrossing, associated land and structures (which are the lodge pole wood fencing, decomposed granite (DG) surface area, pavers, rip rap, tunnel, fill slopes, landscaping and irrigation system, drainage, double 36” corrugated metal pipe (CMP)), and the portion of Pole Road on NCTD property (collectively, the “Facility”) as provided in Exhibit A. The License Area does not include the tunnel structures and railroad tracks above the Undercrossing, or the pond areas. NCTD further permits Licensee to use

the NCTD maintenance roadway (“NCTD Roadway”) on the west side of the railroad tracks between mileposts 241.13 and 241.30.

2. **Authority Not Exclusive.** This Agreement is non-exclusive. The Licensee shall respect the rights and property of NCTD and other authorized users of the ROW, easements, power poles, street light poles, vaults, and conduits. Except as otherwise required by applicable law, disputes between the Licensee and parties other than NCTD over the use of the easements, power poles, street light poles, vaults, conduits and other rights-of-way shall be submitted to NCTD for resolution pursuant to this Agreement.
3. **Relocation.** Licensee acknowledges that the License Area is used in connection with NCTD’s public purpose and other services to the public, and agrees that such uses by NCTD are superior in all respects to all uses by Licensee. Licensee shall, at Licensee’s sole expense and within a mutually agreed upon timeframe determined after receiving written notice from NCTD, protect, temporarily relocate, or remove the Trail, improvements or appurtenances installed in the Licensee Area by Licensee after the Effective Date of this Agreement (“Licensee Appurtenances”) if NCTD determines, in its reasonable discretion that any of the Licensee Appurtenances within the License Area are inconsistent or interfere with NCTD’s current or planned use of the License Area or ROW. If NCTD requires relocation or removal of any of the improvements in the Licensee Area and/or installation of grates, City shall be entitled to terminate this Agreement immediately upon the relocation or removal or installation upon 30 days’ written notice to NCTD.
 - 3.1 Notwithstanding the foregoing, Licensee shall not be required to remove the Undercrossing. In lieu of removal, NCTD may require Licensee to close and restrict pedestrian access to the Crossing, via installation of grates or other means as approved by NCTD in its reasonable discretion and at Licensee’s sole cost and expense. If required by NCTD, Licensee shall remove the Trail and Licensee Appurtenances and restore the Property to a condition acceptable to NCTD, at Licensee’s sole cost.
 - 3.2 In consideration of NCTD’s agreement to enter into this Agreement, Licensee hereby waives any and all rights it may now have, or hereafter obtain, to any “relocation assistance benefits” pursuant to the Federal Uniform Relocation Assistance Act (42 U.S.C. § 4601 et seq.), the California Relocation Assistance law (Cal. Gov. Code § 7260 et seq.) or any other statute that replaces or provides rights similar to such statutes, if NCTD requires Licensee to relocate the appurtenances or makes use of the ROW in such a way as to ‘displace’ Licensee from the License Area. Licensee shall in the future execute any further documentation of the release and waiver provided hereby as NCTD may reasonably require.
4. **Compensation.** The Mutual Benefit received by the Parties is in lieu of any monetary compensation or “License Fee” for the use of the License Area. In order to provide a Mutual Benefit, NCTD will allow the use of the License Area in exchange for the maintenance and enforcement of the License Area at Licensee’s sole cost and a release of liability/hold harmless provision pursuant to Sections 7 and 9 of this Agreement. The Mutual Benefit provided herein shall constitute a Reciprocal Benefit in accordance with NCTD Board Policy No. 11.

Licensee shall not charge a fee for the use of the License Area under this Agreement. Any proposed compensation to Licensee for such use shall be pursuant to a separate written instrument as mutually agreed to by the Parties.

Nothing in this Section 4 shall affect the right of NCTD to require Licensee to relocate or remove the Improvements as set forth in Section 3 and Section 5.2.

5. ***Limitations on Use.***

- 5.1 Licensee shall comply with all applicable terms, conditions and requirements of NCTD's policies regarding NCTD's ROW and all other NCTD ordinances, rules and regulations. Licensee shall comply with all applicable laws, rules and regulations of the Federal, State, County, local governments and all administrative agencies thereof which may have jurisdiction over Licensee's use of the License Area and the use, construction, and maintenance of the Facility.
- 5.2 Consistent with Federal Transit Administration ("FTA") requirements, Licensee's use of the License Area must not in any way interfere with NCTD's continuing control over the ROW or NCTD's expressed continued ability to carry out its functions. NCTD shall have the right, to terminate this Agreement upon six-months' written notice from NCTD (or less if six-months' notice cannot be reasonably given) in order to maintain continuing control over the License Area or NCTD's expressed continued ability to carry out its functions.
- 5.3 Licensee shall not cause or permit any Hazardous Material to be used, stored, transported, generated, or disposed in or about the License Area by Licensee, Licensee's agents, employees, contractors, licensees, or invitees. "Hazardous Material" means any hazardous, toxic, or infectious substance, material, or waste which is or becomes regulated by any local governmental entity, the State of California, or the United States Government under any law, regulation or ordinance regulating or controlling any Hazardous Material (the "Hazardous Materials Laws"), including, without limitation, any material, or substance which is: (i) defined as a "hazardous waste," "extremely hazardous waste" or "restricted hazardous waste" under California Health and Safety Code §§ 25115, 25117 or 25122.7, or listed pursuant to California Health and Safety Code § 25140, (ii) defined as a "hazardous substance" under California Health and Safety Code § 25316, (iii) defined as a "hazardous material," "hazardous substance" or "hazardous waste" under California Health and Safety Code § 25501 (iv) defined as a "regulated medical waste" under 40 C.F.R. § 259.10(a) or § 259.30, (v) petroleum or petroleum product, (vi) asbestos, (vii) designated as a "hazardous substance" pursuant to § 311 of the Federal Water Pollution Control Act (33 U.S.C. § 1317), (viii) defined as a "hazardous waste" pursuant to § 1004 of the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq. (42 U.S.C. § 6903), or (ix) defined as a "hazardous substance" pursuant to § 101 of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. § 9601 et seq. (42 U.S.C. § 9601).
- 5.4 No use, construction, or maintenance by Licensee or on Licensee's behalf on the License Area will interfere with any railroad operations on the ROW. Licensee and Licensee's agents, employees and contractors shall not cross over of the railroad tracks on the ROW except at public crossings approved by the California Public Utilities Commission.
- 5.5 Licensee shall not leave any personal property or equipment on the ROW unattended at any time.
- 5.6 Licensee shall not install or use any underground storage tanks in the License Area.
- 5.7 The Parties recognize and understand that the Crossing has been constructed as a trail connection solely for the benefit of Licensee and that should any use thereof cause a danger to the public or become a nuisance in NCTD's reasonable discretion, NCTD may terminate this Agreement or pursue any other remedy available at law. Such remedies may include, but not limited to, the requirement of lighting or security cameras within the Crossing or installation of movable gates to prohibit access during evening hours or other specified times as may be agreed to in writing by the Parties. Licensee shall remedy such danger or nuisance

immediately and to the satisfaction of NCTD or may be required to close and restrict pedestrian access to the Crossing pursuant to Section 3 above.

6. **Insurance.** Without limiting Licensee's indemnification obligations to NCTD under this Agreement, Licensee shall provide and maintain during the term of this Agreement, at Licensee's sole expense, insurance in the amounts and form specified in Exhibit "B," INSURANCE REQUIREMENTS.

7. **NCTD Responsibilities.**

- 7.1 NCTD shall comply with all applicable terms, conditions and requirements of NCTD's policies regarding NCTD's ROW and all other NCTD ordinances, rules and regulations. NCTD shall comply with all applicable laws, rules and regulations of the Federal, State, County, local governments and all administrative agencies thereof which may have jurisdiction over the License Area, the ROW or railroad tracks above the Crossing.

- 7.2 NCTD shall, at its own cost, perform any required inspections of the ROW, structures and railroad tracks not part of the Crossing or License Area and maintain the same at all times in a safe condition.

8. **Indemnification**

- 8.1 **Indemnification by Licensee.** Licensee agrees to protect, save, defend, and hold harmless NCTD and its Board of Directors ("Board") and each member of the Board, the National Railroad Passenger Corporation ("AMTRAK"), the Southern California Regional Rail Authority ("SCRRA" or "Metrolink"), and the Burlington Northern Santa Fe Railway Company ("BNSF") (collectively, the "Indemnified Parties"); and the Indemnified Parties respective officers, agents, contractors and employees from any and all liability or claim of liability, loss or expense, including defense costs and legal fees and claims for damages of whatsoever character, nature and kind, whether directly or indirectly arising from or connected with an act or omission of Licensee, or any employee, agent, invitee (Licensee invitee), or contractor of Licensee, or other person acting by or on behalf of Licensee in the License Area, including, but not limited to, liability, expense, and claims for bodily injury, death, personal injury, or property damage; provided, however, that nothing herein shall relieve any Indemnified Parties from liability to the extent that such liability arises from such party's established negligence or willful misconduct.

The requirements as to the types and limits of insurance coverage to be maintained by Licensee as required by Section 6, and any approval of such insurance by NCTD, are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by Licensee pursuant to this Agreement, including but not limited to the provisions concerning indemnification.

- 8.2 **Indemnification by NCTD.** Provided that the six (6) foot chain link fence is installed and maintained in the locations indicated in Exhibit "A," NCTD agrees to protect, save, defend, and hold harmless City and its officials, officers, agents, contractors and employees from any and all liability or claim of liability, loss or expense, including defense costs and legal fees and claims for damages of whatsoever character, nature and kind, whether directly or indirectly arising from or connected with an act or omission of NCTD or any NCTD employee, contractor, agent, or other person acting by or on behalf of NCTD in the NCTD ROW but outside the License Area, including, but not limited to, liability, expense, and claims for bodily injury, death, personal injury, or property damage; provided, however, that nothing herein shall relieve City or its officials, officers, agents, contractors and employees from liability to the extent that such liability arises from such party's established negligence or willful misconduct.

9. ROW Access and Construction.

- 9.1 Any work performed or caused to be performed by Licensee on the License Area shall be performed (a) at Licensee's sole cost and expense; (b) in accordance with any and all applicable laws, rules and regulations (including the NCTD's ordinances, rules and regulations) and (c) in a manner that is satisfactory to NCTD and which meets or exceeds the then applicable standards of the industry for such work.
- 9.2 NCTD shall issue a Right-of-Entry permit to Licensee for any construction and maintenance work within the Licensee Area not contemplated within Section 11 and as detailed by the Licensee in a submitted work plan. Licensee shall be responsible for all fees, as approved by NCTD's Board of Directors, associated with obtaining a permit.
- 9.3 Prior to the commencement of any work, Licensee shall submit to NCTD for review and approval construction drawings, specifications, work plans and any other relevant information NCTD deems necessary, including but not limited to documents as required pursuant to Section 8, to enable NCTD to determine the scope and nature of the proposed work and the potential effect of such work on the ROW and train operations. NCTD may approve or disapprove any work or provision in such documents in NCTD's reasonable discretion, and NCTD may require such changes or impose such conditions as NCTD, in its reasonable discretion, deems necessary or appropriate. NCTD shall act reasonably in approving work necessary to maintain the License Area in a safe and lawful condition.
- 9.4 Licensee shall provide NCTD and all holders of underground utility facilities located within the License Area with at least seven (7) calendar days written notice prior to commencement of any work on the License Area. In the event of an emergency, Licensee shall notify NCTD personally or by telephone prior to commencing any work. Upon completion of any work, Licensee shall restore the License Area to its condition immediately preceding the commencement of the work, except as otherwise approved in writing by NCTD.
- 9.5 As applicable for any construction, entry or work within the ROW, the following shall apply:
 - 9.5.1 Every individual who will be entering upon the License Area or ROW under this Agreement, before entering, shall first attend a class conducted by NCTD or NCTD's designee on Railroad Worker Protection ("RWP") Safety rules and regulations. Licensee shall pay all costs associated with such classes.
 - 9.5.2 The need for flag protection for Licensee's operations on or adjacent to the ROW shall be determined in the sole discretion of NCTD or NCTD's designee. In the event that NCTD or NCTD's designee determines that flag protection is necessary, Licensee shall not enter upon or use the License Area until flag protection has been provided. Licensee shall submit for flag protection services in accordance with NCTD policies and procedures. Licensee shall pay all costs of flag protection. NCTD or NCTD's designee shall use reasonable efforts to provide flag protection on the dates and times of Licensee's requested entries, provided that any work by NCTD, BNSF, or AMTRAK that requires flag protection shall take priority. NCTD shall not be liable for any costs, expenses, or claims if flag protection is not provided on Licensee's requested dates or times of entry.
 - 9.5.3 Licensee shall, upon NCTD's request and at Licensee's expense, install barrier fencing, K-rail, and/or landscaping to shield the railroad track area from public access

and or the improvements thereon from public view. NCTD shall have the right to review and approve fencing and/or landscaping plans prior to installation.

9.5.4 NCTD's review and inspection of the construction drawings, specifications, work plans, and other construction documents, including but not limited to documents as required pursuant to this Section 8 is for the purpose of examining the general arrangement, design, and details of the work for potential impact on the ROW, ROW safety and railroad operations. NCTD and NCTD's employees, consultants, and agents assume no responsibility for and make no representations or warranties, express or implied, as to the design, condition, workmanship, or adequacy of the drawings, specifications, Permit Registration Documents (as defined below) or ESCP (as defined below), or Licensee's compliance with the same, construction documents, or work. No review, comments, requirements, or inspection shall relieve Licensee or Licensee's engineers, contractors, subcontractors, or consultants from the entire responsibility for the errors or omissions in the drawings, specifications, Permit Registration Documents (as defined below), ESCP (as defined below), or construction documents, or for the quality or adequacy of the work.

9.6 Storm Water Pollution Prevention: Compliance with Construction General Permit for the Agreement:

9.6.1 If coverage under the Construction General Permit and/or NCTD MS4 Program requirements (as defined in this Section 8) pursuant to applicable NCTD, local, state, and federal ordinances, laws, rules and regulations is required, Licensee shall prepare, implement and monitor a Storm Water Pollution Prevention Plan ("SWPPP") that is consistent with the current NCTD SWPPP template and is in compliance with the current Construction General Permit for the purpose of preventing, among other things, the discharge of pollutants into receiving waters. This includes elimination of non-storm water pollution discharges such as improper dumping, spills or leakage from storage tanks or transfer areas. If coverage under the Construction General Permit is required, Licensee shall not perform or cause to be performed any construction or demolition activities on the License Area until Licensee obtains a Waste Dischargers Identification number, as that term is defined in the Construction General Permit. For purposes of this Section 8, "Construction General Permit" shall mean the State Water Resources Control Board ("SWRCB") National Pollutant Discharge Elimination System ("NPDES") General Permit for Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities, as it may be amended or superseded, (currently Order No. 2012-0006-DWQ); and MS4 Program shall mean the RWQCB issued Phase II Small Municipal Separate Storm Sewer System ("MS4") Program (currently Order No. 2013-0001-DWQ) as it may be amended or superseded.

9.6.2 The Licensee shall prepare, implement and monitor an Erosion and Sediment Control Plan ("ESCP") consistent with the current NCTD ESCP template for the purpose of preventing the discharge of pollutants into receiving waters for all construction or demolition activities performed or caused to be performed by Licensee on the License Area for activities not requiring coverage under the Construction General Permit, the industrial general permit or an individual National Pollutant Discharge Elimination System permit, including activities that result in a total land disturbance of less than one acre that are not part of a larger common plan of development or sale. This includes elimination of non-storm water pollution discharges such as improper dumping, spills or leakage from storage tanks or transfer areas.

- 9.6.3 Without limiting the provisions set forth in Sections 5.1, 8.1, 8.5.1 and 8.5.2, the Licensee shall comply with the NCTD Storm Water Management Program and all NCTD, local, state and federal ordinances, laws, rules and regulations governing storm water discharges, including but not limited to those associated with construction and demolition activities such as clearing, excavating, grading, demolition and other land disturbances.
- 9.6.4 The Licensee shall pay and be responsible for all fees, as applicable and as required by SWRCB, during the term of this Agreement.
- 9.6.5 The Licensee shall submit all SWRCB required documentation, as applicable and including but not limited to Permit Registration Documents, as that term is defined in the Construction General Permit, to the SWRCB through the SWRCB SMARTS online system and shall provide a copy of such documentation and proof of submittal to NCTD.
- 9.6.6 As required by Licensee's Phase II MS4 Permit (Order No. 2013-0001-DWQ) ("MS4 Permit"), NCTD may conduct periodic water sampling associated with any drainage facility installed by Licensee within the License Area. Licensee shall be required to reimburse NCTD for costs associated with collection, sampling and reporting. NCTD may require Licensee to perform corrective actions, at Licensee's sole cost and expense, in order to meet the requirements of the MS4 Permit.
- 9.7 The Parties shall mutually and cooperatively enforce any Trespassing from the License Area to the NCTD ROW to the best of their ability either through direct staff, contractors or associated law enforcement as may be applicable and available.
10. **Reimbursement of NCTD.** Licensee shall reimburse NCTD, within thirty (30) days of invoice, for all cost and expense incurred by NCTD in connection any work performed by or for Licensee on the License Area. These costs include, but are not limited to, NCTD staff time and consultants' fees for the expenses of reviewing construction documents, ESCPs, Permit Registration Documents, construction monitoring, ROW support services, inspections, monitoring, security, the installation and removal of false work beneath tracks, equipment rentals, and restoration of the ROW to the same condition as when Licensee entered thereon. Upon execution of this Agreement or when requested by Licensee, Licensee shall deposit with the NCTD the amount determined by NCTD to be the probable amount of reimbursable expenses. NCTD may deduct the costs and expenses from the deposit as such costs and expenses are incurred. Costs of services provided by NCTD employees will be charged at the employees' fully burdened hourly rates (monthly salary and benefits). Services provided by NCTD consultants, equipment rentals, and other third-party costs will be charged at cost. Upon demand by NCTD, Licensee shall make any additional deposits that NCTD determines are necessary to reimburse NCTD for the costs and expenses incurred by NCTD. In the event that the costs and expenses incurred by NCTD exceed the amounts deposited, Licensee shall reimburse NCTD for all such costs and expenses within thirty (30) days of invoice.
11. **Maintenance and Repair.** Licensee shall, at Licensee's sole expense, maintain the condition, and enforce the use of the Facility and License Area in a condition satisfactory to NCTD, including graffiti removal, and in accordance with applicable governmental codes. At a minimum Licensee shall keep the Facility and License Area in a clean and safe condition for its intended use. The broader scope of Licensee's maintenance obligations is provided in Exhibit "C" attached hereto and incorporated herein by reference. Failure to maintain the License Area pursuant to the minimum requirements in Exhibit C shall be a material breach of this Agreement which may result in termination pursuant to Section 14 below. Licensee shall be responsible for any citations issued by any agency having jurisdiction as a result of Licensee's failure to comply with any applicable law, regulation, ordinance, rule, or order.

- 11.1 While NCTD accepts responsibility for maintenance of the pond areas as further described in Exhibit A (“Ponds”), City and NCTD acknowledge that NCTD’s level of ROW maintenance may not be to the standard that the City may desire for the protection of the City’s adjacent Sewer Lift Station and underground pipelines (“Adjacent Facilities”). City shall have the right to perform any necessary additional maintenance, such as pumping of the ponds, in order to protect the Adjacent Facilities.
- 11.2 NCTD shall issue to City a Right of Entry Permit for maintenance of the Ponds. The duration of the permit shall be for seven (7) years. The permit will require the City review the permitted work plan on an annual basis, and provide NCTD with any updates should the means and methods of the work change. City shall define and include the routine maintenance of the Ponds, to be performed on an as-needed basis in City’s discretion, in their submittal for the permit. City shall have the right to renew the permit every seven years, provided the City has complied with all terms and conditions of the permit, the permitted work is not in conflict with any NCTD operation and the insurance and work plan associated with the permit are current. Licensee shall be responsible for all fees, as approved by NCTD’s Board of Directors, associated with obtaining a permit.
- 11.3 The City and NCTD shall collaborate on a long-term solution for drainage of the Ponds. The City shall take the lead on this endeavor and NCTD shall contribute a maximum of \$50,000.00 (“Maximum Contribution”) toward the planning and/or implementation of such a long-term drainage solution. The City shall substantiate the associated costs and provide sufficient back-up documentation for the expenses. NCTD shall include the Maximum Contribution in its fiscal year 2022 budget.
- 11.4 For the purposes of any maintenance or work related to the Ponds, neither party nor any officer, employee, contractor, agent or representative thereof, is responsible for any damage or liability occurring by reason of anything done or omitted to be done under or in connection with any work, authority or jurisdiction delegated under Section 11 of this Agreement. It is understood and agreed that, pursuant to Government Code Section 895.4, the parties shall fully defend, indemnify and save harmless each other, all officers employees, contractors, agents and representatives from all claims, suits or actions of every name, kind and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by either party under or in connection with any work, authority or jurisdiction delegated to it under this Section 11.
12. **Taxes and Assessments.** Nothing contained in this Agreement shall be construed to exempt Licensee from any tax levy or assessment which is or may be hereafter lawfully imposed. Notice is hereby given pursuant to Revenue and Tax Code Article 107.6 that this Agreement may create a property interest subject to property taxation and may subject Licensee to the payment of property taxes levied on such interest.
13. **Default.** In the event that Licensee fails to perform any obligation under this Agreement, Licensee shall pay all reasonable costs and expenses incurred by NCTD in obtaining performance of such obligations, including costs of suit and reasonable attorney’s fees. If Licensee uses the ROW or Property for any purpose not expressly authorized by this Agreement or fails to act strictly in accordance with the terms and conditions of this Agreement, and if such default is not corrected within thirty (30) days’ notice from NCTD to Licensee, NCTD may terminate this Agreement and prevent Licensee from using or remaining upon the ROW. If NCTD determines that any default by Licensee does or has the potential to cause a danger to the ROW or railroad operations, NCTD may immediately and without prior notice to Licensee terminate this Agreement and prevent Licensee from using or remaining upon the ROW or Property, with or without process of law.

14. **Termination.** The City and NCTD shall each have the right to terminate this Agreement without cause upon three-months' written notice. Upon termination of this Agreement, Licensee shall, at Licensee's sole expense, remove the Trail and all Licensee Appurtenances in or upon the ROW or Property and restore the ROW or Property to a manner satisfactory to NCTD, excepting the Underpass which shall be permanently closed in accordance with the provision of Section 3.1. Should Licensee fail or refuse to comply with the terms of this Section 13, NCTD may, at its option, perform such work, and Licensee shall reimburse NCTD for all reasonable costs and damages so incurred without protest.

15. **Service of Notice.** Except as otherwise provided in this Agreement, any notice required or permitted to be given hereunder shall be in writing and may be given by personal delivery or by certified or registered mail, and shall be deemed sufficiently given if delivered or addressed to:

NCTD: North County Transit District
810 Mission Avenue
Oceanside, CA 92054
Attention: Real Estate Department

LICENSEE: City of Solana Beach
635 Hwy 101
Solana Beach, CA 92075
Attention: City Manager

Nature Collective
777 S. Highway 101, Suite 112
Solana Beach, CA 92075
Attention: Doug Gibson, Executive
Director

Mailed notices shall be deemed given upon actual receipt at the address required, or forty-eight (48) hours following deposit in the mail, postage prepaid, whichever first occurs. Either party may by notice to the other specify a different address for notice purposes.

In the event the tracks become damaged, blocked or fouled in any way, Licensee shall immediately notify NCTD Operations Control Center at (760) 966-6700.

16. **Vibration and Noise from Train Operation; Barricades.** Licensee recognizes and acknowledges that railroad tracks are located on or adjacent to the License Area and that the operation of trains over the tracks does and will produce vibrations which may affect the Improvements and Licensee's use of the License Area. With knowledge and understanding of these facts, Licensee by execution of this Agreement, agrees that no legal action or complaint of any kind whatsoever shall be instituted against NCTD by Licensee or on Licensee's behalf as result of vibrations or as a result of the use of the railroad tracks in general.

17. **No Permanent Interest.** This Agreement does not convey any permanent interest in any real property, nor does it confer any right or obligation to any third party, including but not limited to, public access rights under any law, regulation or ordinance of any local, state or federal agency. Should any third party assert such a claim of right, title or interest, Licensee shall defend and indemnify NCTD and City pursuant to Section 7 of this Agreement.

18. **Laws and Venues.** This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a State or Federal court situated in the County of San Diego, State of California.

19. **Licensee.** The obligations and liabilities of the City and Nature Collective shall be joint and several and each shall be considered the Licensee pursuant to this Agreement.

20. **Acceptance of License Area.** Licensee accepts the License Area in its present physical "as-is" condition, and agrees to make no demands upon NCTD for any improvements or alterations. By signing this License, Licensee represents and warrants that Licensee has independently inspected the License Area and the area immediately surrounding and made all investigations, tests, and observations necessary to satisfy Licensee as to the condition of the License Area, zoning and land use laws, regulations, and ordinances affecting the License Area, and all of the conditions, restrictions, encumbrances, and other matters of record relating to the License Area. Licensee agrees that Licensee is relying solely on Licensee's independent inspection and that NCTD has made no warranty or representation with regard to the License Area. NCTD shall not be responsible for any latent defect or change in condition in the License Area and Licensee's obligations under this Agreement shall not be diminished on account of any defect in the License Area, any change of condition, or any damages occurring on the License Area. In case of the eviction of Licensee by anyone owning or claiming title to or any interest in the License Area, NCTD shall not be liable to Licensee for any damage of any nature whatsoever or to refund any moneys paid hereunder. Licensee hereby releases NCTD from all future claims, actions, or demands that Licensee may have or may hereinafter have, known and unknown, in any way relating to the quality, fitness, or condition of the License Area, and Licensee specifically waives all rights under California Civil Code section 1542, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

Initial: _____

Initial: _____

21. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF, the Parties have signed below, effective as of the Effective Date, by their duly authorized representatives.

[SIGNATURES ON NEXT PAGE]

NCTD:
North County Transit District

By: _____

Name: Tracey Foster

Title: Chief Development Officer

Approved as to Form:

Lori A. Winfree
General Counsel

LICENSEE:
City of Solana Beach

By: _____

Name: Gregory Wade

Title: City Manager

Approved as to Form:

Johanna N. Canlas
City Attorney

Attest:

Angela Ivey
City Clerk

LICENSEE:
Nature Collective

By: _____

Name: Doug Gibson

Title: Chief Executive Officer

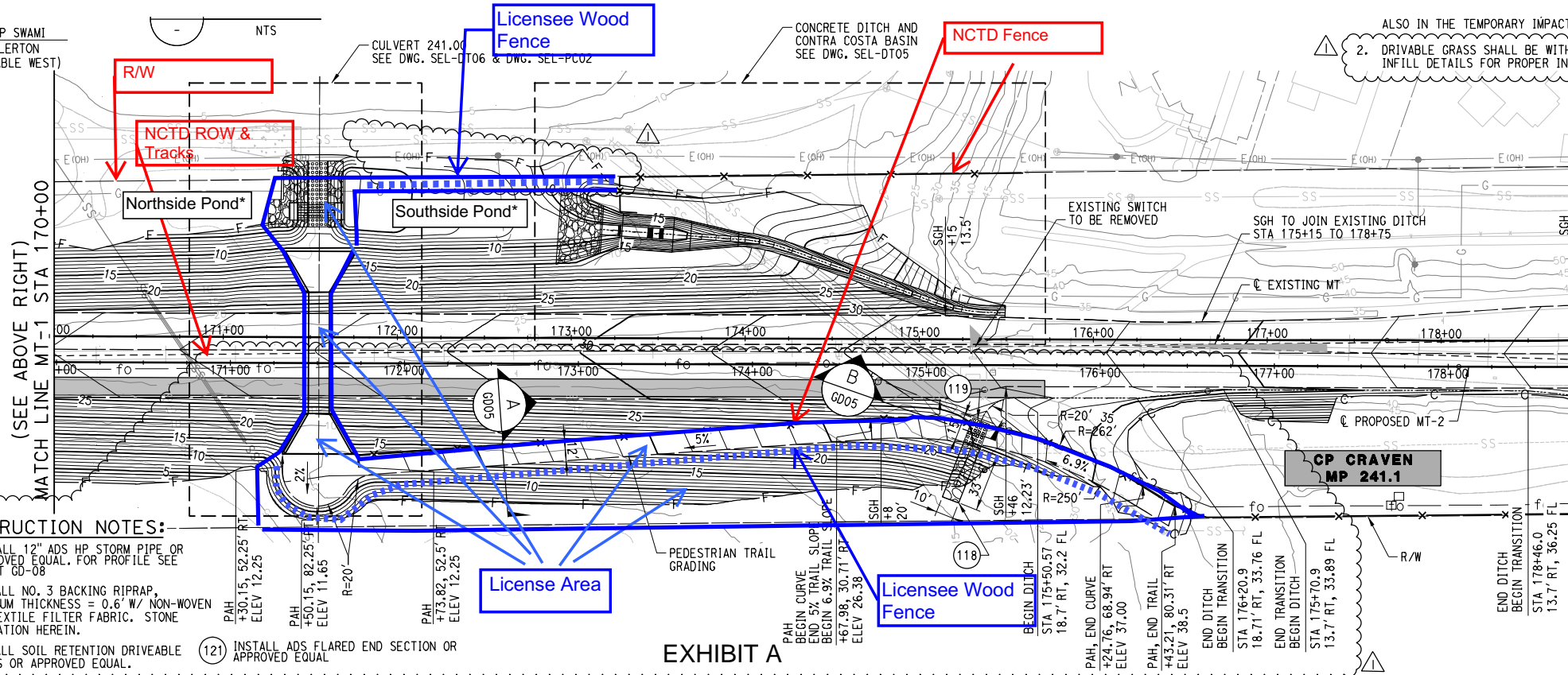
By: _____

Name: Susan Hedrick

Title: Secretary

EXHIBIT A – License Area & Facility




EXHIBIT A



CONSTRUCTION NOTES:

- 103 INSTALL 12" ADS HP STORM PIPE OR APPROVED EQUAL. FOR PROFILE SEE SHEET GD-08
- 118 INSTALL NO. 3 BACKING RIPRAP, MINIMUM THICKNESS = 0.6' W/ NON-WOVEN GEOTEXTILE FILTER FABRIC. STONE GRADATION HEREIN.
- 119 INSTALL SOIL RETENTION DRIVEABLE GRASS OR APPROVED EQUAL.
- 121 INSTALL ADS FLARED END SECTION OR APPROVED EQUAL

EXHIBIT A

12/11/18	DCN 22 - PEDESTRIAN TRAIL TEMPORARY TO PERMANENT	AR	GK	Information confidential all plans, drawings, specifications, and/or information furnished herewith shall remain the property of the San Diego Association of Governments and shall be held confidential; and shall not be used for any purpose not provided for in agreements with the San Diego Association of Governments.	DESIGNED BY D. M./R. A.	 <p>HDR Engineering, Inc. 401 B Street, Suite 1110 San Diego, California 92101 (619) 231-4865</p>	 <p>San Diego's Regional Planning Agency</p>		<p>SAN ELI</p> <p>GRADI</p> <p>MT-1 S</p>
				CHECKED BY V. HAGDOUST					
				APPROVED BY G. ROSCA					
				DATE JULY 2018					
REV.	DATE	DESCRIPTION	BY	APP.	APPROVED:	DATE:			

*Ponds shall be maintained by NCTD. City may maintain ponds as needed to protect their Adjacent Facilities, pursuant to Section 11 and the Right of Entry Permit.



The section of Pole Road that is on NCTD property is License Area

Northside and Southside Ponds

MP 241.0

Pedestrian Undercrossing

NCTD Maintenance Roadway

Encinitas Solana Beach

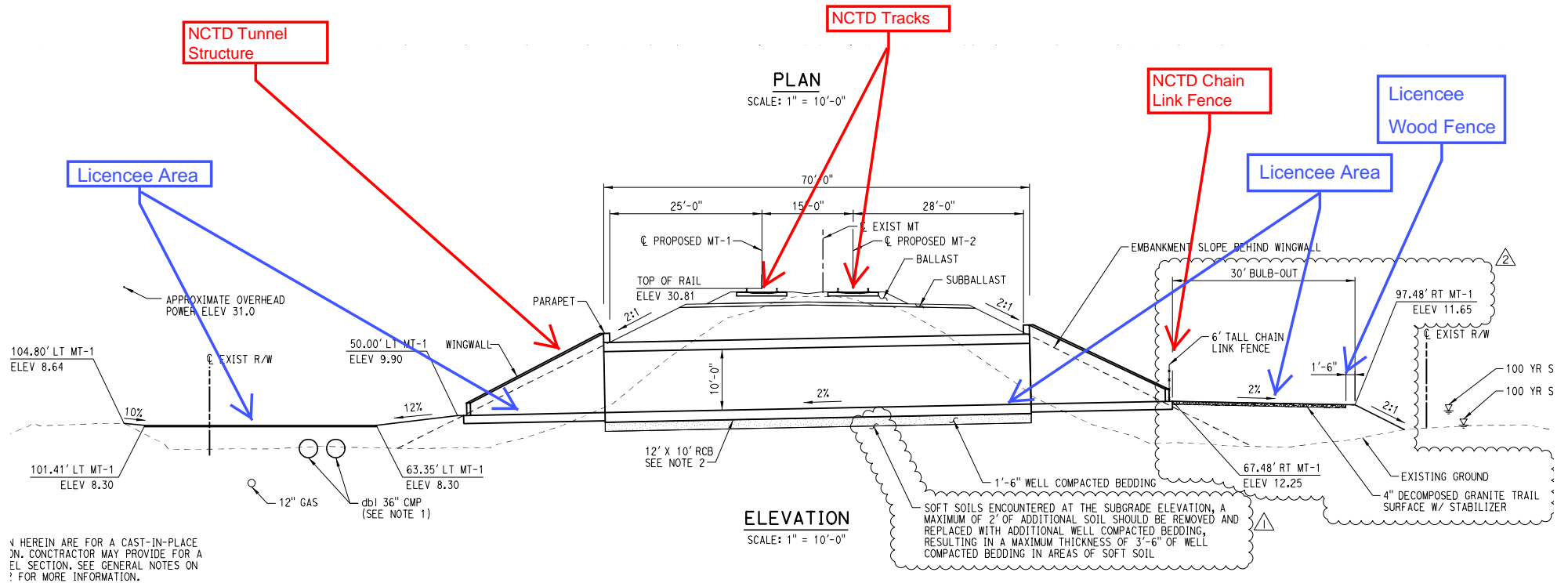
Cardiff State Beach

N ←



A-2





HEREIN ARE FOR A CAST-IN-PLACE
 ON. CONTRACTOR MAY PROVIDE FOR A
 EL SECTION. SEE GENERAL NOTES ON
 ? FOR MORE INFORMATION.

- CULVERT 241.0 ADDITIONAL FOUNDATION TREATMENT - PEDESTRIAN TRAIL TEMPORARY TO PERMANENT	ACR ACR	EAJ GFK	Information confidential all plans, drawings, speci- fications, and/or information furnished hereafter shall remain the property of the San Diego Association of Governments and shall be held confidential; and shall not be used for any purpose not provided for in agreements with the San Diego Association of Governments.	DESIGNED BY W. PEERY DRAWN BY J. MAY CHECKED BY P. MAK APPROVED BY B. REZNIKOV DATE JULY 2018	HDR Engineering, Inc. 401 B Street, Suite 1110 San Diego, California 92101 (619) 231-4885	SANDAG San Diego's Regional Planning Agency		SAN ELIJO LAGOON DOUBLE CULVERT 241.00 PLAN AND PROFILE
DESCRIPTION	BT	APP.				APPROVED: _____ DATE: _____		



Northside Pond





A-6





Southside Pond





A-10

EXHIBIT B – INSURANCE REQUIREMENTS

Without limiting Licensee's indemnification of NCTD as provided herein, Licensee shall provide and maintain at its own expense during the term of this Agreement the below listed and described policies of insurance covering its operations hereunder. Evidence of such insurance satisfactory to NCTD along with required endorsements will be delivered to NCTD concurrent with execution of this License. Such evidence shall include certificate of insurance (Accord Form 25-S or equivalent). All evidence of insurance shall be issued by a properly authorized officer, agent or qualified representative of the insurer and shall certify the names of the insured, any additional primary insureds, where appropriate, the type and amount of the insurance coverage, the location and operations to which the insurance applies and the expiration date.

1. **Commercial and General Liability:** Licensee shall provide and maintain the following commercial and general liability insurance:

- A. Coverage for commercial general liability insurance shall be at least as broad as the Insurance Services Office Commercial General Liability (occurrence form CG 0001) coverage.
- B. Licensee shall maintain limits of no less than two million dollars (\$2,000,000) per occurrence and four million dollars (\$4,000,000) aggregate limits for bodily injury, personal injury and property damage, including injury or damage. The general liability policies are to be endorsed to contain the following provisions:
 - a. NCTD, its Board of Directors, officers, employees, agents and volunteers are to be covered as additional insureds as respects liability arising out of the Right-of-Way licensed by Licensee; The coverage shall contain no special limitations on the scope of protection afforded to NCTD, its directors, officers, employees, agents and volunteers.
 - b. For any claims related to this License, Licensee's insurance shall be primary insurance as respects to NCTD, its Board of Directors, officers, employees, agents and volunteers. Any insurance, pooled coverage or self-insurance maintained by NCTD, its directors, officers, employees, agents and volunteers shall not be contributory.
 - c. Licensee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
 - d. The liability insurance shall indemnify the Licensee and its contractors against loss from liability imposed by law upon, or assumed under contract by the Licensee or its contractors for damages on account of such bodily injury (including death), property damage, personal injury and completed operations and products liability.
 - e. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to NCTD, its Board of Directors, officers, employees, contractors, agents or volunteers.
 - f. The insurance shall be provided on a policy form written by underwriters through an agency satisfactory to NCTD, which includes a cross-suit clause, and covers bodily injury and property damage liability, owned and non-owned vehicles and equipment, blanket contractual liability and completed operations liability.

2. **Railroad Protective Liability:**

- A. The Licensee shall obtain a railroad protective liability policy for work done within fifty (50) feet of railroad tracks. The standard limits shall be three million dollars (\$3,000,000) per occurrence limit and six million dollars (\$6,000,000) aggregate. NCTD reserves the right to increase these limits, depending on the scope of work related to the License.
- B. All work requiring railroad protective liability insurance shall name in the endorsement and schedules as additional insureds the following entities, including their officials, directors, officers, agents and employees as their interests may appear:

- a. North County Transit District (NCTD)
- b. Burlington Northern Santa Fe Railway (BNSF)
- c. National Railroad Passenger Corporation (AMTRAK)

3. **Automobile Liability**: Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Automobile Liability Coverage (Form CA 0001). Limits shall be not less than two million dollars (\$2,000,000) for bodily injury and property damage each accident limit from automobiles owned, leased, hired or borrowed by Licensee. The insurance shall indemnify against loss from liability imposed by law for damages on account of bodily injury, property damage, and personal injury. The automobile liability policy shall cover all owned, non-owned, leased and hired automobiles.
4. **Workers Compensation and Employer's Liability**: Licensee and its contractors and assigns shall cover or under the applicable statutory California State or Federal laws relating to workers' compensation insurance, all of their employees working on or about the Right-of-Way, and Licensee shall defend, protect and hold harmless NCTD, its Board of Directors, officers, employees, agents and volunteers from and against all claims, suits, and actions arising from any failure of the Licensee or any of Licensee's contractors or assigns to maintain such insurance.
 - A. Licensee shall provide employer's liability insurance in the amount of one million (\$1,000,000) per occurrence for bodily injury and disease.
 - B. Licensee shall provide NCTD with a certificate of Workers' Compensation and Employer's liability insurance coverage.
 - C. Such insurance may include an insurer's waiver of subrogation in favor of NCTD and will be in a form and with insurance companies reasonably satisfactory to NCTD.
5. **OPTIONAL (As required by Risk Dept.) Property Insurance**: Licensee shall maintain property insurance covering the full replacement cost of Licensee's personal property, fixtures, equipment, and improvements against the hazards of fire, extended coverage/vandalism and malicious mischief, flood and other property-related losses. Deductible limits should be no more than five thousand dollars (\$5,000). However, NCTD reserves the right to modify deductible limits.
6. All policies required shall be issued by insurance companies who are rated not less than "A VII" by the latest A. M. Best Company Key Rating Guide, who are authorized to transact business in California.
7. NCTD makes no representation that the limits or forms of coverage of insurance specified in this section are adequate to cover Licensee's property or obligations under this License. NCTD reserves the right to raise or lower limit requirements at the time of request, based upon the scope of work.
8. Prior to execution of this License, Licensee shall file with NCTD a certificate of insurance signed by the insurer's representative. Such evidence shall also include confirmation that coverage includes or has been modified to include required provisions as set forth herein. Licensee shall upon the reasonable demand of NCTD, deliver to NCTD such policy or policies of insurance. Each insurance policy required by this clause shall state or be endorsed to state that coverage shall not be amended or cancelled, except after thirty (30) days prior notice by U.S. mail has been given to NCTD.
9. If any insurance coverage is canceled or reduced, Licensee shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with NCTD a certificate showing that the required insurance has been reinstated or provided through another insurance company

or companies, and said policy shall be submitted for approval as herein provided. At least fifteen (15) days prior to the expiration of any such policy, a certificate, showing that the insurance coverage has been renewed or extended, shall be filed with NCTD.

10. Every contractor or subcontractor of Licensee entering upon, using or performing any work upon the Right-of-Way by or on behalf of Licensee shall provide evidence of insurance required herein prior to entering upon the Right-of-Way.
11. NCTD reserves the right to increase the limits for the insurance required herein to amounts recommended by NCTD's insurance risk manager or insurance representative.
12. Notwithstanding any other provision of this License, Licensee may self-insure for any risk set forth in this section in the manner and to the extent that Licensee self-insures for similar risks with respect to its operations, equipment and property. The manner in which such self-insured is provided and the extent of such self-insurance shall be set forth in a letter of self-insurance, delivered to NCTD and signed by an authorized representative of Licensee, which fully describes the self-insurance program and how the program covers the risks set forth herein. Insurance provided by a joint powers authority or insurance pool shall be considered self-insurance for the purpose of this paragraph. If, at any time during the term of this License, Licensee elects not to self insure, Licensee shall comply with all applicable provisions herein to the extent Licensee does not so self-insure. NCTD reserves the right to request Licensee financial statements for review prior to accepting self-insurance limits.

EXHIBIT C – MAINTENANCE OBLIGATIONS

The Licensee shall maintain the Facility as described in Section 1 and identified in Exhibit A, as follows:

1. Maintaining a clear a pathway inside the Undercrossing.
2. Maintaining the DG pathway on the Trail approaching the Undercrossing at both points of entry within the License Area.
3. Graffiti removal and removal of trash and debris.
4. Landscaping, slope maintenance, drainage, drainage tunnels, and rip rap within the License Area.
5. Maintenance and repair related to pedestrian use and to maintain the Facility and License Area in good condition.
6. Provide security as needed to maintain a safe and legal public pedestrian Trail and Undercrossing, including enforcement of trespassing.
7. Repair and maintenance of the that portion of Pole Road on NCTD property, on the northeast side of the Crossing.

NCTD shall maintain the following improvements within the License Area:

1. The ROW, structures and railroad tracks above the Crossing, and within its chain link fences.
2. The drainage facility on the west side of the tracks, beginning with the concrete apron on NCTD's active railroad side of the NCTD fence and ending with a drainage pipe outlet in the westside slope of the Licensee Area.
3. Maintenance of the NCTD Roadway on the west side of the railroad tracks.

RESOLUTION 2021-045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE HARBAUGH TRAILS MAINTENANCE AND INDEMNITY AGREEMENT BETWEEN NATURE COLLECTIVE AND THE CITY OF SOLANA BEACH RELATED TO THE OPERATION AND MAINTENANCE OF THE PEDESTRIAN TRAIL SYSTEM WITHIN NCTD RIGHT OF WAY

WHEREAS, the San Diego Association of Governments (SANDAG) is constructing the San Elijo Lagoon Double Tracking Project on North County Transit District's (NCTD) right of way, which includes a concrete undercrossing structure as a trail connection to provide a safe pedestrian crossing under the railroad tracks from the existing trail system on the east side of the tracks to the west side of the tracks (which includes Harbaugh Trails); and

WHEREAS, Nature Collective is the owner in fee simple of that certain real property consisting of approximately 3.44 acres located at 640 North Highway 101, Solana Beach, San Diego County, California 92075 (designated as Tax Assessor's Parcel Number 263-011-32-00), and commonly known as the Harbaugh Trail Property; and

WHEREAS, on April 14, 2021, through the adoption of Resolution 2021-044, the City Council authorized entry into a Memorandum of Understanding and License Agreement between NCTD, Nature Collective and the City of Solana Beach for the use of the NCTD right of way and the undercrossing for pedestrian trail purposes; and

WHEREAS, a separate agreement between Nature Collective and the City is necessary to set forth the parties' respective obligations and responsibilities with respect to the area being licensed from NCTD.

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

1. That the above recitations are true and correct.
2. That the City Council authorizes the City Manager to execute the Harbaugh Trails Maintenance and Indemnity Agreement, in a form acceptable to the City Attorney, between Nature Collective and the City of Solana Beach for the operation and maintenance of the pedestrian trail system within NCTD right of way.

PASSED AND ADOPTED this 14th day of April 2021, 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

LESA HEEBNER, 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: April 14, 2020
ORIGINATING DEPT: City Manager's Department/City Attorney's Office
SUBJECT: **Council Consideration of Resolution 2021-046 Declaring Support for Firearm-Related State Legislation SB 264 and AB 452**

BACKGROUND:

Deaths in the U.S. stemming from gun-related violence are climbing and mass shootings, such as those that took place recently in Atlanta, Boulder, and Orange are becoming more common place.¹ In 2020, there were more than 600 shootings in which at least four people were shot by one person, compared with 417 in 2019.² Experts who track gun violence note that other shootings appear to have risen over the past year: gang violence, drive-by shootings and other random firearm deaths. Suicides involving a gun appear in line with previous years.³

On September 25, 2019, the City adopted Ordinance 505, adding Section 7.20.030 to the Solana Beach Municipal Code requiring the safe residential storage of firearms in the City.

In 2019, Governor Gavin Newsom signed then Assemblymember Todd Gloria's Assembly Bill (AB) 893, which prohibited gun shows at the Del Mar Fairgrounds beginning January 1, 2021.

¹ Source: Louis Keene and Giulia McDonnell Nieto del Rio, *A 9-Year Old Boy is Among Four Killed in Southern California Shooting*, N.Y. Times, (March 31, 2021), <https://www.nytimes.com/2021/03/31/us/shooting-orange-california.html>

² *Ibid.*

³ Source: Lisa Marie Pane, *In a Year of Pain One Silver Lining: Fewer Mass Shootings*, Ass. Press, (Dec. 29, 2020), <https://apnews.com/article/us-news-pandemics-shootings-coronavirus-pandemic-052396ae1f5322397c04fd191f596190>

COUNCIL ACTION:

Assemblymember Gloria's bill followed the Del Mar Fairgrounds (22nd Agricultural District) Board's decision to suspend its Crossroads of The West Gun Shows, approximately five of which were held at the Fairgrounds on a yearly basis for decades. The private company that put on the gun shows filed a lawsuit to block the Board's decision. In April 2020, the board signed a settlement with the company that awarded the gun show operators attorneys' fees and costs and would allow its shows to continue through the end of 2020; however, no gun shows at the Del Mar Fairgrounds took place in 2020 due to restrictions imposed to help prevent the spread of COVID-19.

In the meantime, AB 893 took effect on January 1, 2021 and no gun shows have taken place at the Del Mar Fairgrounds since. It remains to be seen whether the company that put on the gun shows at the Del Mar Fairgrounds will take further legal action.

In March 2020, the City of Solana Beach passed Resolution 2020-032 requesting that the 22nd District Agricultural Association Prohibit the Sale of Unregulated Firearm Parts, Components and/or Gun Build Kits, known to be used to help create "ghost guns," at the Del Mar Fairgrounds.

Now, there are two firearm-related bills being proposed at the state level, Senate Bill (SB) 264 and AB 452, that respectively would impose similar restrictions on sales of guns and ammo statewide. AB 452 would also require schools to notify parents about the safe storage of firearms.

This item is before the City Council for consideration of Resolution 2021-046 (Attachment 1) expressing the City's support of SB 264 and AB 452.

DISCUSSION:

SB 264

Introduced by Senator Dave Min, SB 264 would "prohibit a state or county officer or employee, or operator, lessee, or licensee of any state-owned or county-owned property, from contracting for, authorizing, or allowing the sale of any firearm, firearm precursor part, or ammunition on state or county property." Existing law generally regulates the sale and transfer of firearms, including, among other things, requiring transactions of firearms to be completed through a licensed firearms dealer and generally makes a violation of the requirements relating to the sale, lease, or transfer of a firearm a misdemeanor. With the exception of law enforcement-run gun buy-back programs, SB 264 would impose a ban on all gun and ammunition sales (gun shows) on state or county owned property, which would include the Del Mar Fairgrounds.

AB 452

AB 452, introduced by Assemblymember Laura Friedman, would require schools to notify parents about the safe storage of firearms. While Solana Beach School District has already communicated with parents about the safe storage of firearms following the

City's passage of Ordinance 505, AB 452 would require school districts throughout the state to follow suit and it is generally consistent with the City's ordinance regarding the safe storage of firearms.

CEQA COMPLIANCE STATEMENT:

The proposed City Council action does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because it will not have a potential to result in a direct or indirect physical change in the environment and is, therefore, not subject to CEQA.

FISCAL IMPACT:

There is no fiscal impact related to the adoption of this Resolution.

WORKPLAN:

N/A

OPTIONS:

- Adopt Resolution 2021-046.
- Adopt Resolution 2021-046 with specific modifications.
- Do not adopt Resolution 2021-046.
- Provide direction / feedback.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council consider the adoption of Resolution 2021-046 expressing support of SB 264 and AB 452.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

1. Resolution 2021-046.

RESOLUTION 2021-046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, DECLARING ITS SUPPORT FOR PROPOSED FIREARM-RELATED STATE LEGISLATION SB 264 AND AB 452

WHEREAS, deaths in the U.S. stemming from gun-related violence are climbing and mass shootings, such as those that took place recently in Atlanta, Boulder, and Orange, are becoming more common place¹; and

WHEREAS, in 2020, there were more than 600 shootings in which at least four people were shot by one person, compared with 417 in 2019²; and

WHEREAS, experts who track gun violence note that other shootings appear to have risen over the past year: gang violence, drive-by shootings and other random firearm deaths. Suicides involving a gun appear in line with previous years³; and

WHEREAS, on September 25, 2019, the City adopted Ordinance 505, adding Section 7.20.030 to the Solana Beach Municipal Code requiring the safe residential storage of firearms in the City; and

WHEREAS, in 2019, Governor Gavin Newsom signed then Assemblymember Todd Gloria's Assembly Bill 893, which prohibited gun shows at the Del Mar Fairgrounds beginning January 1, 2021; and

WHEREAS, in March 2020, the City of Solana Beach passed Resolution 2020-032 requesting that the 22nd District Agricultural Association to Prohibit the Sale of Unregulated Firearm Parts, Components and/or Gun Build Kits, known to be used to help create "ghost guns," at the Del Mar Fairgrounds; and

WHEREAS, SB 264 would impose similar restrictions as AB 893 on sales of guns and ammunition state-wide by prohibiting a state or county officer or employee, or operator, lessee, or licensee of any state-owned or county-owned property, from contracting for, authorizing, or allowing the sale of any firearm, firearm precursor part, or ammunition on state or county property; and

WHEREAS, as has been done in the City of Solana Beach, AB 452 would require schools state-wide to notify parents about the safe storage of firearms; and

¹ Source: Louis Keene and Giulia McDonnell Nieto del Rio, *A 9-Year Old Boy is Among Four Killed in Southern California Shooting*, N.Y. Times, (March 31, 2021), <https://www.nytimes.com/2021/03/31/us/shooting-orange-california.html>

² *Ibid.*

³ Source: Lisa Marie Pane, *In a Year of Pain One Silver Lining: Fewer Mass Shootings*, Ass. Press, (Dec. 29, 2020), <https://apnews.com/article/us-news-pandemics-shootings-coronavirus-pandemic-052396ae1f5322397c04fd191f596190>

WHEREAS, the City Council of the City of Solana Beach calls on the state legislature to support and pass SB-264 and AB-452 now as a matter of priority.

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

1. That the foregoing recitals are true and correct; and
2. The City of Solana Beach calls on the state legislature to support and pass SB 264 and AB 452 now as a matter of priority.

PASSED AND ADOPTED this 14th day of April 2021, at a regular meeting of the City Council of the City of Solana Beach, California by the following:

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

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk