AGENDA
Joint REGULAR Meeting
Wednesday, May 11, 2022 * 6:00 p.m.
City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

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

PUBLIC MEETING ACCESS
The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live. 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.

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.

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

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 two hours 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.

And/Or

Verbal Comment Participation:
Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker’s slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports.
Public speakers have 3 minutes each to speak on each topic. Time may be donated by another individual who is present at the meeting to allow an individual up to 6 minutes to speak. Group: Time may be donated
by two individuals who are present at the meeting allowing an individual up to 10 minutes to speak. Group Hearings: For public hearings only, time may be donated by two individuals who are present at the meeting allowing an individual up to 15 minutes to speak.

**SPECIAL ASSISTANCE NEEDED**

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

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

<table>
<thead>
<tr>
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| Gregory Wade | Johanna Canlas | Angela Ivey |
| City Manager | City Attorney  | City Clerk  |

**SPEAKERS:**

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

**READING OF ORDINANCES AND RESOLUTIONS:**

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

**CALL TO ORDER AND ROLL CALL:**

**CLOSED SESSION REPORT:**

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**PROCLAMATIONS/CERTIFICATES:** Ceremonial

Mental Health Awareness Month

**PRESENTATIONS:**

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

“One Safe Place” North County Family Justice Center

**ORAL COMMUNICATIONS:**

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

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

A. CONSENT CALENDAR: (Action Items) (A.1. - A.4)
Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be heard immediately after approval of the Consent Calendar to hear the public speaker.

All speakers should refer to the public comment section at the beginning of the agenda for details. Please be aware of the timer light on the Council Dais.

A.1. Minutes of the City Council.
Recommendation: That the City Council
1. Approve the Minutes of the City Council meetings held February 23, 2022.

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 April 16, 2022 – April 29, 2022.

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.

Recommendation: That the City Council
1. Receive the report listing changes made to the Fiscal Year 2021-2022 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. Sewer and Storm Drain Maintenance and Video Inspection. (File 1040-48)
Recommendation: That the City Council

1. Adopt Resolution 2022-040:
   a. Waiving the formal construction bid process because the Request for Proposals (RFP) process provides a more efficient, effective, and convenient method for hiring a sewer maintenance contractor that would provide the higher level of service required pursuant to Solana Beach Municipal Code section 3.08.140.
   b. Approving a Professional Services Agreement with Affordable Pipeline Service, Inc. in an amount not to exceed $501,710, in Fiscal Year (FY) 2022/2023, for the Sewer and Storm Drain Maintenance and Video Inspection services.
   c. Authorizing the City Manager to execute the Professional Services Agreement on behalf of the City.
   d. Authorizing the City Manager to extend the Agreement for up to four additional one-year terms, at the City’s option, at an amount not to exceed the amount identified and budgeted for in each subsequent year.

Item A.4. Report (click here)

B. PUBLIC HEARINGS: (B.1. – B.2.)
This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers should refer to the public comment section at the beginning of the agenda for time allotment. Please be aware of the timer light on the Council Dais.

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, should the City Council be able to make the findings to approve the SDP, Staff recommends that the City Council:

2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2022-049 conditionally approving a DRP, SDP, and SDP Waiver to demolish a single-family residence, construct a replacement 2,986 square-foot, two-story single-family residence built above a 1,274 square-foot basement with an attached 448 square-foot two-car garage, and perform associated site improvements at 506 Pacific Avenue, Solana Beach.

Item B.1. Report (click here)

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


Recommendation: That the City Council

2. If Council can make the required findings, adopt Resolution 2022-048, approving the request for an 18 month Time Extension for approvals and entitlements in Case No. 17-18-28 and setting the expiration date on October 22, 2023.

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.

C. STAFF REPORTS: (C.1. – C.3.)
Submit speaker slips to the City Clerk.
All speakers should refer to the public comment section at the beginning of the agenda for time allotments. Please be aware of the timer light on the Council Dais.

C.1. Santa Helena Neighborhood Trail Update. (File 0820-46)

Recommendation: That the City Council

1. Receive the report and provide input and direction on the Santa Helena Neighborhood Trail Project.

Item C.1. Report (click here)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.
C.2.  **Adopt (2nd Reading) Ordinance 523 - Regulating the Use, Sale and Distribution of Balloons filled with Gas Lighter than Air.** (File 0220-70)

Recommendation: That the City Council

1. Adopt **Ordinance 523** amending Title 5 and adding Chapter 5.07 to the Solana Beach Municipal Code to address the Use, Sale and Distribution of Balloons Filled with Gas Lighter than Air.

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

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

C.3.  **Adopt (2nd Reading) Ordinance 516 – Electronic Filing of Campaign Statements.** (File 0430-50)

Recommendation: That the City Council


**Item C.3. Report (click here)**

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

**WORK PLAN COMMENTS:**

*Adopted June 23, 2021*

**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  
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-Becker

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

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 May 25, 2022
Always refer to the City’s website Event Calendar for an updated schedule
or contact City Hall. www.cityofsolanabeach.org 858-720-2400

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF SOLANA BEACH

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the May 11, 2022 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 May 04, 2022 at 4:30 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., May 11, 2022, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk
City of Solana Beach, CA

UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

Regularly Scheduled, or Special Meetings that have been announced, 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
CALL TO ORDER AND ROLL CALL:
Mayor Heebner called the meeting to order at 5:00 p.m.
Present: Lesa Heebner, Kristi Becker, Kelly Harless, David A. Zito, Jewel Edson
Absent: None
Also Present: Gregory Wade, City Manager

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
   Pursuant to Government Code Section 54956.9(d)(2)
   Two (2) Potential cases.

2. CONFERENCE WITH LABOR NEGOTIATORS
   Pursuant to Government Code Section 54957.6 Agency
designated representative: Gregory Wade
Employee organizations: Miscellaneous Employees, Marine Safety Unit, Solana Beach
Firefighter’s Association, and Unrepresented Employees.

3. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
   Pursuant to Government Code Section 54956.9(d)(4)
   One (1) Potential case(s).

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR – (added 2-22-22)
Pursuant to Government Code section 54956.8
Property: 225 Pacific Avenue, Solana Beach
City Negotiator: City Manager Gregory Wade and City Attorney Johanna Canlas
Negotiating Parties: Barr-Schenkel Trust
Under negotiation: Purchase Price and Terms

AGENDA ITEM # A.1.
No reportable action.

ADJOURN:
Mayor Heebner adjourned the meeting at 6:05 p.m.
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, February 23, 2022 * 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 California Government Code sections 54953(e) and 54954.3 and other applicable law.

CITY COUNCILMEMBERS

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<tr>
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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:
Mayor Heebner called the meeting to order at 6:12 p.m.

Present: Lesa Heebner, Kelly Harless, David A. Zito, Jewel Edson, Kristi Becker,
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 Becker and second by Councilmember Zito 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 joining the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. No written correspondence may be submitted in lieu of public speaking. 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).

Barbara Gordon spoke about her work with the San Dieguito Alliance and the San Diego County’s Tobacco Control Coalition and support for the California Assembly Bill 1690 to ban the single use cigarette filters, single use electronic cigarettes and some vape products statewide to protect the environment from non-biodegradable and toxic litter.

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.
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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.  Register Of Demands. (File 0300-30)
Recommendation: That the City Council

Item A.1. Report (click here)
Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk’s Office.
Motion: Moved by Councilmember Zito and second by Deputy Mayor Harless to approve. Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.2.  General Fund Budget Adjustments for Fiscal Year 2021/2022. (File 0330-30)
Recommendation: That the City Council
1. Receive the report listing changes made to the Fiscal Year 2021/2022 General Fund Adopted Budget.

Item A.2. Report (click here)
Motion: Moved by Councilmember Zito and second by Deputy Mayor Harless to approve. Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.3. Street Maintenance & Repair Project Fiscal Year (FY) 2021-22. (File 0820-35)

Recommendation: That the City Council

1. Adopt Resolution 2022-019:
   a. Awarding a construction contract for the FY 21-22 Street Maintenance & Repair Project, Bid 2022-01, in the amount of $547,612, to PAL General Engineering.
   b. Approving an amount of $155,888 for construction contingency.
   c. Authorizing the appropriation of $17,500 from the Public Arts Reserve account to the General Fund CIP for the installation of the art pads at Las Banderas/San Andreas Drive and North Cedros Avenue/E. Cliff Street.
   d. Authorizing the City Manager to execute the construction contract on behalf of the City.
   e. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.

Item A.3. Report (click here)

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

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

Councilmember Edson made comments about the proposed speed cushions on South Cedros, striping and painting for vehicles and bike lanes, the asphalt turn on Ida and the art pad at San Andres and Las Banderas that are included in the project.

A.4. Destruction of Obsolete Records. (File 0170-50)

Recommendation: That the City Council

1. Adopt Resolution 2022-018 authorizing the destruction of officially obsolete records.

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 Deputy Mayor Harless to approve. Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.


Recommendation: That the City Council

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

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

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

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

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.


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:

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 2022-014** conditionally approving a DRP and SDP to allow for the construction of a first-story remodel and new second-story addition to an existing one-story, single-family residence with an attached garage at 603 Glencrest Place, Solana Beach.

**Item B.1. Report (click here)**
**Item B.1. Supplemental Docs (updated 2-17-22)**

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.

Tiffany Wade, Sr. Assistant Planner, presented a PowerPoint (on file).
Todd Johnson, Applicant, spoke about he and his wife’s project, plans to live in the home, and their involvement in the community.

Council and Applicant discussed the plans for the trees and that only one would be removed.

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

### 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. La Colonia Master Plan Update. (File 0720-15)

Recommendation: That the City Council

1. Adopt **Resolution 2022-017** authorizing the City Manager to execute a Professional Services Agreement, in an amount not to exceed $52,140, with Van Dyke Landscape Architects to update the La Colonia Master Plan, which would incorporate the vacant City-owned parcels north of the La Colonia Skate Park.
2. Authorizing an appropriation of $32,140 from the General Fund Undesignated Reserve Fund into the project account for the La Colonia Master Plan Update.
3. Authorizing the City Treasurer to amend the FY 2021/2022 and FY 2022/23 Adopted Budget accordingly.

**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.

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

Council and Staff discussed the scope and what might be missing, parking, relocation of the museum, work on the community center, and what might be the best use of the additional property acquired north of the park.

Council and Mitch Phillippe, Van Dyke, discussed the online survey for public input, measuring responses by requiring the address of the person providing input so that those closer to the property may be weighted differently than those not in the immediate area, using Google Survey that would require a log in and email to answer the questions, watching for duplications, and providing some sample questions before distribution.
Joe Behrmann spoke about an idea for the newly acquired land in La Colonia called Edible Eden as a community fruit and pollinator garden, the environmental benefit offsetting carbon by adding trees and landscaping, that it could also be used for a meeting and reflecting area, and asked that it be added to the Master Plan.

Council, Staff, and Mr. Behrmann spoke about the community contribution for the upkeep of such a fruit forest, buy-in from local garden programs and the schools, whether it may be an added benefit for the community, and obtaining public input for the idea through an online portal in addition to the survey.

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

### C.2. Fire Department Community Risk Assessment & Standards of Cover and Management/Administrative Assessment.

<table>
<thead>
<tr>
<th>Recommendation: That the City Council</th>
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</thead>
<tbody>
<tr>
<td>1. Receive the presentation from the Fire Department and Fitch and Associates, LLC, and provide feedback.</td>
</tr>
</tbody>
</table>

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

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

Greg Wade, City Manager, introduced the item.

Mike Stein, Fire Captain, said that the document examined the potential risks in the community as well as the fire department’s capabilities to meet the risks, provides a benchmark that City officials and fire department management would use to measure success, it will be a comprehensive document evaluating both fire department operations and management.

Mike Despin, Fitch and Associates, presented a PowerPoint (on file) reviewing the process and the contents of the document and potential strategic recommendations.

Council, Chief Stein, and Mr. Despin discussed that a resulting plan could be conducted by Fitch and Associates or another firm, to consider doing it every five years, that it was an appropriate time to implement it, call volumes might be increasing due to the aging population demographic that uses 9-1-1 even though the population numbers have remained stagnant, possible managing call volumes with fire prevention and public education instead of adding more firefighters, that all current stations were within normal call volumes in overall comparison to other stations, recommendations may include administrative instead of deployment, that the service levels due to events at the Fairgrounds was not part of the analysis but that it could be reviewed again separately, that call volume plummeted during COVID, that the goals will be shared with CSA-17, that they agreed with the analysis performed by Fitch and Associates.

### A.6. Oppose City of Oceanside’s Planned Beach Sand Replenishment and
Retention Device Project.  (File 0480-75)

Recommendation: That the City Council

1. Adopt Resolution 2022-016 approving a statement of opposition to constructing devices that could interfere with the natural flow of beach sand.

Item A.6. Report (click here)
Item A.6. Supplemental Docs (updated 2-23-22 at 3:00pm)

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 spoke about the projected pilot project that Oceanside was considering for sand retention with the use of jetties that would extend perpendicularly from the shoreline out into the ocean with the purpose of trapping sand that would normally follow a natural flow to areas south of Oceanside and would in turn potentially limit sediment transport along the coast to neighboring coastal cities and therefore an opposition was being considered.

Shari Mackin said that this was a regional problem and would like to see it pulled back and work through SANDAG working groups rather than off on their own and take into consideration the neighbors south of Oceanside.


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 7:50 p.m. in memory of Mary Zito and in honor of organ donors everywhere.
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: May 11, 2022
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- 04/16/22 through 04/29/22
Check Register-Disbursement Fund (Attachment 1) $ 632,612.39
Net Payroll M22 April 29, 2022 198,370.07

TOTAL $ 830,982.46

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 April 16, 2022 through April 29, 2022 reflects total expenditures of $830,982.46 from various City sources.

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
### City of Solana Beach
#### Register of Demands

**4/16/2022 - 4/29/2022**

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**TOTAL PUBLIC FACILITIES**

**TOTAL**

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$7,308.28

$4,600.89

$7,817.23
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**Total Public Facilities**

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**Total OPEB Obligation**

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**Total Mid 9C Santa Fe Hills**

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**Total Street Lighting District**

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<td>04/22/2022</td>
<td>$450.00</td>
</tr>
<tr>
<td></td>
<td>PAMELA ELLIOTT LANDSCAPE ARCHITECT</td>
<td>04/22/2022</td>
<td>$300.00</td>
</tr>
<tr>
<td></td>
<td>PAMELA ELLIOTT LANDSCAPE ARCHITECT</td>
<td>04/22/2022</td>
<td>$300.00</td>
</tr>
<tr>
<td></td>
<td>PAMELA ELLIOTT LANDSCAPE ARCHITECT</td>
<td>04/22/2022</td>
<td>$300.00</td>
</tr>
<tr>
<td></td>
<td>PAMELA ELLIOTT LANDSCAPE ARCHITECT</td>
<td>04/22/2022</td>
<td>$300.00</td>
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**TOTAL DEVELOPER PASS-THRU- PLANNING**

<table>
<thead>
<tr>
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<th>Reference/Date</th>
<th>Amount</th>
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<tbody>
<tr>
<td>2505570 - COASTAL BUSINESS/VISITORS</td>
<td>BELLY UP TAVERN LLC</td>
<td>04/22/2022</td>
<td>$750.00</td>
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</table>

**TOTAL COASTAL BUSINESS/VISITORS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Vendor/Contact</th>
<th>Reference/Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4506190 - SAND REPLNshm/RETENTION</td>
<td>SUMMIT ENVIRONMENTAL GROUP, INC.</td>
<td>04/22/2022</td>
<td>$1,495.00</td>
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**TOTAL SAND REPLNshm/RETENTION**

<table>
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<tr>
<th>Description</th>
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<th>Reference/Date</th>
<th>Amount</th>
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<tbody>
<tr>
<td>459 - MISC. CAPITAL PROJECTS</td>
<td>NU-LINE TECHNOLOGIES, LLC</td>
<td>04/28/2022</td>
<td>($9,526.50)</td>
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</table>

**TOTAL MISC. CAPITAL PROJECTS**

<table>
<thead>
<tr>
<th>Description</th>
<th>Vendor/Contact</th>
<th>Reference/Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4596510 - MISC.CAPITALPROJECTS-ENG</td>
<td>NU-LINE TECHNOLOGIES, LLC</td>
<td>04/28/2022</td>
<td>$190,530.00</td>
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</table>

**TOTAL MISC.CAPITALPROJECTS-ENG**

<table>
<thead>
<tr>
<th>Description</th>
<th>Vendor/Contact</th>
<th>Reference/Date</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>5096510 - SANITATION-CIP-ENG</td>
<td>NU-LINE TECHNOLOGIES, LLC</td>
<td>04/28/2022</td>
<td>$142,306.25</td>
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**TOTAL SANITATION-CIP-ENG**

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<tr>
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<th>Reference/Date</th>
<th>Amount</th>
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<tbody>
<tr>
<td>5097700 - SANITATION</td>
<td>MISSION LINEN &amp; UNIFORM INC</td>
<td>04/22/2022</td>
<td>$9.73</td>
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<tr>
<td></td>
<td>AFFORDABLE PIPELINE SERVICES INC</td>
<td>04/22/2022</td>
<td>$9,741.00</td>
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<tr>
<td></td>
<td>AFFORDABLE PIPELINE SERVICES INC</td>
<td>04/22/2022</td>
<td>$425.00</td>
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<td></td>
<td>SANTA FE IRRIGATION DISTRICT</td>
<td>04/22/2022</td>
<td>$716.90</td>
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<td></td>
<td>SANTA FE IRRIGATION DISTRICT</td>
<td>04/22/2022</td>
<td>$90.68</td>
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<td></td>
<td>VERIZON WIRELESS-SD</td>
<td>04/28/2022</td>
<td>$14.67</td>
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<td></td>
<td>NU-LINE TECHNOLOGIES, LLC</td>
<td>04/28/2022</td>
<td>($7,115.31)</td>
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**TOTAL SANITATION**

<table>
<thead>
<tr>
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<th>Vendor/Contact</th>
<th>Reference/Date</th>
<th>Amount</th>
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<tbody>
<tr>
<td>5507750 - SOLANA ENERGY ALLIANCE</td>
<td>INBOUND DESIGN INC.</td>
<td>04/22/2022</td>
<td>$49.00</td>
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</table>

**TOTAL SOLANA ENERGY ALLIANCE**

<table>
<thead>
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<th>Vendor/Contact</th>
<th>Reference/Date</th>
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</thead>
<tbody>
<tr>
<td>6527820 - SUCCESSOR AGENCY</td>
<td>COMPUTERSHARE CORPORATE TRUST</td>
<td>06/01 2017TA BOND</td>
<td>$37,438.80</td>
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<td></td>
<td>COMPUTERSHARE CORPORATE TRUST</td>
<td>06/01 2017TA BOND</td>
<td>$63,500.00</td>
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**TOTAL SUCCESSOR AGENCY**

<table>
<thead>
<tr>
<th>Description</th>
<th>Vendor/Contact</th>
<th>Reference/Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>$100,938.80</td>
</tr>
</tbody>
</table>

**REPORT TOTAL:** $632,612.39
TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: May 11, 2022
ORIGINATING DEPT: Finance
SUBJECT: Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2021-22

BACKGROUND:

Staff provides a report at each Council meeting that lists changes made to the current Fiscal Year (FY) General Fund Adopted Budget. The information provided in this Staff Report lists the changes made through April 27, 2022.

DISCUSSION:

The following table on the next page reports the revenue, expenditures, and transfers for 1) the Adopted General Fund Budget approved by Council on June 23, 2021 (Resolution 2021-092) and 2) any resolutions passed by Council that amended the Adopted General Fund Budget.

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Description</th>
<th>Revenues</th>
<th>Expenditures</th>
<th>Transfers from GF</th>
<th>Net Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>06/23/2021</td>
<td>Reso 2021-092</td>
<td>Adopted Budget</td>
<td>22,694,100</td>
<td>(20,222,560)</td>
<td>(916,100)</td>
<td>$1,555,440</td>
</tr>
<tr>
<td>06/23/2021</td>
<td>Reso 2021-086</td>
<td>Crossing Guards</td>
<td>121,540</td>
<td>(48,984)</td>
<td></td>
<td>1,627,996</td>
</tr>
<tr>
<td>07/14/2021</td>
<td>Reso 2021-096</td>
<td>FY22 MOU</td>
<td>-</td>
<td>(950)</td>
<td></td>
<td>1,627,046</td>
</tr>
<tr>
<td>09/08/2021</td>
<td>Reso 2021-103</td>
<td>Landscaping Maintenance Services</td>
<td>-</td>
<td>(40,000)</td>
<td></td>
<td>1,587,046</td>
</tr>
<tr>
<td>11/10/2021</td>
<td>Reso 2021-125</td>
<td>Street Maintenance and Repairs Project</td>
<td>-</td>
<td>(200,000)</td>
<td></td>
<td>1,387,046</td>
</tr>
<tr>
<td>02/23/2022</td>
<td>Reso 2022-017</td>
<td>La Colonia Master Plan Update</td>
<td>-</td>
<td>(32,140)</td>
<td></td>
<td>1,354,906</td>
</tr>
<tr>
<td>02/23/2022</td>
<td>Reso 2022-019</td>
<td>Street Maintenance and Repairs Project</td>
<td>-</td>
<td>(17,500)</td>
<td></td>
<td>1,337,406</td>
</tr>
<tr>
<td>03/09/2022</td>
<td>Reso 2022-025</td>
<td>FY22 Mid-Year Budget Update</td>
<td>365,000</td>
<td>(358,000)</td>
<td></td>
<td>1,344,406</td>
</tr>
<tr>
<td>04/13/2022</td>
<td>Reso 2022-034</td>
<td>Economic Consulting Services</td>
<td>-</td>
<td>(30,000)</td>
<td></td>
<td>1,314,406</td>
</tr>
</tbody>
</table>

COUNCIL ACTION:

AGENDA ITEM # A.3.
CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA

FISCAL IMPACT:

N/A

WORK PLAN:

N/A

OPTIONS:

- Receive the report.
- Do not accept the report

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive the report listing changes made to the FY 2021-2022 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: May 11, 2022
ORIGINATING DEPT: Public Works Department
SUBJECT: Consideration of Resolution 2022-040 approving a Professional Services Agreement for Sewer and Storm Drain Maintenance and Video Inspection

BACKGROUND:

The City currently has a service agreement for basic cleaning of sewer and as-needed maintenance services for the City’s storm drain system that includes an annual scheduled cleaning of an estimated 255,000 feet of sewer line. Preventative maintenance is also performed under this agreement on the two low-flow diverters located at the Fletcher Cove Park and Seascape Sur Beach Access, the siphon structure in San Elijo Lagoon, sewer laterals at several City facilities and over 35 storm drain catch basins throughout the City.

In addition to routine cleaning and preventative maintenance, the service agreement includes a video inspection component and an “on-call” component to the Agreement to handle investigations, emergencies and spills as directed by Staff.

The City’s service agreement with the current service provider will terminate at the end of this fiscal year on June 30, 2022. On April 7, 2022, Staff posted a Request for Proposals (RFP) to eBidboard (the City’s electronic procurement system) to solicit proposals from private industry service providers.

This item is before the City Council to consider adoption of Resolution 2022-040 approving and authorizing the City Manager to execute a Professional Services Agreement (Agreement) for sewer and storm drain maintenance and video inspection services with Affordable Pipeline Services effective July 1, 2022. The Agreement would be for a period of one year and would authorize the City Manager to approve extensions to the Agreement for up to four additional one-year terms at the City’s option.
DISCUSSION:

In April 2022, Staff evaluated the sewer cleaning, storm drain cleaning, and video needs and prepared an RFP to solicit proposals for providing such services. The following are the required services the City is seeking:

- CCTV inspection for Sewer and Storm Drain lines
- General sewer line cleaning (per year)
- Herbicidal foaming to eliminate roots in sewer lines (as needed)
- Clean hot-spot sewer lines
- Preventative sewer line cleaning
- Clean manhole and sewer line to restrooms at Fletcher Cove Park
- Clean grease interceptor wet well and sewer line to street at La Colonia Park
- Dye testing to check for leaks (as needed)
- On-call/emergency call outs (sewer spill, storm drain stoppage, etc.)
- Miscellaneous sewer/storm drain maintenance
- Additional, unanticipated services (as needed)
- Mark out sewer line locations for Dig Alert requests (as needed)
- Clean siphon structure
- General storm cleaning (as needed)
- Clean CDS Units
- Inspect the Stevens Creek storm drain box channel
- Clean 35 catch basins (per year)

The scope of work identified above falls under the state Public Contracts Code (PCC) exception to public contracting requirements. Section 20161 of the PCC specifically exempts sewer maintenance work from the competitive bidding process. Further, Government Code section 4526 specifies that contracts for professional services do not need to be competitively bid, but rather, may be awarded based upon “demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.” Thus, cost is not the sole determining factor in deciding whether to award such professional services contracts.

The City issued a RFP for these professional services in April 2022. Two proposals were submitted to the City in response to the RFP. The RFP requested that contractors submitting proposals provide information regarding their understanding of the project, their certificate of compliance with the California Air Resources Board, their experience in performing similar types of services, their capability to provide services for the size of the City's network, their professionalism and their ability to respond to emergencies. The RFP also requested that the cost of these services be calculated using unit prices for each type of service multiplied by the anticipated quantities or frequencies of the services. The table below provides a list of the service providers that submitted proposals along with the corresponding cost for the services listed above.
Proposals Received

<table>
<thead>
<tr>
<th>Contractors</th>
<th>Proposal Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Pipeline Services</td>
<td>$471,710</td>
</tr>
<tr>
<td>Downstream Services</td>
<td>$668,616</td>
</tr>
</tbody>
</table>

Three Staff members independently reviewed the proposals, rated the contractor’s qualifications and ranked them based on the above-mentioned criteria. All raters agreed that Affordable Pipeline Services (Affordable) is the most qualified candidate to perform the annual maintenance services for the City’s sewer collection and storm drain systems.

Affordable is a local service provider with a maintenance yard and headquarters office located within 13 miles of the City. They have been providing similar services for the City for the past ten years and Staff is very satisfied with their performance. Affordable has extensive knowledge of the City’s network and can continue the services seamlessly with no learning curve. Staff believes Affordable’s knowledge and familiarity with the City’s sewer and storm drain systems would result in considerable cost savings. Affordable’s emergency response plan is firmly established with a proven history and well within the City’s requirements. Based on the City’s past experience, Affordable has been spending several days per week working on various tasks in the City for the entire term of their current Agreement. Affordable agreed to continue the same approach towards performing day to day operational activities with having equipment and personnel in the City on a regular basis during the term of this Agreement.

This Agreement is structured to provide “anticipated routine work” such as sewer cleaning, root foaming and videotaping as well as “scheduled preventative maintenance” such as monthly cleaning of the CDS units, monthly services for the siphon structure, and sewer main and lateral cleaning at City facilities. The Agreement also includes unanticipated components such as emergency/on-call services, as-needed services like dye testing and other miscellaneous services. Because of the nature of these types of services, it is impossible to determine the exact contract amount for these unanticipated items. Staff is proposing an extra amount in the Agreement to cover the cost of unanticipated emergency responses. Staff will carefully monitor all aspects of the Agreement including the unanticipated emergency responses to ensure the work provided each year does not exceed the budgeted amount. If at any time during the terms of this Agreement it is determined that the contingency amount may be exceeded, Staff will return to the City Council to appropriate additional funds and conversely, leftover budget, if any, would return to Sanitation funds at the end of each Agreement year term. It should be noted that over the past several years, additional funding for unanticipated emergency responses has not been needed.

While the evaluation process was independent of the proposed cost, as shown above, Affordable also offered the lowest cost proposal for similar services.
CEQA COMPLIANCE STATEMENT:

Exempt pursuant to Section 15301(b) of the State CEQA Guidelines.

FISCAL IMPACT:

Costs for the sewer and storm drain maintenance Agreement comes from two budget units, with the bulk of the cost each year for sewer line cleaning coming from the Sanitation Professional Services Account. Storm drain cleaning and related storm drain facility maintenance is funded from the Environmental Professional Services Account.

Staff recommends the City Council authorize the City Manager to enter into a Professional Services Agreement with Affordable in the amount of $471,710.00 for maintenance services for sewer and storm drain system plus an additional $30,000 contingency amount for unforeseen incidents for a yearly contract total of $501,710.

WORK PLAN:

Maintenance of the City’s sanitary sewer system and storm drains is consistent with the Environmental Sustainability section of the proposed 2021/22 Work Plan.

OPTIONS:

- Adopt Staff recommendations.
- Provide direction to Staff and approve a modified maintenance Agreement.
- Reject maintenance proposals and provide direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2022-040:

1. Waiving the formal construction bid process because Request for Proposals (RFP) process provides a more efficient, effective, and convenient method for hiring a sewer maintenance contractor that would provide the higher level of service required pursuant to Solana Beach Municipal Code section 3.08.140(G).

2. Approving a Professional Services Agreement with Affordable Pipeline Service, Inc. in an amount not to exceed $501,710, in Fiscal Year (FY) 2022/2023, for the Sewer and Storm Drain Maintenance and Video Inspection services.
3. Authorizing the City Manager to execute the Professional Services Agreement on behalf of the City.

4. Authorizing the City Manager to extend the Agreement for up to four additional one-year terms, at the City’s option, at an amount not to exceed the amount identified and budgeted for in each subsequent year.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 2022-040
RESOLUTION NO. 2022-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR SEWER AND STORM DRAIN MAINTENANCE AND VIDEO INSPECTION WITH AFFORDABLE PIPELINE SERVICES, INC. IN THE AMOUNT OF $378,246.50

WHEREAS, the work associated with the sewer and storm drain maintenance and video inspection contract has been classified as a service contract or professional services instead of a public works construction project per section 20161 of the Public Contract Code (PCC); and

WHEREAS, the PCC specifically exempts sewer maintenance work from the competitive bidding process of the public contracting law; and

WHEREAS, Government Code section 4526 specifies that contracts for professional services do not need to be competitively bid, but rather, may be awarded based upon "demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required"; and

WHEREAS, the formal bid requirements under Solana Beach Municipal Code (SBMC) section 3.08.140 may be waived by the City Council when it is necessary or convenient for the management of the of the City’s affairs pursuant to SBMC section 3.08.140; and

WHEREAS, a flexible contracting process involving sewer maintenance and related services facilitates a more efficient and convenient management of City’s affairs; and

WHEREAS, a Request for Proposals (RFP) process provides a more efficient and effective method for hiring a sewer maintenance contractor that would provide the higher level of service required; and

WHEREAS, the City issued a RFP for these professional services in April 2022 that was consistent with the City’s purchasing ordinance.

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 waive the formal construction bid process because the Request for Proposals (RFP) process provides a more efficient, effective, and convenient method for hiring a sewer maintenance contractor that would provide
the higher level of service required pursuant to Solana Beach Municipal Code section 3.08.140.

3. That the City Council approves a Professional Services Agreement with Affordable Pipeline Service, Inc. in the amount not to exceed $379,910 in Fiscal Year (FY) 2022/2023, for the Sewer and Storm Drain Maintenance Services Agreement.

4. That the City Council approves an amount of $41,000 for sewer maintenance contingency and $10,000 for storm drain maintenance contingency.

5. That the City Council authorizes the City Manager to execute the Professional Services Agreement on behalf of the City.

6. That the City Council authorizes the City Manager to extend the Agreement for up to four additional one-year terms, at the City's option, at an amount not to exceed the amount identified and budgeted for in each subsequent year.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 11th day of May, 2022 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
CITY COUNCIL ACTION:

______________________________________________________________________
______________________________________________________________________
______________________________________________________________________

AGENDA ITEM # B.1.
The issue before the Council is whether to approve, approve with conditions, or deny the Applicant’s request as contained in Resolution 2022-049 (Attachment 1).

**DISCUSSION:**

The 6,120 square-foot lot is located on the east side of Pacific Avenue, three properties north of the intersection of Pacific Avenue and Solana Vista Drive. The property is relatively flat beginning at the public right-of-way and eastward surrounding the existing building pad, but steps down approximately six feet beyond a retaining wall in the rear (east) yard. The topography steps down further beyond the rear property line to the lower lots along the west side of North Acacia Avenue. The topography is similar on both adjacent properties on Pacific Avenue. The property is currently accessed by a gated driveway at the front property line.

The Applicants are requesting approval of a DRP, SDP, and SDP Waiver to demolish the existing residence and yard improvements (except for the existing perimeter walls), construct a replacement two-story, single-family residence with a basement and an attached two-car garage, and perform associated site improvements including grading, a spa, hardscape, entry gates, and landscaping. The project plans are included in Attachment 2.

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

<table>
<thead>
<tr>
<th>LOT INFORMATION</th>
<th>PROPOSED PROJECT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Address:</strong> 506 Pacific Ave.</td>
<td><strong>Zoning Designation:</strong> MR (5-7 du/ac)</td>
</tr>
<tr>
<td><strong>Lot Size:</strong> 6,120 sf</td>
<td><strong># Units Allowed:</strong> 1 SFR, 1 ADU, 1JADU</td>
</tr>
<tr>
<td><strong>Max. Allowable Floor Area:</strong> 3,021 sf</td>
<td><strong># Units Requested:</strong> 1 SFR</td>
</tr>
<tr>
<td><strong>Proposed Floor Area:</strong> 2,944 sf</td>
<td><strong>Setbacks:</strong> (d) Required Proposed</td>
</tr>
<tr>
<td><strong>Below Max. Floor Area by:</strong> 77 sf</td>
<td>Front (W) 25 ft 25.7 ft</td>
</tr>
<tr>
<td><strong>Max. Allowable Height:</strong> 25 ft</td>
<td>Interior Side (N) 5 ft 5.6 ft</td>
</tr>
<tr>
<td><strong>Max. Proposed Height:</strong> 24.87 ft</td>
<td>Interior Side (S) 5 ft 5.8 ft</td>
</tr>
<tr>
<td><strong>Highest Point/Ridge:</strong> 97.95 MSL</td>
<td>Rear (E) 25 ft 26.8 ft</td>
</tr>
<tr>
<td><strong>Overlay Zone(s):</strong> SROZ</td>
<td><strong>Proposed Floor Area Breakdown:</strong></td>
</tr>
<tr>
<td><strong>Proposed Floor Area Breakdown:</strong></td>
<td><strong>First Floor Living Area:</strong> 1,388 sf</td>
</tr>
<tr>
<td></td>
<td><strong>Second Floor Living Area:</strong> 1,508 sf</td>
</tr>
<tr>
<td></td>
<td><strong>Attached Garage:</strong> 448 sf</td>
</tr>
<tr>
<td></td>
<td><strong>Basement Living Area:</strong> 1,274 sf</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal:</strong> 4,618 sf</td>
</tr>
<tr>
<td></td>
<td><strong>Off-Street Parking Exemption:</strong> - 400 sf</td>
</tr>
<tr>
<td></td>
<td><strong>SROZ Basement Exemption:</strong> - 1,274 sf</td>
</tr>
<tr>
<td></td>
<td><strong>Total Proposed Floor Area:</strong> 2,944 sf</td>
</tr>
</tbody>
</table>

**Proposed Grading:** 40 CY of cut and 40 CY of fill outside of the structure; 750 CY of cut for the basement; 50 CY of excavation for footings; 880 CY of removal and recompaction; an aggregate grading quantity of 1,760 CY; and 800 CY of export off site.
Proposed Parking: 2 Garage
Proposed Fences and Walls: Yes
Proposed Accessory Dwelling Unit: No
Proposed Accessory Structure: No

Existing Development:
Single-story, single-family residence with attached one-car garage to be demolished

Staff has prepared draft findings for approval of the DRP in the attached Resolution 2022-049 for Council’s consideration based upon the information in this report. Findings for approval of the SDP are left blank in the drafted Resolution of Approval. The applicable SBMC sections are provided in italicized text and recommended conditions of approval 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 2022-049.

Development Review Permit Compliance (SBMC Section 17.68.40):

A DRP is required because the proposed development includes grading in excess of 100 cubic yards, construction of a residence in excess of 60 percent of the maximum allowable floor area for the property, and construction of a second story that exceeds 35 percent of the first floor. In addition to meeting zoning requirements, the project must also be found in compliance with development review criteria. The following is a list of the development review criteria topics:

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

The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. Resolution 2022-049 provides the full discussion of the findings.

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

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

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

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

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

Relationship with Adjacent Land Uses:

The property is located within the MR Zone. Surrounding properties are also located within the MR Zone and are developed with a mixture of one- and two-story single-family residences. The project, as designed, is consistent with the permitted uses for the MR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Medium Density Residential in the General Plan and intended for single-family residences developed at a maximum density of five to seven dwelling units per acre. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City’s Specific Plan areas; however, it is located within the boundaries of the SROZ. The project has been evaluated and could be found to be in conformance with the regulations of the SROZ. The project is also located within the Coastal Zone. As a condition of project approval, the Applicant will be required to obtain a Coastal Development Permit, Waiver, or Exemption from the California Coastal Commission prior to the issuance of building or grading permits.

Building and Structure Placement:

The Applicants are proposing to demolish the existing residence and construct a replacement two-story, single-family residence with basement and an attached two-car garage, and perform associated improvements. The project would be located in the buildable area of the lot and the driveway access would be maintained from Pacific Avenue along the portion of the front (west) property line.

The 1,274 square-foot basement would consist of a game room with a wet bar, two bedrooms each with ensuite bathrooms and emergency egress through a lightwell on the northern side of the structure, a mechanical room and stairway access to the first floor. The 1,388 square-foot first floor would consist of the main entry, a media room with a wet bar, a laundry room, two bedrooms with a shared Jack-and-Jill bathroom, a bedroom with an ensuite bathroom, an office, and access to an attached two-car garage. The 1,508 square-foot second floor would consist of an open-concept living room, dining room, and
kitchen that would open to a terrace (balcony) wrapping around the majority of the second floor, a powder room, and the primary bedroom suite with a private balcony located on the southern portion of the west side of the residence. There would be a two-tiered spa located in the northeast corner of the rear yard, a fire pit and additional seating areas in the southern portion of the rear yard, a storage area for trash and recycle in the northern side yard, and a covered porch below the primary bedroom balcony in the southwest portion of the buildable area.

According to the SROZ, the proposed subterranean basement is considered “Basement-No Exposed Sides” in which the basement living area can be exempt from the calculation of floor area if there are no exposed sides. A building side is considered exposed when the finished floor of the living area directly above the basement (at any point) is more than three feet above the adjacent natural or finished grade, whichever is lower. Currently, the plans show a basement with no exposure; therefore, the proposed basement living area of 1,274 square feet would be exempt from the calculation of floor area.

The SBMC parking regulations require two off-street parking spaces per single-family residence. When required spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. The proposed 448 square-foot attached garage would provide two unobstructed parking spaces; therefore, 400 square feet of the garage is exempt from the calculation of floor area.

With the basement exemption (1,274 square feet) and the garage exemption (400 square feet), the total proposed floor area would be 2,944 square feet, which is 77 square feet below the maximum allowable floor area for the 6,120 square-foot lot located in the SROZ. The maximum allowable floor area calculation for this project, pursuant to the provisions of the SROZ, is as follows:

<table>
<thead>
<tr>
<th>Floor Area Calculation</th>
<th>Maximum Allowable Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.50 for first 6,000 ft²</td>
<td>3,000 ft²</td>
</tr>
<tr>
<td>0.175 for 6,000 to 15,000 ft²</td>
<td>21 ft²</td>
</tr>
<tr>
<td>Maximum Allowable Floor Area</td>
<td>3,021 ft²</td>
</tr>
</tbody>
</table>

As designed, the project complies with all required setbacks under the designation “D” on the City’s official Zoning Map. The residence would be setback at least 25 feet from the front (west) property line, 5 feet from the northern side property line, 26 feet from the rear (east) property line, and 5 feet from the southern side property line. The maximum building height for the MR Zone is 25 feet. The maximum height of the proposed residence would be 24.87 feet above the proposed grade with the highest portion of the structure to be at 97.95 feet above MSL. As designed, the project will comply with the required parking, maximum floor area, required setbacks, and maximum building height.

Neighborhood Comparison:

Staff compared the proposed project to 29 other properties within the surrounding area. This area includes properties on the north and south sides of Pacific Avenue, the west side of North Acacia Avenue, both sides of Solana Vista Drive, and one property on the north side of West Cliff Street, as shown on the map on the following page.
The properties evaluated in this comparison are also located in the LR Zone. The existing homes range in size from 778 square feet to 4,897 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 non-habitable 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 and the outdoor covered area. Comparatively, the project would be 2,896 square feet (see below).

| Project Gross Building Area: | 4,618 ft² |
| Delete Attached Garage: | - 448 ft² |
| Delete Basement: | - 1,274 ft² |
| Project Area for Comparison to Assessor’s Data: | 2,896 ft² |

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

<table>
<thead>
<tr>
<th>#</th>
<th>Property Address</th>
<th>Lot Size in ft² (GIS)</th>
<th>Existing ft² Onsite (Assessor’s)</th>
<th>Proposed / Recently Approved ft²</th>
<th>Max. Allowable ft²</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>502 Pacific Ave</td>
<td>5,411</td>
<td>2,245</td>
<td>2,706</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>504 Pacific Ave</td>
<td>5,593</td>
<td>2,730</td>
<td>2,979</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td><strong>506 Pacific Ave</strong></td>
<td><strong>6,120</strong></td>
<td><strong>1,540</strong></td>
<td><strong>2,896</strong></td>
<td><strong>3,021</strong></td>
<td><strong>MR</strong></td>
</tr>
<tr>
<td>4</td>
<td>508 Pacific Ave</td>
<td>6,962</td>
<td>778</td>
<td>3,168</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>510 Pacific Ave</td>
<td>7,235</td>
<td>2,447</td>
<td>3,216</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>512 Pacific Ave</td>
<td>6,731</td>
<td>1,414</td>
<td>3,128</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>514 Pacific Ave</td>
<td>7,339</td>
<td>1,542</td>
<td>3,234</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>501 Pacific Ave</td>
<td>6,238</td>
<td>1,426</td>
<td>3,216</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>503 Pacific Ave</td>
<td>6,441</td>
<td>1,610</td>
<td>3,234</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>505 Pacific Ave</td>
<td>5,321</td>
<td>1,994</td>
<td>3,128</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>509 Pacific Ave</td>
<td>8,479</td>
<td>2,480</td>
<td>3,256</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>517 Pacific Ave</td>
<td>10,686</td>
<td>2,912</td>
<td>3,442</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>516 Pacific Ave</td>
<td>6,750</td>
<td>1,827</td>
<td>3,131</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>520 Pacific Ave</td>
<td>6,808</td>
<td>4,601</td>
<td>3,164</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>524 Pacific Ave</td>
<td>7,049</td>
<td>4,897</td>
<td>3,184</td>
<td>MR</td>
<td></td>
</tr>
</tbody>
</table>
Fences, Walls and Retaining Walls:

Within the front yard setback, 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 2 feet 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 6 feet in height with an additional 2 feet that is 50% open to light and air.

The Applicants are proposing to maintain the existing site walls that enclose the private yard, remove the existing driveway gate, and construct new columns and walls to frame the driveway and entry walkway in the front-yard setback. Additional gates would be constructed in the side yards to secure the private yard and comply with pool safety requirements. Currently, the plans show fences and walls that comply with the requirements of SBMC 17.20.040(O) and 17.60.070(C). If the Applicants decide to modify any of the proposed fences and walls or construct additional fences and walls on the project site, a condition of project approval indicates that they would be required to be in compliance with the Municipal Code.

Landscape:

The project is subject to the current water efficient landscaping regulations of SBMC Chapter 17.56. A Landscape Documentation Package is required for new development projects with an aggregate landscape equal to or greater than 500 square feet requiring a building permit, plan check or development review. The Applicants provided a conceptual landscape plan that has been reviewed by the City’s third-party landscape architect, who has recommended approval. The Applicants will be required to submit

<table>
<thead>
<tr>
<th></th>
<th>Street Address</th>
<th>Acres</th>
<th>Frontage</th>
<th>Total</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>528 Pacific Ave</td>
<td>5,963</td>
<td>2,647</td>
<td>2,982</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>202 Solana Vista Dr</td>
<td>5,355</td>
<td>1,718</td>
<td>2,678</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>204 Solana Vista Dr</td>
<td>5,346</td>
<td>1,661</td>
<td>2,673</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>507 N Acacia Ave</td>
<td>5,500</td>
<td>1,143</td>
<td>2,750</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>511 N Acacia Ave</td>
<td>5,800</td>
<td>3,761</td>
<td>2,900</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>515 N Acacia Ave</td>
<td>6,200</td>
<td>3,866</td>
<td>3,035</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>519 N Acacia Ave</td>
<td>6,400</td>
<td>2,145</td>
<td>3,070</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>475 Pacific Ave</td>
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<td>4,753</td>
<td>3,442</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>423 Pacific Ave</td>
<td>7,460</td>
<td>978</td>
<td>3,256</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>424 Pacific Ave</td>
<td>7,100</td>
<td>1,026</td>
<td>3,193</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>215 Solana Vista Dr</td>
<td>6,030</td>
<td>1,080</td>
<td>3,005</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>209 Solana Vista Dr</td>
<td>5,745</td>
<td>1,076</td>
<td>2,873</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>423 N Acacia Ave</td>
<td>6,167</td>
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<td>3,029</td>
<td>MR</td>
<td></td>
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<tr>
<td>29</td>
<td>420 Pacific Ave</td>
<td>7,596</td>
<td>1,986</td>
<td>3,053</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>414 Pacific Ave</td>
<td>6,304</td>
<td>3,155</td>
<td>3,053</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>408 Pacific Ave</td>
<td>6,235</td>
<td>2,165</td>
<td>3,041</td>
<td>MR</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>230 W Cliff St</td>
<td>8,376</td>
<td>2,061</td>
<td>3,416</td>
<td>MR</td>
<td></td>
</tr>
</tbody>
</table>
detailed construction landscape drawings that will be reviewed by the City’s third-party landscape architect for conformance with the conceptual plan. In addition, the City’s third-party landscape architect will perform an inspection during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

Parking:

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. The Applicant is proposing to construct a 448 square-foot attached garage in the northwest corner of the proposed residence. The garage would be accessed by a driveway on the northwest corner of the property from Pacific Avenue. The proposed two-car garage satisfies the required off-street parking for the single-family residence.

Grading:

The Applicants are proposing approximately 40 cubic yards of cut and 40 cubic yards of fill outside of the footprint of the structure, 750 cubic yards of excavation for the basement, 50 cubic yards of excavation for footings, 880 cubic yards of removal and recompaction, an aggregate grading quantity of 1,760 cubic yards, and 800 cubic yards of export off site. The proposed grading outside the footprint of the structure would level the existing flat yard areas surrounding the residence and construct drainage improvements including bio retention basins located in the rear yard. The majority of the proposed grading would be associated with the excavation for the proposed 1,274 square-foot basement that would have a finished floor approximately 10 feet below the finished floor of the first floor and the finished grade of the yard areas.

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 single-family residence with basement and an attached garage and associated site improvements 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 Applicants will be required to pay the applicable Park Development Fee.
Structure Development Permit Compliance:

The proposed structure exceeds 16 feet in height above the existing grade, therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63 and the Applicants were required to complete the SDP process. The original Story Pole Height Certification was certified by a licensed land surveyor on April 12, 2021, showing a maximum building height of 24.95 feet (98.03 feet above MSL) above the proposed grade. Notices were mailed to property owners and occupants within 300 feet of the project site establishing a deadline to file for View Assessment by June 3, 2021. The City received one application for View Assessment (Attachment 3) from the property owner (Kathy de Paolo; "Claimant") of 504 Ford Avenue, which is located immediately south of the subject property.

The project was presented to the View Assessment Commission (VAC) on August 17, 2021. Three out of the six participating VAC members found the primary bedroom to be the primary viewing area, two VAC members found the roof deck to be the primary viewing area, one VAC member found the second-floor deck to be the primary viewing area, and one VAC member was disqualified due to a real property interest within 500-feet of the subject property. The majority of the participating VAC members (five out of six) were unable to make finding 3. Approved minutes from the August 17, 2021 meeting are included in Attachment 4. Table 3 below includes the disclosures and findings from the August 17, 2021 meeting.

<table>
<thead>
<tr>
<th>Date Visited</th>
<th>Claimant</th>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/13</td>
<td>8/17</td>
<td>8/17</td>
</tr>
<tr>
<td>8/12</td>
<td>8/16</td>
<td>8/17</td>
</tr>
<tr>
<td>8/9 &amp; 8/15</td>
<td></td>
<td>8/9</td>
</tr>
<tr>
<td>8/9</td>
<td>8/9 &amp; 8/13</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Primary Viewing Area</th>
<th>Bedroom</th>
<th>Bedroom</th>
<th>Bedroom</th>
<th>Roof Deck</th>
<th>2nd Floor Deck</th>
<th>Roof Deck</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1. Communication Taken Place</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>#2. No Public View Impairment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>#3. Designed to Minimize View Impairment</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>#4. No Cumulative View Impairment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>#5. Neighborhood Compatibility</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>N</td>
</tr>
</tbody>
</table>

At the Applicants’ request, the VAC continued the project until the November 16, 2021 VAC meeting. However, the Applicants continued to revise the design and requested the VAC hearing to be continued until December 21, 2021. The December 21, 2021 meeting was cancelled due to a lack of quorum. The revised project was heard at the January 18, 2022 VAC meeting.
Updated story poles were installed and certified to reflect the revised design. The story poles were certified on December 7, 2021 and include a maximum building height of 24.87 feet (97.95 feet above MSL) above proposed grade. The Applicants presented the following changes to the project at the January 18, 2022 VAC meeting:

- Reduced the size of the roof deck;
- Removed the roof deck storage on the east side of the deck;
- Lowered the roof deck stair tower and moved it east by one foot;
- Reduced the roof pitch on the south side of the structure;
- Reduced the second story massing by pulling the southern wall 18 inches to the north, the eastern wall 18 inches to the west, and the western wall 18 inches to the east; and
- Changes to the southern side of the structure, including the addition of frosted glass windows and railings, raised windowsill heights, and exterior siding.

The VAC was unable to make the required findings to approve the revised project. The minutes for the January 18, 2022 meeting have yet to be approved by the VAC. Table 4 below includes a draft of the disclosures and findings from the January 18, 2022 VAC meeting.

<table>
<thead>
<tr>
<th>Date Visited</th>
<th>Claimant</th>
<th>Applicant</th>
<th>Primary Viewing Area</th>
<th>Master Bedroom</th>
<th>Master Bedroom</th>
<th>Master Bedroom</th>
<th>Master Bedroom</th>
<th>Master Bedroom</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1/14</td>
<td>8/12</td>
<td>#1. Communication Taken Place</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td></td>
<td>1/17</td>
<td>8/16</td>
<td>#2. No Public View Impairment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td></td>
<td>1/18</td>
<td>1/18</td>
<td>#3. Designed to Minimize View Impairment</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td></td>
<td>1/17</td>
<td>1/17</td>
<td>#4. No Cumulative View Impairment</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td></td>
<td>1/17</td>
<td>1/17</td>
<td>#5. Neighborhood Compatibility</td>
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<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td></td>
<td>8/09 &amp; 8/13</td>
<td>8/09 &amp; 8/13</td>
<td>Roof deck</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td></td>
</tr>
</tbody>
</table>

The majority of the participating VAC members found the primary viewing area to be the primary bedroom. The majority of the VAC were unable to make finding 3; that the project was designed to minimize view impairment. When offered a continuance, the Applicant did not consent and instead requested that the VAC make a recommendation. Chair Cohen made a motion to recommend denial of the project which was seconded by Commissioner Coad. The motion passed 5/1/1 Ayes: Cohen, Bishop, Coad, Moldenhauer, Najjar. Noes: Zajac. Absent: Stribling due to a real property interest within 500-feet of the subject property. The Notice of Recommendation is included in Attachment 5.

The Applicants have proposed the following additional changes to the project since the January 18, 2022 VAC meeting:
• Removed the roof deck stair tower;
• Removed the southeast corner of the second story and revised the associated roof over the southern portion of the second story;
• Added approximately 50 square feet of floor area on the northern side of the second story.

The revised Project Plans dated April 18, 2022 are included in Attachment 2. The 50 square-foot addition to the dining room on the second story would be located outside of the original story pole envelope that was noticed to neighbors for the 30-day deadline for View Assessment applications in May of 2021. In addition to approval of the DRP and SDP, therefore, the Applicants are requesting City Council approval of an SDP Waiver to waive the requirement that the new massing be noticed again to the neighbors. The Applicants provided a request for approval which is included in Attachment 6.

The City Council should consider the recommendation from VAC, the information provided by the Applicants and Claimant, and the View Assessment Ordinance (SBMC 17.63) including the definition of a “Viewing Area” and the five required findings, which are provided below:

SBMC Section 17.63.020(I): “Viewing area” shall be that area of the structure (excluding bathrooms, hallways, garages or closets) or lot (excluding the building setback areas) where the view assessment committee, or the city council on appeal, determines the best and most important view exists. The finished floor elevation of any viewing area must be at or above existing grade adjacent to the exterior wall of the part of the building nearest to that viewing area. The determination shall be made by balancing the nature of the view to be protected and the importance of the area of the structure or lot from where the view is taken.

SBMC Section 17.63.040(F): Findings. In making a decision on a matter for which view assessment has been requested, the view assessment committee shall be required to make the following findings:

1. The applicant for the structure development permit has made a reasonable attempt to resolve the view impairment issues with the person(s) requesting view assessment. Written evidence of a good faith voluntary offer to meet and discuss view issues, or of a good faith voluntary offer to submit the matter to mediation, is hereby deemed to be a reasonable attempt to resolve the view impairment issues.

2. The proposed structure does not significantly impair a view from public property (parks, major thoroughfares, bike ways, walkways, equestrian trails) which has been identified in the city’s general plan, local coastal program, or city designated viewing areas.
3. The structure is designed and situated in such a manner as to minimize impairment of views.

4. There is no significant cumulative view impairment caused by granting the application. Cumulative view impairment shall be determined by: (a) Considering the amount of view impairment caused by the proposed structure; and (b) considering the amount of view impairment that would be caused by the construction on other parcels of structures similar to the proposed structure.

5. The proposed structure is compatible with the immediate neighborhood character.

A condition of approval has been added to the Draft Resolution of Approval (Attachment 1) to require that the Applicants submit a height certification prepared by a licensed land surveyor prior to the framing inspection certifying that the maximum height of the proposed addition will not exceed 24.87 feet above the proposed grade or 97.95 feet above MSL, which is the maximum proposed structure height reflected on the project plans, should the City Council make the necessary finding to approve the project.

The Draft Resolution of Approval (Attachment 1) reflects the Applicant’s request that the City Council consider the findings of the SDP and includes findings in support of the DRP. The Draft Resolution of Approval includes the applicable SBMC sections in italicized text and the recommended conditions of approval from the Community Development, Engineering, and Fire Departments. An additional condition of approval requires that the Applicants obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of Building or Grading Permits. 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.

Property Frontage and Public Right-of-Way Improvements

The existing property frontage is improved with a concrete curb, gutter, and five-foot wide sidewalk. If approved, the Applicant will be required to improve the existing concrete curb along the entire property frontage. An Encroachment Maintenance Removal Agreement (EMRA) will be required for the pavers, turf, landscaping, and gravel area located behind the existing concrete sidewalk in the public right-of-way. The Applicants will also be required to construct a new Americans with Disability Act (ADA) standard driveway approach. There is an existing 12-foot-wide sewer easement located along the south property line. No further improvements are required in the easement as this sewer line was rehabilitated in 2013.
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 28, 2022. The neighbor located immediately to the south at 504 Pacific Avenue, Kathy de Paolo, has raised concerns with the proposed project, including filing for View Assessment. Correspondence from de Paolo is included in Attachment 7. Two additional neighbors (Metcalfs at 508 Pacific Avenue and Mitchells at 505 Pacific Avenue) provided support of the SDP Waiver (Attachment 8).

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 2022-049 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 2022-049.
- Approve Staff recommendation subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a DRP and SDP.
- Deny the project if all required findings for the DRP and SDP 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, should the City Council be able to make the findings to approve the SDP, Staff recommends that the City Council:


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

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2022-049 conditionally approving a DRP, SDP, and SDP Waiver to demolish a single-family residence, construct a replacement 2,986 square-foot, two-story single-family residence built above a 1,274 square-foot basement with an attached 448 square-foot two-car garage, and perform associated site improvements at 506 Pacific Avenue, Solana Beach.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

_________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 2022-049
2. Project Plans Dated April 18, 2022
3. De Paolo Application for View Assessment
4. VAC Minutes from August 17, 2021 Meeting
5. NOR from January 18, 2022 VAC Meeting
6. Applicant’s Request for Approval
7. Correspondence – De Paolo at 504 Pacific Ave
8. Correspondence – Metcalf (508) and Mitchell (505)
RESOLUTION NO. 2022-049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT, STRUCTURE DEVELOPMENT PERMIT, AND STRUCTURE DEVELOPMENT PERMIT WAIVER TO DEMOLISH A SINGLE-FAMILY RESIDENCE, CONSTRUCT A REPLACEMENT TWO-STORY SINGLE-FAMILY RESIDENCE WITH A BASEMENT AND AN ATTACHED TWO-CAR GARAGE, AND PERFORM ASSOCIATED SITE IMPROVEMENTS AT 506 PACIFIC AVENUE, SOLANA BEACH

APPLICANT: JIM AND KATHLEEN BOYD
CASE NO.: DRP20-014/SDP20-020

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

WHEREAS, the View Assessment Committee recommended denial of the project on January 18, 2022 based on an Application for View Assessment from 506 Pacific Avenue; 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 May 11, 2022, the City Council received and considered evidence concerning the proposed application; and

WHEREAS, the City Council determined the primary viewing area to be ___________; and

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

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

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

I. That the foregoing recitations are true and correct.

II. That the request for a DRP and SDP to demolish a single-story single-family residence, construct a replacement 2,986 square-foot, two-story single-family residence with a 1,274 square-foot basement and an attached 448 square-foot two-car garage, and perform associated site improvements and the request for a SDP Waiver to construct approximately 50 square feet of additional floor area outside of
the original story pole envelope at 506 Pacific Avenue is conditionally approved based upon the following Findings and subject to the following Conditions:

III. FINDINGS

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

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

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

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

The project is meets the minimum number of off-street parking spaces and the required front-, side- and rear-yard setbacks and is below the maximum allowable structure height and gross floor area 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 complementary to existing development in the immediate vicinity of the project site and the surrounding neighborhood. The development as proposed shall also be compatible in scale, apparent bulk, and massing with such existing development in the surrounding neighborhood. Site planning on or near the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects.
The property is located within the MR Zone. Surrounding properties are also located within the MR Zone and are developed with a mixture of one- and two-story single-family residences. The project, as designed, is consistent with the permitted uses for the MR Zone as described in SBMC Sections 17.20.010 and 17.12.020. The property is designated Medium Density Residential in the General Plan and intended for single-family residences developed at a maximum density of five to seven dwelling units per acre. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is not located within any of the City's Specific Plan areas; however, it is located within the boundaries of the SROZ and within the Coastal Zone. The project has been evaluated, and 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 to minimize adverse impacts on the surrounding properties and designed in a manner which visually and functionally enhance their intended use and complement existing site topography. Multi-family residential buildings shall be sited to avoid crowding and to allow for a functional use of the space between buildings.

The Applicants are proposing to demolish the existing residence and construct a replacement two-story, single-family residence with basement and an attached two-car garage, and perform associated improvements. The project would be located in the buildable area of the lot and the driveway access would be maintained from Pacific Avenue along the portion of the front (west) property line.

The 1,274 square-foot basement would consist of a game room with a wet bar, two bedrooms each with ensuite bathrooms and emergency egress through a lightwell on the northern side of the structure, a mechanical room and stairway access to the first floor. The 1,388 square-foot first floor would consist of the main entry, a media room with a wet bar, a laundry room, two bedrooms with a shared Jack-and-Jill bathroom, a bedroom with an ensuite bathroom, an office, and access to an attached two-
car garage. The 1,508 square-foot second floor would consist of an open-concept living room, dining room and kitchen that would open to a terrace (balcony) wrapping around the majority of the second floor, a powder room, and the primary bedroom suite with a private balcony located on the southern portion of the west side of the residence. There would be a two-tiered spa located in the northeast corner of the rear yard, a fire pit and additional seating areas in the southern portion of the rear yard, a storage area for trash and recycle in the northern side yard, and a covered porch below the primary bedroom balcony in the southwest portion of the buildable area.

According to the SROZ, the proposed subterranean basement is considered "Basement- No Exposed Sides" in which the basement living area can be exempt from the calculation of floor area if there are no exposed sides. A building side is considered exposed when the finished floor of the living area directly above the basement (at any point) is more than three feet above the adjacent natural or finished grade, whichever is lower. Currently, the plans show a basement with no exposure; therefore, the proposed basement living area of 1,274 square feet would be exempt from the calculation of floor area.

The SBMC parking regulations require two off-street parking spaces per single-family residence. When required spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. The proposed 448 square-foot attached garage would provide two unobstructed parking spaces; therefore, 400 square feet of the garage is exempt from the calculation of floor area.

With the basement exemption (1,274 square feet) and the garage exemption (400 square feet), the total proposed floor area would be 2,944 square feet, which is 77 square feet below the maximum allowable floor area for the 6,120 square-foot lot located in the SROZ. The maximum allowable floor area calculation for this project, pursuant to the provisions of the SROZ, is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.500 for first 6,000 ft²</td>
<td>3,000 ft²</td>
</tr>
<tr>
<td>0.175 for 6,001 – 15,000 ft²</td>
<td>21 ft²</td>
</tr>
<tr>
<td><strong>Total Allowable Floor Area:</strong></td>
<td><strong>3,021 ft²</strong></td>
</tr>
</tbody>
</table>

As designed, the project complies with all required setbacks under the designation “D” on the City’s official Zoning Map. The residence would be setback at least 25 feet from the front (west) property line, 5 feet from the northern side property line, 26 feet from the rear (east) property line, and 5 feet from the southern
side property line. The maximum building height for the MR Zone is 25 feet. The maximum height of the proposed residence would be 24.87 feet above the proposed grade with the highest portion of the structure to be at 97.95 feet above MSL. As designed, the project will comply with the required parking, maximum floor area, required setbacks, and maximum building height.

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

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

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

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. The Applicants are proposing to construct a 448 square-foot attached garage in the northwest corner of the proposed residence. The garage would be accessed by a
driveway on the northwest corner of the property from Pacific Avenue. The proposed two-car garage satisfies the required off-street parking for the single-family residence.

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

The project includes approximately 40 cubic yards of cut and 40 cubic yards of fill outside of the footprint of the structure, 750 cubic yards of excavation for the basement, 50 cubic yards of excavation for footings, 880 cubic yards of removal and recompaction, which is an aggregate grading quantity of 1,760 cubic yards, and 800 cubic yards of export off site. The proposed grading outside the footprint of the structure will level the existing flat yard areas surrounding the residence and construct drainage improvements including bio retention basins located in the rear yard. The majority of the proposed grading is associated with the excavation for the proposed 1,274 square-foot basement that will have a finished floor approximately 10 feet below the finished floor of the first floor and the finished grade of the yard areas.

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

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

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

The project consists of the construction of a replacement single-family residence with a basement, an attached garage, and associated site improvements on a developed residential lot,
therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040.

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

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

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

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

B. In accordance with Chapter 17.63 (Structure Development Permit) of the Solana Beach Municipal Code, the City Council finds the following:

I. The Applicant for the Structure Development Permit has made a reasonable attempt to resolve the view impairment issues with the person(s) requesting view assessment. Written evidence of a good faith voluntary offer to meet and discuss view issues, or of a good faith voluntary offer to submit the matter to mediation, is hereby deemed to be a reasonable attempt to resolve the view impairment issues.

To be completed based on Council findings.

II. The proposed structure does not significantly impair a view from public property (parks, major thoroughfares, bike ways, walkways, equestrian trails) which has been identified in the city’s general plan, local coastal program, or city designated viewing areas.

To be completed based on Council findings.

III. The structure is designed and situated in such a manner as to minimize impairment of views.

To be completed based on Council findings.

IV. There is no significant cumulative view impairment caused by granting the application. Cumulative view impairment shall be determined by: (a) Considering the amount of view impairment caused by the proposed structure; and (b) considering the amount of view impairment that would
be caused by the construction on other parcels of structures similar to the proposed structure.

To be completed based on Council findings.

V. The proposed structure is compatible with the immediate neighborhood character.

To be completed based on Council findings.

IV. CONDITIONS

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

A. Community Development Department Conditions:

I. The Applicants shall pay required Fire Mitigation, Park Development and Public Use Facilities Impact Fees, as established by SBMC Chapter 15.60, Chapter 15.65, Chapter 15.66, and Resolution 2018-147.

II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on May 11, 2022, and located in the project file with a submittal date of February 18, 2022.

III. Prior to requesting a framing inspection, the Applicants shall be required to submit a height certification, signed by a licensed land surveyor, certifying that the building envelope is in conformance with City Council approval on May 11, 2022, and that the maximum height of the proposed addition will not exceed 24.87 feet above the proposed grade or 97.95 feet above MSL, which is the maximum proposed structure height reflected on the project plans.

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

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

VI. 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 Pacific Avenue and minimize impact to the surrounding neighbors.

X. The Applicants shall connect to temporary electrical service as soon as feasible to the satisfaction of the City.

B. Fire Department Conditions:

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

VI. BASEMENT:
   a. All basements shall be designed and equipped with emergency exit systems consisting of operable windows, window wells or exit doors that lead directly outside via staircase and exit door or exit door at grade.
   
   b. Window wells/light wells that intrude into side yard or backyard setbacks of five feet or less, shall require a hinged grating covering the window well/lightwell opening. The grating shall be capable of supporting a weight of 250lb person; yet must be able to be opened by someone of minimal strength with no special knowledge, effort or use of key or tool. Any modification of previously approved plans related to this condition shall be subject to re-submittal and review by City Staff (Fire, Building, Planning).

C. Engineering Department Conditions:

I. The Applicants are required to obtain an Encroachment Permit in accordance with SBMC Section 11.20 for the below frontage improvements being done in the public right-of-way. The frontage improvements shall be done to the satisfaction of the City Engineer prior to the occupancy of the proposed project:
   
   a. Construction of the proposed SDRSD G-14A driveway approach.
   
   b. Construction of the proposed pavers.
   
   c. Construction of the proposed gravel.
   
   d. Construction of the proposed artificial turf.

II. The Applicants shall record the Encroachment Maintenance Removal Agreement (EMRA) with the County of San Diego prior to the release of the Grading Bond and Security Deposit. The EMRA shall be recorded against this property for all private improvements in the public right-of-way including, but not limited to:
   
   a. Proposed pavers.
b. Proposed gravel.

c. Proposed artificial turf.

d. Proposed private improvements in the sewer easements.

III. The Applicants 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 backflow from sewer on the Applicants’ property. The Applicants shall record the Hold Harmless Agreement document prior to Final Inspection of the Building Permit.

IV. Submit proof to the Engineering Department that the required California Coastal Commission permits have been obtained prior to the issuance of any building or grading permits.

V. All construction demolition materials shall be recycled according to the City’s Construction and Demolition recycling program and an approved Waste Management Plan shall be submitted.

VI. 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.

GRADING:

I. 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 Applicants 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 Applicants 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 Applicants 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. 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 Applicants 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 Applicants are 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 Applicants 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 Applicants 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 Applicants shall obtain and submit grading security in a form prescribed by the City Engineer.

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

i. The Applicants 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 Applicants. 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 Applicants 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. No increased cross lot drainage shall be allowed.

n. The Applicants shall obtain the Grading Permit concurrently with Building Permit issuance.

D. 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 shall expire 24 months from the date of this Resolution, unless the Applicants have obtained building permits and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council according to SBMC 17.72.110.

VII. INDEMNIFICATION AGREEMENT

The Applicants shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney’s fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicants of any claim, action, or proceeding. The City may
elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicants shall pay all of the costs related thereto, including without limitation reasonable attorney’s fees and costs. In the event of a disagreement between the City and Applicants regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicants shall not be required to pay or perform any settlement unless such settlement is approved by the 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 11th day of May, 2022, 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
DEMOLITION NOTES

1. All items noted as "removed" shall be removed from the site and lawfully disposed of.
2. Disconnect and/or removal of electrical, and phone and cable television lines shall be coordinated as required with the appropriate companies or agencies.
3. Before demolition or removing ceiling tile, spray a non-asbestos ceiling texture coating as a protective measure. A sample of the ceiling texture coating must be submitted to the building inspector for approval.
4. Selected exterior trees and bushes shall remain and shall be protected during the course of demolition and construction. Any trees that are temporarily removed shall be carefully stored, maintained and replanted in their original location.
5. Contractor to comply with all local and state regulations for non-construction and post-construction debris disposal. All debris noted as "removed" from the project shall be recycled and disposed of.

LEGEND

- Walls to be demolished
- Windows to be removed
- Doors to be removed
- Items to be removed
- Areas to be removed

OASIS ARCHITECTURE & DESIGN, INC.
650-273-5632
1615 TURQUOISE ST.
SAN DIEGO, CA 92109

DEMO PLAN
A-11
EXISTING WALLS TO REMAIN
NEW STUD WALLS
NEW BEAM WALLS, SEE SCHEDULE FOR DETAILS
WINDOw TO REMAIN
NEW WINDOW, SEE SCHEDULE
EXISTING DOOR TO BE REUSED
NEW DOOR, SEE SCHEDULE
FULL HEIGHT CABINET
DRAWERS
EXISTING WALL & TO REMAIN
NEW STUDB WALL &
NEW AR WALLS, SEE SCHEDULE FOR DETAILS
EXISTING DOOR TO REMAIN
NEW DOOR, SEE SCHEDULE
FULL HEIGHT CHERRY CABINET
DRAWERS

OASIS
ARCHITECTURE & DESIGN, INC.
858-273-5932
1919 TURQUOISE ST.
SUITE 2
SAN DIEGO, CA 92109

DESIGN Date: 11/19/2020
ENGINEERING Date: 02/18/2021
CONSTRUCTION DRAW date: 04/08/2021
CONSTRUCTION Mod Date: 11/30/2021
CONSTRUCTION END date: 04/18/2022

SECOND FLOOR PLAN

A-22
LANDSCAPE DEVELOPMENT PLANS FOR:
PRIVATE RESIDENCE
506 Pacific Avenue
Solana Beach, CA 92075

BUILDING CODE INFORMATION:

APPLICABLE CODES:
- 2019 California Administrative Code
- 2019 California Building Code (IRC), including amendments by the jurisdiction having authority
- 2019 California Mechanical Code
- 2019 California Plumbing Code
- 2019 California Electrical Code
- 2019 California Energy Code
- 2019 California Fire Code
- 2019 California Green Building Standards Code
- 2010 ADA Standards for Accessible Design
- 2018 International Pool and Spa Safety Code

All Work shall conform to State and Federal rules and regulations.
Notify the Landscape Architect of any discrepancies in the Documents and do not proceed with that portion of the Work until the discrepancies are resolved.

NOTES:
1. The contractor shall obtain all necessary permits and pay all related fees.
2. The contractor shall be appropriately licensed in the State of California.
3. The contractor shall notify the Owner prior to beginning the work and shall be responsible for coordinating with the Owner, Landscape Architect, Local Agencies, and other trades.
4. The Contractor shall notify the Landscape Architect of any errors, omissions or discrepancies in the existing conditions or with the plans prior to starting the work.
5. Determination of "or equal" substitutions shall be the responsibility of the Landscape Architect.
6. The Landscape Architect shall be notified at least 24 hours prior to any required site observations.
7. Site observations by the Landscape Architect during the installation of the project does not relieve the Contractor of his responsibility to perform all work in accordance with the plans, specifications and governing codes.
8. This firm does not practice or consult in the Field of Safety Engineering. This firm does not direct the construction operation and is not responsible for the safety of any persons other than our own on the site. The safety of others is the responsibility of the Contractor. The Contractor shall notify the Owner and the Landscape Architect if any of the recommendations presented herein are considered to be unsafe.

SHEET INDEX:

SHEET DESCRIPTION:
- L-0 COVER
- L-1 LANDSCAPE DEVELOPMENT PLAN NOTES & LEGEND
- L-2 LANDSCAPE DEVELOPMENT PLAN
- L-3 WATER CONSERVATION PLAN & CALCULATIONS
- L-4 EXISTING TREE DISPOSITION PLAN
- L-5 STREET ELEVATION AND GATE DETAILS
- L-6 STAIR ELEVATION AND GATE DETAILS

NOT FOR CONSTRUCTION ISSUED Value Date

DATE: 03.31.21 SCALE: N/A

COVER

PROJECT NO. 20.007.00

NOTES:

1. The contractor shall obtain all necessary permits and pay all related fees.
2. The contractor shall be appropriately licensed in the State of California.
3. The contractor shall notify the Owner prior to beginning the work and shall be responsible for coordinating with the Owner, Landscape Architect, Local Agencies, and other trades.
4. The Contractor shall notify the Landscape Architect of any errors, omissions or discrepancies in the existing conditions or with the plans prior to starting the work.
5. Determination of "or equal" substitutions shall be the responsibility of the Landscape Architect.
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7. Site observations by the Landscape Architect during the installation of the project does not relieve the Contractor of his responsibility to perform all work in accordance with the plans, specifications and governing codes.
8. This firm does not practice or consult in the Field of Safety Engineering. This firm does not direct the construction operation and is not responsible for the safety of any persons other than our own on the site. The safety of others is the responsibility of the Contractor. The Contractor shall notify the Owner and the Landscape Architect if any of the recommendations presented herein are considered to be unsafe.
PLANTING LEGEND:

**PALS**
- **Symbol**: Symbol size represents plant size.
- **Size**: Plant size in gallons.
- **Botanical Name**: Scientific name of the plant.
- **Common Name**: Common name of the plant.
- **Height / Spread**: Growth habit of the plant.
- **Form / Function**: Form and function of the plant.
- **Water Conservation Zone**: Zone for water conservation.

**ACCENT PALMS**
- **Cycas Revoluta**: 18" O.C., 1 Gal.

**ACCENT SHRUBS**
- **Alcantarea Imperialis Rubra**: 3' high / 4' spread, 15 Gal.
- **Cyrtomium Falcatum**: 2' high / 2' spread, 5 Gal.
- **Hedysrrarca Fruitinga Spicy Box**: 3' high / 4' spread, 5 Gal.

**MEDIUM SHRUBS**
- **Philodendron Yaxacu**: 3' high / 3' spread, 6 Gal.
- **Polystichum Munitum**: 2' high / 2' spread, 5 Gal.
- **Western Sword Fern**: 2' high / 2' spread, 5 Gal.

**SMALL SHRUBS**
- **Arctostaphylos Wookeri Monterey Carpet**: 2' high / 4' spread, 1 Gal.
- **Myrtus Communis Compacta Dwarf Myrtle**: 2' high / 2' spread, 5 Gal.
- **Tamara Flax Lily**: 3' high / 2' spread, 5 Gal.
- **Lil Rev Flax Lily**: 2' high / 2' spread, 5 Gal.

**GROUND COVER**
- **Festucia California Taver House Blues**: 2 high / 2' spread, 1 Gal.

**BIOFILTRATION BASIN**
- **Bouteloua Gracilis**: 2 high / 1' spread, 1 Gal.
- **Juniperus Patrus**: 2 high / 2' spread, 1 Gal.

---

DESIGN STATEMENT:

AS AN INFILL PROJECT, THE PRIMARY INTENT OF THIS LANDSCAPE PLAN IS TO CREATE A LANDSCAPE DESIGN THAT INTEGRATES A NEW TWO STORY RESIDENTIAL BUILDING OVER GRINDS INTO AN EXISTING NEIGHBORHOOD. WHILE MEETING OR EXCEEDING THE CITY OF SOLANA BEACH REQUIREMENTS FOR NEW DEVELOPMENT.

SECONDARY ISSUES WILL BE ADDRESSED WITH THIS PLAN AS WELL.

1. WATER MANAGEMENT BMP'S WILL BE INTEGRATED INTO THE DESIGN OF THE SITE AND THE LANDSCAPE.
2. LANTHE PLAN WILL CREATE A PLANT PALETTE SUITED TO THE EXPOSURE AND CLIMATE OF RENOVATED PROPERTY.

LEGAL DESCRIPTION:
LOT 4, BLOCK 3, MAP 219 IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

BRUSH MANAGEMENT:

THE PROJECT SITE IS SITUATED WITHIN AN URBANIZED AREA AND DOES NOT REQUIRE A BRUSH MANAGEMENT PLAN.

NOTES:
- NO TREES OR SHRUBS EXCEEDING THREE FEET IN HEIGHT AT MATURITY SHALL BE INSTALLED WITHIN TEN FEET OF ANY WATER AND SEWER FACILITIES.

IRRIGATION:

ALL LANDSCAPED AREAS WILL BE IRRIGATED WITH A FULLY AUTOMATIC, PERMANENT OVERHEAD SPRAY TYPE IRRIGATION SYSTEM.

MAINTENANCE:

- LANDSCAPE AND IRRIGATION AREAS IN PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER.
- ALL LANDSCAPED AREAS IN THE RIGHT-OF-WAY SHALL BE MAINTAINED BY THE PROPERTY OWNER.

MINIMUM TREE SEPARATION DISTANCE:

TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
UNDERGROUND UTILITY LINES - 10 FEET
ABOVE GROUND UTILITY STRUCTURES - 10 FEET
DRIVEWAY (ENTRANCES) - 25 FEET
INTERSECTIONS INTERSECTING CURB LINES OF TWO STREETS - 35 FEET

NOTE THAT THE MINIMUM DISTANCE TO ANY SEWER LINE IS TYPICALLY 10 FEET.

FOR CONCEPTUAL LANDSCAPE PLAN, SEE SHEET L-2.
HYDROZONE LEGEND:

- TOTAL LANDSCAPE (HYDROZONE) AREA = 1,974.2 S.F.

HYDROZONE 1: PRIVATE PLANTER - 203.35 S.F.
- MILD MEDIUM WATER USE PLANTING
- 0.07 S.F. WITHIN RIGHT-OF-WAY
- 203.28 S.F. WITHIN PROPERTY LINE

HYDROZONE 2: FOR CORP. PLANTER - 456.32 S.F.
- MILD MEDIUM WATER USE PLANTING
- 0.23 S.F. WITHIN THE TOTAL LANDSCAPE AREA
- 456.09 S.F. WITHIN PROPERTY LINE

HYDROZONE 3: PRIVATE PLANTER - 274.08 S.F.
- MILD MEDIUM WATER USE PLANTING
- 0.08 S.F. WITHIN RIGHT-OF-WAY
- 273.96 S.F. WITHIN PROPERTY LINE

HYDROZONE 4: SPARKL-BASIN - 258.05 S.F.
- HIGH WATER USE PLANTING
- 0.03 S.F. WITHIN RIGHT-OF-WAY
- 257.95 S.F. WITHIN PROPERTY LINE

HYDROZONE 5: PRIVATE PLANTER - 234.74 S.F.
- MILD MEDIUM WATER USE PLANTING
- 0.08 S.F. WITHIN RIGHT-OF-WAY
- 234.66 S.F. WITHIN PROPERTY LINE

WATER CONSERVATION NOTES:

1. PROPOSED TURF AREAS: THERE ARE NO TURF AREAS. THE PERCENTAGE OF TURF IN THE TOTAL DEVELOPABLE LANDSCAPE AREA IS 0.0%

2. LANDSCAPE PRACTICES APPLIED:

2.1. THE DESIGN OF THE LANDSCAPE IS INTENDED TO MATCH GROWTH REQUIREMENTS OF THE PLANT COMMUNITIES, TO MODIFY PLANT GROUPINGS TO ACCOUNT FOR SUN AND WIND EXPOSURE, AND TO MAXIMIZE WHERE POSSIBLE, WATER AND MAINTENANCE REQUIREMENTS. PLANTS WITH SIMILAR TOGETHER, REQUIREMENT OF EXPOSURE, SOILS, AND WATER NEEDS WILL BE GROUPED TOGETHER AND MODIFIED FOR SUN AND WIND EXPOSURE.

2.2. THE SOILS WILL BE TESTED FROM CONTRACT FOR SOIL QUALITY FOR THEIR ABILITY TO SUSTAIN PLANT GROWTH AND WILL BE AMENDED AS NECESSARY TO PROVIDE OPTIMAL CONDITIONS FOR CONTINUOUS GROWTH AND DEVELOPMENT OF THE PLANT MATERIAL.
EXISTING TREE NOTES:

1. The client assumes all related removal costs, including the responsibility of replacing any sidewalk or curb that was damaged or repairing any sidewalk tripping hazards.

2. All materials specified to be removed shall be disposed of off-site per local codes and regulations.

3. Per California Green Building Code Section 5.408.4, 100% of trees, stumps, rocks and associated vegetation and soils resulting from land clearing shall be reused or recycled.

EXISTING TREE DISPOSITION LEGEND:

<table>
<thead>
<tr>
<th>PALMS</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>JUNIPERUS CHINENSIS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>HOLLYWOOD JUNIPER</td>
<td>12&quot;</td>
<td>20&quot;</td>
<td>16'</td>
</tr>
<tr>
<td>2</td>
<td>HOLLYWOOD JUNIPER</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>14'</td>
</tr>
<tr>
<td>3</td>
<td>CORAL BAY</td>
<td>10&quot;</td>
<td>20&quot;</td>
<td>18'</td>
</tr>
<tr>
<td>4</td>
<td>CALIFORNIA PEPPER TREE</td>
<td>8&quot;</td>
<td>16&quot;</td>
<td>12'</td>
</tr>
<tr>
<td>5</td>
<td>CALIFORNIA PEPPER TREE</td>
<td>8&quot;</td>
<td>17&quot;</td>
<td>19'</td>
</tr>
<tr>
<td>6</td>
<td>MELALEUCA SPECIES</td>
<td>12&quot;</td>
<td>20&quot;</td>
<td>18'</td>
</tr>
</tbody>
</table>
ARCHITECTURAL FEATURE AROUND DRIVEWAY
24' - 4"
30' - 0"
ALLOWABLE

ARCHITECTURAL FEATURE AROUND WALKWAY
6' - 0"
10' - 0"
ALLOWABLE

STREET ELEVATION AND GATE DETAILS
(N.T.S.)
APPLICATION FOR VIEW ASSESSMENT  
(Structure Development Permit)

Project No.: DRP20-014/SDP-020

1. Address of property for which the structure development permit has been requested:
   506 Pacific Ave Solana Beach, CA 92075

2. Provide the following information for the individual filing this Application for Assessment:
   Name: Kathleen de Paolo
   Address: 504 Pacific Ave Solana Beach, CA 92075
   Phone Number: 858-376-7820
   Email: kdp99@gmail.com

3. Description of the viewing area as defined in Solana Beach Zoning Ordinance, Section 17.63.020(I) and extent of impairment: Impaired viewing area from second floor master bedroom picture window, which faces northeast with a vegetation and rooftops view extending to hills east of I-5. Approximately 80% of window will be blocked. Proposed south facing windows and balcony create privacy concern into master bedroom.

4. Identify the portion of the proposed structure which is the most objectionable and suggestions to minimize the view impairment: The second story on the south side of the proposed home extends from the front to rear setback, 5' from property line. Potential mitigations include reducing blockage, changing south facing window configuration, and providing screening vegetation.

5. Description of the Claimant's attempt(s) to resolve this issue with the owner/representative of the property for which a Structure Development Permit has been requested: Discussions in progress with representative Eric Buchanan, regarding concerns with view, privacy, and daylight impacts.

Signature of Applicant for Assessment: [Signature]
Date Submitted: 6-3-21

STAFF USE ONLY:
Application for Assessment fee paid?

6-2019

ATTACHMENT 3
Minutes contain a summary of the discussions and actions taken by the View Assessment Commission during a meeting are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City’s website.

1. CALL TO ORDER and ROLL CALL
Chairperson Coad called the View Assessment Commission Meeting to order at 6:04PM on Tuesday, August 17, 2021 in the Council Chambers at 635 South Highway 101, Solana Beach.

Present: VAC Members: Pat Coad, Paul Bishop, Matt Cohen, Robert Moldenhauer, Robert Zajac, and Linda Najjar

Staff Members: Joseph Lim Community Development Director; Katie Benson, Senior Planner; John Delmer, Junior Planner; Elizabeth Mitchell, Assistant City Attorney;

Absent: Frank Stribling

2. APPROVAL OF AGENDA
Chairperson Coad called for a motion to approve the agenda. Motion made by Commissioner Bishop, seconded by Commissioner Zajac, passed 6/0/1 (Stribling absent).

3. ORAL COMMUNICATIONS (Speaker time limit: 3 minutes)
There were no speakers.

4. Approval of the Minutes
No Meeting Minutes were provided in the Agenda Packet. The previous minutes will be approved at the next scheduled council meeting.

Chairperson Coad called for a motion to approve the agenda 1/21/2020. Motion made my Commissioner Moldenhauer, seconded by Chairperson Coad. 5/0/2 (Najjar and Stribling Recused)

Chairperson Coad called for a motion to approve the agenda 2/18/2020. Motion made my Commissioner Zajac, seconded by Commissioner Bishop. 6/0/1 (Stribling Recused)
5. DRP20-014/SDP20-020 Boyd Residence – 506 Pacific Avenue, Solana Beach

**Applicant Information:**

Name: Jim and Kathleen Boyd

Representative:

Name: Eric Buchanan – Oasis Architecture & Design, Inc
Phone: (619) 204-8248
Email: eric@oasis-ad.com

**Claimant Information:**

Name: Kathy de Paolo
Address: 504 Pacific Ave

**Description of Project:**

The Applicants are requesting the approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) to demolish a single-family residence, construct a replacement two-story, single-family residence built above a basement with an attached two-car garage, and perform associated site improvements. The 6,120 square foot lot is located within the Medium Residential (MR) Zone and Scaled Residential Overlay Zone (SROZ). The following is a breakdown of the proposed floor area:

<table>
<thead>
<tr>
<th>Proposed Floor Area</th>
<th>SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed First Floor</td>
<td>1,388</td>
</tr>
<tr>
<td>Proposed Second Floor</td>
<td>1,562</td>
</tr>
<tr>
<td>Proposed First Floor Garage</td>
<td>470</td>
</tr>
<tr>
<td>Proposed Basement</td>
<td>1,276</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td>4,696</td>
</tr>
<tr>
<td><strong>Required Parking Exemption</strong></td>
<td>-400</td>
</tr>
<tr>
<td><strong>Basement Exemption</strong></td>
<td>-1,276</td>
</tr>
<tr>
<td><strong>Total Floor Area Proposed</strong></td>
<td>3,020</td>
</tr>
</tbody>
</table>

As specified in the SDP Notice, the maximum building height of the residence is proposed at 24.95 feet above the proposed grade with the highest pole at 98.03 Mean Sea Level (MSL).

The project requires a DRP for grading in excess of 100 cubic yards, for a structure that exceeds 60% of the maximum allowable floor area, and for a second floor that exceeds 35% of the floor area of the first floor.

Chairperson Coad read the preamble.

Katie Benson, Senior Planner, gave a PowerPoint presentation describing the project. A copy of the PowerPoint will be included in the project file.

Commissioner Bishop asked if Staff received any correspondence that demonstrates efforts
between the applicant and claimants to resolve the view issues.

Commissioner Cohen requested to see the photos in Staffs presentation again.

The Commissioners stated their disclosures (as shown on table below) regarding dates they visited the properties. Commissioner Cohen disclosed that he did not enter either of the properties. He only viewed the properties from the public right of way.

Assistant City Attorney Mitchell confirmed that there were no ex parte communications.

Mark Morris, Representative of the Applicants, presented a PowerPoint presentation and described their project and the communications they had with the Claimants. A copy of the PowerPoint presentation will be included in the project file.

Commissioners had questions, and Mr. Buchanan addressed their questions.

Kathy De Paolo, Claimant, presented a PowerPoint presentation and described her concerns of view blockage they would have by the proposed project. A copy of the PowerPoint presentation will be included in the file.

Commissioners had questions for Ms. De Paolo and Staff. All their questions were addressed.

Mr. Morris addressed issues that were brought up by the Claimants.

Commissioners had questions for the Applicant and Staff. All their questions were addressed.

Chairperson Coad called for a motion to close the public hearing. No one made a motion.

Chairperson Coad called for a motion to keep the public hearing open. Motion made my Commissioner Cohen, seconded by Chairperson Coad. 6/0/1 (Stribling Absent)

Commissioner Cohen asked the applicant and claimant if they would consent to continue the meeting to a later date.

The applicant and claimant stated they would be open to a continuance until he next regularly scheduled VAC meeting.

Motion made my Commissioner Cohen to close the public meeting, seconded by Chairperson Coad. 6/0/1 (Stribling Absent)
The Commissioners gave their findings as shown below:

<table>
<thead>
<tr>
<th>Date Visited</th>
<th>Kathy de Paolo 504 Pacific Ave</th>
<th>Coad</th>
<th>Bishop</th>
<th>Cohen</th>
<th>Moldenhauer</th>
<th>Stribling</th>
<th>Zajac</th>
<th>Najjar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claimant</td>
<td>8/13</td>
<td>8/17</td>
<td>8/17</td>
<td>8/9 &amp; 8/15</td>
<td></td>
<td></td>
<td>8/09</td>
<td>8/09</td>
</tr>
<tr>
<td>Applicant</td>
<td>8/12</td>
<td>8/16</td>
<td>8/17</td>
<td>8/9</td>
<td></td>
<td></td>
<td>8/09</td>
<td>8/09 &amp; 8/13</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Primary Viewing Area</th>
<th>Bedroom</th>
<th>Bedroom</th>
<th>Bedroom</th>
<th>Roof Deck</th>
<th>2nd Floor Deck</th>
<th>Roof Deck</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1. Communication Taken Place</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>#2. No Public View Impairment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>#3. Designed to Minimize View Impairment</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>#4. No Cumulative View Impairment</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>#5. Neighborhood Compatibility</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>N</td>
</tr>
</tbody>
</table>

Chairperson Coad called for a motion. Commissioner Cohen made a motion to reopen the meeting to ask the Applicant if they would consider a continuance. Motion seconded by Chairperson Coad, passed 6/0/1 (Absent – Stribling). The applicant and claimant agreed to consent to an extension of the meeting longer than 30 days.

Commissioner Cohen made a motion to close the public meeting, seconded by Commissioner Zajac. 6/0/1 (Stribling Absent)

Commissioner Cohen made a motion to reopen the public meeting and continue the meeting to a date no later than November 16, 2021. Motion seconded by Chairperson Coad, passed 6/0/1 (Absent – Stribling).

6. **VAC MEMBER COMMENTS / DISCUSSION**
Commissioner Najjar asked about the next regularly scheduled VAC meeting.

7. **STAFF COMMENTS / DISCUSSION**
There were no comments from Staff.

8. **ADJOURNMENT**
The motion made by Commissioner Zajac to close the meeting, seconded by Commissioner Najjar, passed 6/0/1 (Absent - Stribling).
Chairperson Coad declared the meeting adjourned at 8:25 PM.

Minutes as approved by V.A.C. on 10/19/22.

Respectfully submitted,

John Delmer, Junior Planner

Joseph Lim, Community Development Director
CITY OF SOLANA BEACH
View Assessment Commission Notice of Recommendation
Tuesday, January 18, 2022 - 6:00 P.M. Regular Mtg.

PROJECT CASE NO: DRP20-014/SDP20-020 Boyd Residence
PROJECT LOCATION: 506 Pacific Ave., Solana Beach
APPLICANT NAME: Jim and Kathleen Boyd
APPLICANT CONTACT: Eric Buchanan

PRESENT VAC MEMBERS: Paul Bishop, Pat Coad, Matthew Cohen, Robert Moldenhauer, Linda Najjar, and Robert Zajac,

STAFF MEMBERS: Joseph Lim, Community Development Director, Katie Benson, Senior Planner, Elizabeth Mitchell, Assistant City Attorney, John Delmer, Junior Planner

ABSENT: Frank Stribling

ASSESSMENT FILED BY:
Name: Kathy de Paolo
Address: 504 Pacific Ave., Solana Beach

PROJECT DESCRIPTION:
The Applicants are requesting the approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) to demolish a single-family residence, construct a replacement two-story, single-family residence built above a basement with an attached two-car garage, and perform associated site improvements. The 6,120, square foot lot is located within the Medium Residential (MR) Zone and Scaled Residential Overlay Zone (SROZ). The following is a breakdown of the proposed floor area:

| Proposed First Floor | 1,388 SF |
| Proposed Second Floor | 1,479 SF |
| Proposed First Floor Garage | 448 SF |
| Proposed Basement | 1,274 SF |
| Subtotal | 4,589 SF |
| Required Parking Exemption | -400 SF |
| Basement Exemption | -1,274 SF |
| Total Floor Area Proposed | 2,915 SF |
| Maximum Allowable Floor Area (SROZ) | 3,021 SF |
The maximum building height is proposed at 24.87 feet above the proposed grade with the highest poles at 97.95 feet above mean sea level (MSL). A SDP is required for new construction in excess of 16 feet in height.

VAC RECOMMENDATION:

The project was originally heard at the August 17, 2021 meeting which was conducted via teleconference in accordance with Government Code sections 54953(e) and 54954.3 and other applicable law. After the Commissioners presented their findings and they discussed their choices, Commissioner Cohen made a motion to reopen the meeting to ask the Applicant if they would consider a continuance, seconded by Chairperson Coad, passed 6/0/1 (Absent—Stribling). The applicant and claimant consented to continue the meeting. Commissioner Cohen made a motion to reopen the public meeting and continue the meeting to a later date, seconded by Chairperson Coad, passed 6/0/1 (Absent—Stribling).

The project was continued to the January 18, 2022 meeting which was conducted via teleconference in accordance with Government Code sections 54953(e) and 54954.3 and other applicable law. During the meeting, Mr. Buchanan did not consent to a continuance and requested that the VAC make a recommendation instead of continuing the project to a later date.

After additional discussion between the Commissioners, Chairperson Cohen made a motion to recommend denial of the project, seconded by Commissioner Coad. Motion passed 5/1/1 Ayes: Cohen, Bishop, Coad, Moldenhauer, Najjar. Noes: Zajac. Absent: Stribling

FINDINGS:

1. The Applicants for the Structure Development Permit have made a reasonable attempt to resolve the view impairment issues with the Claimants requesting view assessment. Written evidence of a good faith voluntary effort to meet and discuss view issues, or of a good faith voluntary offer to submit the matter to mediation, is hereby deemed to be a reasonable attempt to resolve view impairment issues.

Yes - Written accounts and oral testimony at the public meeting showed that there had been communication between the Applicants and the Claimant.

2. The proposed structure does not significantly impair any view from public property (parks, major thoroughfares, bikeways, walkways, equestrian trails), which has been identified in the City's General Plan or City designated viewing areas.

Yes - The subject property is not located within designated public viewing areas; therefore, the proposed structure does not significantly impair views from public property.
3. The proposed structure is not designed and situated in such a manner as to minimize impairment of views.

   No - The majority of the VAC members found that the proposed residence was not designed or situated to minimize impairment of views. The VAC members found that more could be done to minimize the impairment of views from the de Paolo Residence.

4. There is significant cumulative view impairment caused by granting the application as proposed.

   Yes - The majority of the VAC members found that there would not be significant cumulative view impairment caused by granting the application if adjacent lots were allowed to construct a development of a similar size and height.

5. The proposed structure in general is not compatible with the immediate neighborhood character.

   Yes - The majority of the VAC members found that the proposed development is compatible with the immediate neighborhood character. The development would be compatible with the existing neighboring structures in terms of design, bulk, scale, height and size.

VAC Vote:

Chairperson Cohen made a motion to recommend denial of the project, seconded by Commissioner Coad. Motion passed 5/1/1 Ayes: Cohen, Bishop, Coad, Moldenhauer, Najjar. Noes: Zajac. Absent: Stribling

Issue Date of VAC Recommendation: January 18, 2022

Corey Andrews, Principal Planner  
Staff Liaison, View Assessment Committee  

Matthew Cohen, Chair  
View Assessment Committee
Attachment 6

Applicants’ Request for Approval

This document was not available at the time of publishing and will be circulated as a Blue Folder once received.
May 4, 2022

City of Solana Beach
Att: Katie Benson
635 S. Hwy 101
Solana Beach, CA 92075

Dear Katie:

This correspondence is provided as input to City Council with regard to the above referenced application. I have concerns that the project as designed does not meet the following required DRP/SDP findings:

VAC Finding 3: SBMC Chapter 17 60.040 Subsection F, Finding 3

The structure is designed and situated in such a manner as to minimize impairment of views.

DRP Finding 2: SBMC Chapter 17 68.040 Subsection F, Criteria 1 and 2

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

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

Please see attached for additional detail.

Sincerely,

Kathleen de Paolo
Background and Attempts to Resolve

We live at 504 Pacific Ave, in the home immediately to the south of the proposed project. This has been our home since Aug 1999. Our main living area is on the north side of the first floor, directly adjacent to the project. My master bedroom window (located on the second floor) faces the project and is my primary viewing area.

When the story poles went up in May 2021, I reached out to the project architects Mark and Eric. This was the first communication to or from the applicant regarding the project, attached for reference.

Since then, we have attempted to find a mutual agreement that allows the Boyds to build a new home that meets all of their needs, while allowing my family to not lose valuable views, privacy, and daylight from our home. We met over Zoom and on property, and shared emails, photos, and documents back and forth. Jim and I also met several times in the neighborhood to discuss the matter.

The applicant has already made a number of adjustments to the design, for which I have been appreciative. The initial design maximized the applicant’s utility within the building envelope, without contemplating the impacts on my property. It is no small feat to address this after the fact, and the architects have done an admirable job finding ways to make improvements within those constraints.

The question before the Council, however, is whether the SDP and DRP findings can be made for the current design as it stands today. Unfortunately, the current design still poses significant issues, which are outlined in this letter.
VAC Finding 3

SBMC Chapter 17 60.040 Subsection F, Finding 3:  
*The structure is designed and situated in such a manner as to minimize impairment of views.*

**Summary:** The current design blocks most of my primary view. Modifications since the January 18 View Assessment Commission, in which 4 of the 6 commissioners could not make Finding 3, have only restored an incremental ~5% of the view.

**Primary Viewing Area**

- *The city of Solana Beach recognizes the hillsides, canyons, and natural geographic features as a limited natural resource* (SBMC 17.63.010)
- *The View Assessment Committee is asked to look at the totality of the view, not just size and quality, but how it is utilized from within the home, and its importance to the resident.*  
  (Toolkit p. 12)

Using these guidelines, I determined that the northeast view from my master bedroom is my primary viewing area.

This is not an ocean view; in fact, there are no ocean views from inside our home. This nature view is very important to me, however, due to its unique capture of the diverse features of our city, and its location in the home. It offers a serene, private view of rooftops and vegetation, extending to edge of the San Elijo Lagoon and the hills east of I-5.

This is an area of the home that is utilized daily, throughout the day, especially since my work has transitioned to full remote and I am home all of the time. The master suite is important to
any home, but in particular I consider the space a sanctuary and refuge, and my bed faces this north window.

We also have outdoor views from our master balcony and roof deck. In contrast with the master bedroom, these views are used far less often. When we want to be outdoors and see the ocean, there is a better, completely unobstructed view to be had by walking across the street to the beach.

In the 2\textsuperscript{nd} VAC meeting on January 18, 2022, 4 of 6 commissioners determined the view from the master bedroom window to be my primary viewing area. One commissioner picked the master balcony, and one picked the roof deck.

View Blockage

The current proposal blocks most of my primary view. Below is a rendering of the current proposal provided by the applicant’s architects.

Per the VAC Toolkit, the Ordinance does not create a right to an unobstructed view. The toolkit p. 11 states: \textit{On new construction, the second story bulk should be placed to minimize the impact to existing views}. The Toolkit illustrates a view corridor created by limiting the 2\textsuperscript{nd} story to 50\% of buildable lot width, excluding setbacks.

The VAC commissioners felt more needs to be done to alleviate 2\textsuperscript{nd} story massing and improve my master bedroom view. Several mentioned the 50\% buildable area guideline.
As the commission noted, there is also adverse impact to view due to the roof deck located on top of the 2\textsuperscript{nd} story. This 3\textsuperscript{rd} level of the structure creates additional massing and height that reduce the view.

Restoring a 50\% view corridor to my master bedroom and alleviating the height of the overall structure would, as illustrated below, make a significant difference to the quality of light and view in this room.

![Image showing the view](image)

With such a solution, I will still lose significant daylight and view, including much of the view to the San Elijo Lagoon. A partial hillside view could be restored, however, with the planned removal of the tree in the back yard, and the daylight situation would be improved.

Compared to the current proposal, this would more equitably represent “the best balance between the owner’s desire to protect his/her property in accordance with applicable regulations, and the neighbor’s desire to protect his/her view”, as contemplated in the VAC Toolkit.
DRP Finding 2 Criterion 2

Buildings and structures shall be sited and designed to minimize adverse impacts on the surrounding properties

Summary: The current design does not minimize adverse impacts to surrounding properties, due to the size and placement of its 2nd story mass which impacts daylight as well as view. It also introduces adverse impacts to the utility of areas of our home due to privacy issues.

Daylight

The proposed design does not follow SBMC guidelines regarding daylight planes, and will have adverse impact to light in our home.

SBMC Chapter 17.20 (H) specifies Daylight Plane Height: Within the (ER-1), (ER-2), (LR), (LMR), (MR), (MHR) and (HR) zones all new structures and structural additions shall be encouraged, but not required, to be designed to use a daylight plane beginning at a vertical height of 16 feet above any two designated setback lines and sloping toward the interior of the lot at a 30 degree angle (from horizontal) until the 25-foot height limit is reached.

In addition, the VAC toolkit p. 3 suggests that daylight planes can be used to reduce bulk and allow light and air to pass through to neighboring properties.

These guidelines are designed to alleviate the types of adverse effects introduced by the structure as currently designed.

The image below shows the street facing view of project provided in the architectural drawings. The most important areas of my home lie immediately to the right of this view. The portion of the 2nd floor to the right of the blue line encroaches into the daylight plane.
Multiple architects I spoke with warned this will adversely affect light into my main living areas.

The proximity of the 2nd story mass will block light through the dining room bay window, which provides natural light to the center of our main living area. It will also block light into the kitchen meal prep and eating areas through the kitchen skylight and the kitchen transom windows. This is illustrated in the photos below.

Following the daylight plane guidelines provided by the city for this purpose would provide significant improvements in the dining area, as seen from the photos below, taken sitting at the dining table. The following visualizations based on story pole placement approximate the living space light with the current proposal (left), versus the project when modified to comply with daylight planes (right).
Daylight planes will also restore light to the kitchen through the skylight and transom windows, as seen in the photos below (current proposal on left versus with daylight planes on right).
Other Adverse Impacts

In addition to adverse impacts on view and daylight, both the SBMC and VAC Toolkit recognize the importance of privacy.

- “Privacy” means reasonable protection from intrusive visual observation and/or noise. (SBMC 17.63.020)
- Privacy and views are sometimes in conflict. Views are very important, but so is privacy. (VAC Toolkit p13)

Master Balcony

The planned master balcony looks directly into the master bedroom, the kitchen, and the dining area, as illustrated in the photos below.

We had previously agreed to a full height frosted glass panel on the south side of the balcony, which would solve this problem. The current drawings replace the glass panel with planting. Unfortunately, plants can die and subsequent homeowners or renters may not maintain them. Given the seriousness of the privacy issue, a durable, permanent solution as provided by the frosted glass is needed.
Roof deck

The roof deck looks directly down through my master bedroom window, as shown below. Virtually every part of my bedroom is visible from the roof deck, notably including the bed which faces the window.

This roof deck is a bit unusual in that it is accessed directly from the main living area. It is big enough to accommodate large social gatherings and parties. This six-bedroom proposed design, which includes 2 master suites, would be a very attractive rental for large groups. As such, noise is a concern as well as visual privacy.

The roof deck presents adverse impact not only to daylight and view, but to the intended use of my master bedroom. The below visualization uses the story poles to demonstrate the problem.
DRP Finding 2 Criterion 1:

*The development as proposed shall be compatible in scale, apparent bulk, and massing with such existing development in the surrounding neighborhood.*

**Summary:** The project is not compatible with the surrounding neighborhood due to massing of the 2nd story and the 3rd level roof deck.

The 2nd story massing of the project exceeds the norm for the neighborhood. In the January VAC meeting, the claimant provided photos of 4 large two-story homes in the immediate vicinity. However, even in these specific examples, 3 of the 4 homes have a 2nd story that is significantly smaller than the 1st story, alleviating mass at the top level. The proposed development uses almost the entire buildable area of the 2nd story.

In addition, the project presents massing and apparent bulk at greater height due to the roof deck. The top of the roof deck railing is at the maximum allowable height of 25 feet. Eliminating this element would alleviate bulk, improving daylight and view.
In the VAC meeting on 8/17/21, Commissioner Moldenhauer reported that he walked the immediate neighborhood, including the 400 and 500 blocks of Pacific Ave, all of Circle Dr, the 500 block of Acacia Street, and the 200 blocks of Solana Vista and Ocean St. In total he viewed 83 residences and found 60% to be single story, and 40% two story. Only 3 out of the 83 residences had 3rd level roof decks.

Commissioners Moldenhauer and Najar both felt that a roof deck on top of a 2nd story is not compatible with the neighborhood. Additionally, Commissioners Coad, Bishop and Cohen pointed out the roof deck leads to other issues with view.

**Conclusion**

Before this project is approved, I believe the issues identified above must be addressed. As currently proposed, the project’s 2nd story bulk, height, daylight planes, as well as privacy issues, do not meet the requirements of Solana Beach Municipal Code, as VAC finding 3 and DRP finding 2 cannot be made.
Hi Eric,

I hope you are doing well. I was referred to you by the City of Solana Beach notice as the architect/representative for the project at 506 Pacific Ave in Solana Beach.

I am the property owner at 504 Pacific, immediately south of the subject property. I am reaching out because I have a few concerns with the current plans, which I look forward to working with you to address.

**Daylight**

Because the second story on the south side of the proposed home extends from the front to rear setback and is 5’ from the property line, it will impact light into my dining and kitchen area, which has a large first floor window adjacent to the property line and skylight that faces the proposed project.

**Privacy**

The proposed window configuration on the south side of the second story impacts privacy through the same dining room window and kitchen skylight, as well as offering views into my main living area through north facing transom windows.

Additionally, the proposed second floor windows on the south side face directly into my master bedroom window. The proposed second floor deck on the south side and roof deck also create privacy concerns with my master bedroom.

**View**

I currently have a private vegetation and rooftops view from the above-mentioned master bedroom window, that extends to the hills on the other side of I-5. This view is blocked by the structure as proposed.

I would love to get your thoughts as to how these concerns can be mitigated.

I can best be reached at this email. I am also happy to set up time to talk on the phone or over a Zoom call. Please let me know what works best for you.

Kind regards,

Kathy de Paolo
Dear members of the City Council,

We own and live at 508 Pacific Ave in Solana Beach and are neighbors to the north of the new home proposed by Jim and Kathleen Boyd at 506 Pacific Ave, Solana Beach. With the understanding that the Boyd’s proposal for a new home will be considered by the City Council at the next May meeting, we have reviewed the story poles as of April 20, 2022 and are willing to waive any requirement that the poles have been available for viewing for 30 days.

Regards,

Richard and Cindy Metcalfe
Letter to council.
April 21, 2022
Dear Members of the City Council:
We are residents of Solana Beach, who live at 505 Pacific Ave and are neighbors to the west of the new home proposed by Jim and Kathleen Boyd at 506 Pacific Ave, Solana Beach.
With the understanding that the Boyd’s proposal for a new home will be considered by the City Council at the next May meeting, we have viewed the story poles as of April 20, 2022 and are willing to waive any requirement that the poles have been available for viewing for 30 days.
Thank you for considering our input.
Regards, Pete and Shari Mitchell. 505 Pacific Av. Solana Beach.
BACKGROUND:

The Applicants, Peter Laughlin and Renita Greenberg, are requesting approval of an 18-month Time Extension for a Conditional Use Permit (CUP) and Development Review Permit (DRP) for an emergency permit to increase the height of an existing seawall, reconstruct the mid- and upper-coastal bluff and landscape the reconstructed bluff with non-invasive, drought tolerant, salt tolerant native plant species on the coastal bluff below 325 and 327 Pacific Avenue.

A CUP is required for a coastal bluff retention device. A DRP is required for projects with an aggregate grading quantity in excess of 100 cubic yards.

The issue before the Council is whether to adopt Resolution 2022-048 (Attachment 1) approving the Applicants’ request to formally extend the project approvals as provided under the Solana Beach Municipal Code (SBMC) 17.72.110 for 18 months.

DISCUSSION:

In May of 2019, the City Council adopted Resolution 2019-074 (Attachment 2) approving a CUP and DRP to increase the height of the existing seawall from 15 feet (at the lowest point) to 35 feet. Erodible concrete would backfill the proposed wall extension and be placed at the top of the wall to an elevation of 40 feet above MSL in order to encapsulate...
the clean sand lens. The wall would tie into the existing 35 foot high walls to the north and south and would be hand sculpted and colored to resemble the natural bluff. The mid- and upper-bluff repair would consist of importing 715 cubic yards of soil that would be stabilized with the use of geogrid, soil nails, and grade beams. The reconstructed bluff would then be landscaped with native, non-invasive, drought tolerant and salt tolerant plants that would be watered with temporary irrigation. Plans are provided in Attachment 3.

A condition of project approval required the Applicants to receive California Coastal Commission (CCC) approval prior to grading permit issuance. The Applicants submitted their application to the CCC on August 7, 2019. The CCC approved the project at the December 2021 Commission meeting and they received the Notice of Intent to Issue a Coastal Development Permit (CDP) in March of 2022. The discretionary approval under Resolution 2019-074 had an expiration date of May 22, 2021 (Attachment 2). However, in June 2020, the City Council adopted Resolution 2020-087 authorizing The City Manager to allow for a temporary time extension for projects that have not received a building/grading permit for one year. The permit approval was extended to May 22, 2022. The Applicants’ representative reached out by email to the City more than 60 days prior to the expiration date. They didn’t anticipate that they would be able to complete all of the special conditions of the CDP and get their grading permit issued prior to the expiration date. Staff acknowledged this communication as initiating the extension process on May 14, 2022 and the Applicants submitted a formal application by appointment in accordance with SBMC Section 17.72.110 on March 25, 2022.

SBMC Section 17.72.110(B)(1) indicates that:

\[ \text{One or more (but not more than a total of four) extensions may be granted not exceeding a cumulative total of 24 months after the date the original approval of the project expires. The duration of an extension shall be in an increment of 30 days. The minimum duration of an extension shall be six months. The maximum duration of an extension shall not be more than 12 months. The duration of an extension shall be determined at the discretion of the issuing authority.} \]

The Applicants are requesting to extend the expiration by 18 months to October 22, 2023 due to unique circumstances around the permit. The Applicants indicate that it would take between 4 to 6 months to complete the special conditions of the CDP. Then work could begin anywhere between late 2022 and early 2023 but could be delayed until fall of 2023. Timing would be dependent on the contractor’s schedule and tidal conditions. Construction is estimated to take around 6 months. It should be noted that construction on the beach is prohibited between Memorial Day (May 30th this year) and Labor Day (September 5th this year). The project extension application completed by the Applicants’ representative, which provides the request for a DRP extension as well as the Applicants’ proposed timeline is included in Attachment 4. If the Council is unable to extend the permit by 18 months, the Applicants are requesting a 12-month extension.
SBMC Section 17.72.110 establishes that Council action is required to review and act on a request for an extension of a CUP when Council was the original approving body. The Council may extend the approval of a project if they are able to make the seven (7) required findings, which are as follows:

1. The applicants have presented facts which establish that the applicants have timely and diligently pursued issuance of a building permit during the 24 month period following the issuance of the original approval for the project (or the different period set forth as a condition of approval of the project) or during the then current extension period;

2. Circumstances beyond the applicants’ control have intervened and prevented the applicants from obtaining the issuance of a building permit for the project prior to expiration of the 24 month period (or the expiration date established as a condition of the approval) or during the then current extension period;

3. The application for the extension sets forth a reasonable and substantial factual basis for issuance of the extension;

4. There is a substantial factual basis to determine that the applicants will be able to perform the actions necessary to obtain issuance of a building permit prior to expiration of the requested extension;

5. The duration of the extension requested by the applicants is not longer than is reasonably necessary to perform the actions necessary to obtain the issuance of a building permit;

6. There have not been any significant changes in the general plan, applicable specific plan, if any, zoning, or character of the area within which the project is located that would cause the approved project to become inconsistent, incompatible, or nonconforming therewith; and

7. The granting of an extension shall not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

If the Council can make the required findings to approve a time extension, the Applicants will complete the CCC Special Conditions and submit grading plans to the City of Solana Beach and complete the conditions required by the Resolution of approval and begin construction when possible.

There have not been any substantial changes to the General Plan, Zoning Ordinance or character of the area that would make the previously approved project incompatible or nonconforming. There is also no indication that the project would be detrimental to the public health, safety or welfare of the properties within the surrounding area. The delay in this matter is the result of the project review by the CCC.
Should the Council approve the extension, the Applicants will be required to comply with the conditions of the project approval from Resolution 2019-074 (Attachment 2) and commence construction no later than October 2023. Should the request for an extension of the project be denied, a new application would then be required for the project.

The draft Resolution of Approval has been prepared by Staff for the consideration of the Council. The draft Resolution is based upon the information provided in this report. The Council may direct Staff to modify Resolution 2022-048 to reflect the findings and conditions it deems appropriate as a part of the public hearing process. In the alternative, if Council determines the request is to be denied, Staff will prepare a Resolution of Denial for an action to be taken at a subsequent Council meeting.

Public Hearing Notice

Notices of a Public Hearing for this project were mailed to property owners and occupants within 300 feet of the project site more than 10 days prior to the Council date. As of the date of preparation of this Staff Report, no phone calls, letters, or emails have been received by Staff in regard to the extension request.

CEQA COMPLIANCE STATEMENT:

Time Extensions are not a project as defined by CEQA. The original project was found exempt pursuant to the 2019 State of California CEQA Guidelines Section 15269(b)(c).

FISCAL IMPACT:   N/A

WORK PLAN:     N/A

OPTIONS:

* Approve the requested time extension.
* Deny the request for a time extension.
* Provide direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:


2. If the Council can make the required findings, adopt Resolution 2022-048, approving the request for an 18 month Time Extension for approvals and entitlements in Case No. 17-18-28 and setting the expiration date on October 22, 2023.
CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation

_________________________
Gregory Wade, City Manager

Attachments:

1. Resolution 2022-048
2. Resolution 2019-074
3. Project Plans
4. Extension Request
RESOLUTION 2022-048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A TIME EXTENSION TO A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT TO INCREASE THE HEIGHT OF AN EXISTING SEAWALL AND RECONSTRUCTION OF THE MID- AND UPPER-COASTAL BLUFF AT 325 AND 327 PACIFIC AVENUE IN SOLANA BEACH

APPLICANTS: PETER LAUGHLIN AND RENITA GREENBERG
CASE NO.: TE22-001 TIME Extension

WHEREAS, Peter Laughlin and Renita Greenberg (hereinafter referred to as “Applicants”) have submitted a request for a time extension of the approved Conditional Use Permit (CUP) and Development Review Permit (DRP) to increase the height of an existing seawall, reconstruct the mid- and upper- coastal bluff and landscape the reconstructed bluff with non-invasive, drought tolerant, salt tolerant native plant species for pursuant to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the City Council adopted Resolution 2019-074 approving the project at the regularly scheduled May 22, 2019 City Council meeting; and

WHEREAS, the Applicants have requested an 18-month extension of the project approval; and

WHEREAS, on May 11, 2022, the City Council held a duly noticed Public Hearing to consider the time extension request and minor modifications; and

WHEREAS, the Public Hearing was conducted pursuant to the provisions of SBMC 17.72.030 of the Solana Beach Zoning Ordinance; and

WHEREAS, at the Public Hearing, the City Council received and considered evidence concerning the request for a Time Extension; and

WHEREAS, the City Council of the City of Solana Beach found that a Time Extension Request is not a project according to the State California Environmental Quality Act (CEQA) Guidelines; however, the City Council found that the original project was found exempt pursuant to the 2019 State of California CEQA Guidelines Sections15269(b)(c); 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.

1. That the request for an 18 month Time Extension for a Conditional Use Permit (CUP) and Development Review Permit (DRP) for an emergency permit to increase the height of an existing seawall, reconstruct the mid- and upper-coastal bluff and landscape the reconstructed bluff with non-invasive, drought tolerant, salt tolerant native plant species on the coastal bluff below 325 and 327 Pacific Avenue setting the new expiration date for October 22, 2023 is conditionally approved based on the following Findings and on all terms and conditions of Resolution 2019-074, which are in effect along with the Time Extension:

2. FINDINGS:

A. In accordance with Section 17.72.110 (Lapse of Approval and Extensions) of the City of Solana Beach Municipal Code, the City Council finds the following:

I. The Applicants have presented facts which establish that the Applicants have timely and diligently pursued issuance of a building permit during the 24-month period following the issuance of the original approval for the project;

II. Circumstances beyond the Applicants’ control have intervened and prevented the Applicants from obtaining the issuance of a building permit for the project prior to expiration of the 24-month period following the issuance of the original approval for the project;

III. The application for the extension sets forth a reasonable and substantial factual basis for issuance of the time extension;

IV. There is a substantial factual basis to determine that the Applicants will be able to perform the actions necessary to obtain issuance of a building permit prior to expiration of the requested extension;

V. The duration of the time extension requested by the Applicants is not longer than is reasonably necessary to perform the actions necessary to obtain the issuance of a building permit;

VI. There have not been any significant changes in the general plan, applicable specific plan, if any, zoning, or character of the area within which the project is located that would cause the approved project to become inconsistent, incompatible, or nonconforming therewith; and

VII. The granting of an extension shall not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

3. CONDITIONS
Prior to use or development of the property in reliance on this permit, the Applicants shall provide for and adhere to the conditions of the original project approval of Resolution 2015-094.

4. 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.

5. EXPIRATION: The Conditional Use Permit for the project will expire 18 months from the date of adoption of this resolution, unless the Applicants have obtained building permits and have commenced construction prior to that date, and diligently pursued construction to completion. No additional extensions of the application may be granted by the City Council.

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

NOTICE TO APPLICANTS: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this Resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this Resolution you must comply with the provisions of Government Code Section 66020. Generally the Resolution is effective upon expiration of the tenth day following the date of adoption of this Resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 11th day of May, 2022, 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
RESOLUTION 2019-074

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT FOR EMERGENCY COASTAL BLUFF REPAIRS INCLUDING THE EXTENSION OF A BLUFF RETENTION DEVICE AND MID-AND UPPER-BLUFF RESTORATION BELOW 325-327 PACIFIC AVENUE IN SOLANA BEACH.

APPLICANTS: PETER LAUGHLIN AND RENITA GREENBERG

CASE NO.: 17-18-28 CUP/DRP

WHEREAS, the Applicants Peter Laughlin and Renita Greenberg (hereinafter referred to as “Applicants”) have submitted an application for a Conditional Use Permit (CUP) and Development Review Permit (DRP) pursuant to Title 17 (Zoning) of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the City Council adopted the Amended Local Coastal Program (LCP) Land Use Plan (LUP) in June 2014 with policies allowing for the construction of shoreline protective devices in the City as allowed by California Coastal Act Section 30235; and

WHEREAS, an Updated Preliminary Geotechnical Evaluation by Soil Engineering Construction, Inc., Project Plans and Structural Calculations and supplemental technical materials has been reviewed and confirmed by Geopacifica Geotechnical Consultants (Geopacifica), the City’s third party independent geotechnical consultant, in a letter dated December 6, 2018 indicating the proposed project is required and has been designed consistent with all City requirements; and

WHEREAS, the existing static factors of safety onsite below 325 and 327 Pacific Avenue are currently 1.10 and 1.12 respectively; and

WHEREAS, a factor of safety equal to or less than 1.2 represents a slope that is in imminent failure and the bluff top principal structures are threatened by potential bluff collapse and/or failure; and

WHEREAS, at the duly noticed public hearing held on May 22, 2019, the City Council received and considered evidence concerning the proposed application as received; and

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

WHEREAS, the City Council of the City of Solana Beach found the proposed project exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines § 15269 as a documented geologic emergency exists onsite; and
WHEREAS, the proposed project will be designed to be located as far landward as possible, contoured, color matched and sculpted to match the surrounding bluff and will be maintained over the life of the structure consistent with the engineering design requirements depicted in Solana Beach Certified LCP LUP Appendix B, Figure 3; and

WHEREAS, this decision is based upon the evidence contained in the subject application, testimony of Geopacifica, 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 categorically exempt from the requirements of CEQA pursuant to 2019 State California CEQA Guidelines 15269.

3. That the request for a Conditional Use Permit and Development Review Permit for emergency repairs to the coastal bluff will consist of the extension of the existing 15-31 foot high seawall to 35 feet, backfilling the top of the wall up to 40 feet with erodible concrete to encapsulate the clean sand lens, the import of 715 cubic yards of to reconstruct the mid-and upper-bluff with geogrid, soil nails and grade beams and to landscape the reconstructed coastal bluff below 325 and 327 Pacific Avenue is conditionally approved based upon the following Findings and subject to the following Conditions:

4. FINDINGS

A. Compliance with Solana Beach Certified LCP LUP Policy Requirements: A consistency finding with the City’s Local Coastal Program (LCP) Land Use Plan (LUP) is required for the proposed project. The City’s LUP policies were certified to be consistent with Coastal Act Section 30235 which states: Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Applicable City policies from the City’s Certified LUP (as amended) are listed below. The project complies or has been conditioned to comply with all applicable and relevant City LUP policies including:

Certified LUP Policy 4.26 (irrigation controls for bluff properties);
Certified LUP Policy 4.27 (use of drought resistant landscaping);
Certified LUP Policy 4.28 (stormwater runoff);
Certified LUP Policy 4.32 (use of preferred engineering designs);
Certified LUP Policy 4.38 (aesthetics);
Certified LUP Policy 4.39 (payment of mitigation fees);
Certified LUP Policy 4.45 (bluff retention device design);
Certified LUP Policy 4.49 (findings);
Certified LUP Policy 4.50 (impact mitigation fees);
Certified LUP Policy 4.54 (shoreline protection device maintenance);
Certified LUP Policy 4.55 (coordination among neighbors); and
Certified LUP Policy 4.58 (development on the bluff).

B. Compliance with Solana Beach Municipal Code (SBMC) Findings 17.68.010 for a Conditional Use Permit:

I. That the proposed use is in accord with the general plan, the general intent of this title, and the purposes of the zone in which the site is located.

The proposed project is consistent with the required finding, whereby shoreline protective devices are a structure/use allowed in the City to protect bluff top principal structures in danger of erosion.

II. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

The proposed project is consistent with the required finding, whereby the proposed project is needed to address an emergency condition whereby bluff failure has been confirmed to be imminent by Geopacifica (City's third party geotechnical engineer).

III. That the proposed use complies with each of the applicable provisions of the zoning ordinance, unless a variance is granted pursuant to SBMC 17.68.020.

The proposed project is consistent with the required finding, whereby the proposed project is consistent with the zoning ordinance which allows shoreline protection.

C. Compliance with Solana Beach Municipal Code Findings 17.68.040 for a Development Review Permit:

I. 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.

The proposed project is consistent with the required finding, whereby shoreline protective devices are a structure/use allowed in the City to protect bluff top principal structures in danger of erosion.
II. The proposed development complies with the development review criteria.

   a. Relationship with Adjacent Land Uses.
   b. Building and Structure Placement.
   c. Landscaping.
   d. Roads, Pedestrian Walkways, Parking, and Storage Areas.
   e. Grading.
   f. Lighting.
   g. Usable Open Space.

The proposed grading, landscaping, lighting and drainage have been conditioned to comply with the City's Certified LUP and the SBMC. The remaining development review criteria are not applicable.

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.

The Applicants have submitted for the CUP concurrently with the DRP.

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

The project has been conditioned to require the Applicants to obtain a Coastal Development Permit for the project prior to the issuance of a grading and construction permit.

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. Building Permit plans must be in substantial conformance with the plans presented to the City Council on May 22, 2019 and located in the project file with a submittal date of March 13, 2019.

   II. The Applicants will pay a Public Recreation Impact Mitigation (PRIM) fee in the amount of $99,900 prior to the issuance of a grading or construction permit.
III. The Applicants will pay a Sand Mitigation Fee in the amount of $23,977.45 prior to the issuance of a grading or construction permit. A credit for the Sand Mitigation Fee that was paid for the lower wall through the year 2023, shall be based upon when the new construction permit is issued. If the California Coastal Commission (CCC) determines that a different amount is required for the Sand Mitigation Fee, the Applicant shall pay the fee adopted by the CCC.

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

V. The repairs will be constructed and maintained to incorporate an earth-like appearance which will resemble, as closely as possible, the color and texture of the surrounding bluffs.

VI. The Applicants shall remove or cap any permanent irrigation system within 100 feet of the bluff edge in connection with issuance of discretionary permits for new development, redevelopment, or shoreline protection, or bluff erosion, unless the bluff property owner demonstrates to the satisfaction of the Public Works Director, or the CCC if the project is appealed, that such irrigation has no material impact on bluff erosion (e.g., watering hanging plants over hardscape which drains to the street).

VII. All storm water drain systems that currently drain or previously drained towards the west over the bluff shall be capped. These systems should be redesigned to drain directly, or through a sump system, and then pumped to the street in compliance with the current Regional Water Quality Control Board (RWQCB) Standard Urban Storm Water Mitigation Plan (SUSMP) requirements.

VIII. Any bluff retention device shall be reasonably maintained and repaired by the bluff property owner on an "as needed" basis, at the bluff property owner's expense, in accordance with the implementing ordinances and any permit issued by the City. Any authorized assessing entity in which the project lies shall ensure such payments are reimbursed to the City if the bluff property owner fails to perform such work and the City elects to do so, subject to mandatory reimbursement. However, in all cases, after inspection, it is apparent that repair and maintenance is necessary, including maintenance of the color of the structures to ensure a continued match with the surrounding native bluffs, the bluff property owner or assessing entity shall contact the City or CCC office to determine whether permits are necessary, and, if necessary, shall subsequently apply for a coastal development permit for the
required maintenance.

IX. No stockpiling of dirt or construction materials shall occur on the beach.

X. All grading shall be properly covered and sandbags and/or ditches shall be used to prevent runoff and siltation.

XI. Measures to control erosion shall be implemented at the end of each day’s work.

XII. No machinery shall be allowed in the intertidal zone at any time to the extent feasible.

XIII. All construction debris shall be properly collected and removed from the beach. Shotcrete/concrete shall be contained through the use of tarps or similar barriers that completely enclose the application area and that prevent shotcrete/concrete contact with beach sands and/or coastal waters.

XIV. Temporary irrigation shall be periodically inspected every six months following planting to ensure planting success and to verify that irrigation is still required. At six month intervals, a report prepared by a licensed landscape architect detailing the status of the vegetation, an assessment on the condition of the temporary irrigation system, and provides supporting information on whether the temporary irrigation is still needed shall be provided to the City. The City will issue a determination on the status of the temporary irrigation system upon reviewing the report. The City can require the removal of the temporary irrigation system at anytime. The temporary irrigation system may remain active and in place up to a maximum of 24 months at the approval of the City and must be removed once the plants have become established.

XV. All required plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan.

XVI. The temporary irrigation system shall include redundant valve control/shut off valves to prevent any irrigation system leaks/failures.

B. Engineering Department Conditions: Prior to obtaining any building or grading permits pursuant to this project, the Applicants shall:

I. Prepare, execute and record a declaration of restrictions on real property approved by the City Attorney whereby the Applicants or the
Applicants' successors in interest to the property will construct and maintain the shoreline protective structure in accordance with conditions of this approval.

II. The declaration of restrictions shall include an agreement by the Applicants to 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 any claim for damages from any injury to person or property caused by the shoreline defense structure or by its failure.

III. Said declaration of restrictions shall be acknowledged and recorded in the office of the County Recorder.

IV. Per Policy 4.49 of the certified LUP, an Encroachment Maintenance and Removal Agreement is required when the proposed Bluff Retention Device (BRD) is located in whole or in part on public land. In order to determine if an Encroachment Removal Agreement is required for this project, submit an engineering plan clearly showing the property lines, existing topography and the location of the proposed BRD.

V. Obtain required California Coastal Commission Permits prior to the issuance of any structure and grading permits or present evidence that an emergency waiver has been granted.

VI. Obtain any other permits or emergency waivers, which may be required from State and Federal agencies including the State Lands Commission and the U.S. Army Corps of Engineers.

VII. The project shall be designed and shall provide appropriate data to confirm the submitted design to the satisfaction of the City Engineer. This shall include, but is not limited to, a geotechnical report.

VIII. The property owners shall post securities to guarantee proper care and use of the Fletcher Cove ramp. No construction materials to be off-loaded on the ramp, at the end of the ramp or any public property including streets and Fletcher Cove Park. No washing of equipment shall occur unless a containment system is properly utilized.

IX. For all projects on which equipment is driven on the Fletcher Cove Beach Access Ramp, the access ramp and adjacent parking lot must be swept daily to remove sand that has been tracked onto the ramp and parking lot. At least once a week, the access ramp and parking lot must be swept with a street sweeper that is capable of cleaning the streets and parking lots of paper, glass, dirt, silt, sand, rocks, litter and miscellaneous debris. The street sweeper shall be
equipped with dual gutter brooms and vacuum equipment may be used. If any sand is tracked outside the parking lot, these areas (including city streets) must also be cleaned weekly with a street sweeper.

X. The property owners shall pay all inspection and plan check fees as required by the City.

XI. Plans and specifications for the project shall be approved by the City Engineer in addition to approvals from the Director of Planning as may be required, and shall substantially conform to the plans submitted by the Applicants. All bluff stabilization devices shall produce a natural appearing bluff to the satisfaction of the City Engineer and the Community Development Director. Project implementation shall provide a final product mimicking a naturally appearing bluff in terms of colors, textures, forms and angles.

XII. A grading/drainage plan shall be prepared by a registered civil engineer in accordance with the current Grading Ordinance and be submitted to the City Engineer for approval and permit issuance.

XIII. The Applicants shall post with the City a performance bond equal to the full amount of the work to be completed to guarantee that once started, the construction will be completed per approved plans.

XIV. The Applicants or contractor hired by the Applicants shall submit a Certificate of Insurance naming the City of Solana Beach as an additional insured in the amount of $2,000,000 on a policy of general liability insurance issued by an insurance company licensed to do business in California, and meeting the requirements established by City Council resolution for insurance companies doing business with the City, covering injuries to persons and property during the construction period.

XV. The Applicants shall obtain a Special Use (Marine Safety) Permit specifying the conditions governing use of vehicles, use of the beach access ramp, and entry upon and use of areas of the public beach for construction equipment and vehicles. Evidence of permit issuance shall be submitted to the City Engineer before issuance of the permit for the project.

XVI. The Applicants shall have on file evidence from the Captain of Marine Safety and City Engineer, that arrangements have been made to satisfy the following criteria:

a. Prior to usage of the Solana Beach Fletcher Cove ramp or parking lot, a cash deposit, bond or other secured agreement to cover the following impact charges shall be deposited:
i. A five-dollar and thirty-cents ($5.30) per round trip vehicle charge for all construction related vehicles using the ramp.

ii. A two-dollar and seventy cents ($2.70) per ton fee, or less if approved by the City Council, based on the estimated weight of the vehicle and load for all vehicles in excess of ¾ ton capacity, excluding any vehicles solely transporting beach grade replenishment sand.

iii. A twenty-seven dollar ($27) per day charge for the first 30 days escalating to fifty-three dollars ($53) per day for the 31st and subsequent days charge shall be collected to encourage a timely completion of all projects, unless otherwise modified for good cause by the City Council or City Manager.

iv. Any damage caused to the Solana Beach Fletcher Cove ramp and parking lot.

b. At least one City of Solana Beach Lifeguard shall be contracted, at the Applicants' expense, through the Captain of Marine Safety, to monitor all activities in order to insure full compliance with the conditions of this permit. The lifeguard(s) shall be on duty at all times when any construction activity takes place. Additional lifeguards may be required at the discretion of the Captain of Marine Safety. In addition to the lifeguard staffing cost, the Applicants shall also pay a Marine Safety equipment use fee of four-dollar and sixty-four cents ($4.64) per hour, based on the number of hours the lifeguards are contracted for the project.

c. If construction access is from Fletcher Cove Park, precautions shall be taken to avoid damage to the beach access ramp during construction and repairs. If damage to the ramp occurs, it shall be repaired to a condition equivalent to the condition at the start of construction activity to the satisfaction of the City of Solana Beach City Engineer. All City owned work areas including Fletcher Cove Park and access ramp shall be videotaped prior to the commencement of the project. The videotape shall establish the “as-is” condition. In any areas missed by the videotape, the City Engineer will determine “as-is” condition.

If access is from the State Park at the north end of Solana Beach, precautions shall be taken to avoid damage to the hard layer of fossiliferous sandstone that forms the beach surface at the north end of the coastal bluffs. Such access may necessitate State approval. Proof of such access shall be provided to the City Engineer before construction begins.
XVII. Beach quality sand from the excavation for the proposed project shall be deposited and spread on the beach in front of this site unless unique and/or inappropriate conditions are encountered. The Applicants should reference this condition to other permitting agencies.

XVIII. An encroachment permit from the Engineering Department is required if a crane, construction materials, etc. are envisioned to be stationed in the public right of way. The City does not guarantee that an encroachment permit will be approved.

XIX. Any grout mixture used on the project that may be visible from the beach or surrounding areas shall be of similar color as the surrounding natural bluffs. Color samples shall be submitted and approved by the City prior to placing the grout.

XX. The structure and any exposed construction shall mimic the natural contours, color and texture to the maximum extent practicable, as determined by the City Engineer and Community Development Director.

XXI. A carved, colored and textured facade on the face of the structure matching the adjacent bluff areas shall be constructed. The façade shall match the contours, both vertically and horizontally, and the texture of the adjacent natural bluffs to the maximum extent feasible. Coastal bluff colored grouting shall be used and shall be submitted to the City Engineer before approval of the plans. A test prism shall be cast and delivered to a testing lab during construction.

XXII. A qualified, licensed and insured contractor shall perform all required work as outlined by certified/registered engineering geologist or Registered Civil Engineer on the construction plans. Special and general notes on said plans shall be followed to the satisfaction of the City Engineer or his designee.

XXIII. Lateral pedestrian and Marine Safety vehicular access through the construction area, shall be provided past the site at all times, subject to high tides and safety issues. A 30-foot wide safety/construction work zone shall be provided during work hours to separate the work zone from the open public beach.

XXIV. No construction activities may occur on the beach during the busier recreational season, which is defined as the period between Memorial Day and Labor Day of any year. The contractor shall obtain approval from the City of Solana Beach Engineering and Marine Safety Departments regarding the use and timing of the Fletcher Cove parking lot and beach access ramp for all construction related access, staging and parking issues if such use becomes required.
XXV. Pursuant to SBMC Section 7.34.100, Construction hours are limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturday. No work is allowed on Sunday or holidays unless specifically approved pursuant to 7.34.100B. Engines shall not be started, no construction-related materials shall be moved, or any other construction-related activities occur outside of these hours. Work is not permitted on the beach on Saturdays without written approval of the City Manager.

C. Prior to Final Inspection of the project, the Applicants shall:

I. Submit certification to the City Engineer from the Geotechnical Engineer and the Civil Engineer of Record for the project that they have inspected the project and certify that it was constructed per the approved plan, specifying the date of the plan.

II. The Applicants and/or contractor shall repair any damage caused to the Solana Beach property and facilities including, but not limited to, Fletcher Cove ramp and parking lot to the satisfaction of the City Engineer.

D. The Applicants shall provide for and adhere to the following Conditions:

I. All development on the site shall substantially conform to the final Conditional Use Permit Plan approved by the City Council.

II. The property owner shall be responsible to immediately remove, in perpetuity, any graffiti or other markings should they appear on the project exterior face. If erosion exposes the steel rebar, the Applicants or their successor in interest shall arrange to apply a sculptor-coat of concrete over the exposed steel to match the natural bluff. The property owner shall be responsible for the removal of the structure or any portion thereof.

III. If requested by the City Manager or his designee, the property owner or their successor in interest shall install and maintain signage about unstable bluffs fronting their property.

IV. The Applicants shall provide “As-Built” plans and all certifications required to the City, before the City will release the performance bond as indicated herein.

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 1.1.6 and 1.18 in addition to any applicable revocation proceedings.
7. EXPIRATION: The Conditional Use Permit for the project will expire 24 months from the date of project approval unless the Applicants have obtained building/grading permits and commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council.

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

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 22nd day of May, 2019, by the following vote:

AYES: Councilmembers – Zito, Edson, Hegenauer, Becker
NOES: Councilmembers – None
ABSENT: Councilmembers – Harless (Recused)
ABSTAIN: Councilmembers – None

[Signature]
DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

[Signature]
JOHANNA N. CANLAS, City Attorney

ATTEST:

[Signature]
ANGELA IVEY, City Clerk
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF SOLANA BEACH

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution 2019-074 approving a Conditional Use Permit (CUP) and Development Review Permit (DRP) for Emergency Coastal Bluff Repairs below 325-327 Pacific Avenue, Case No. 17-18-28, Applicants: Laughlin and Greenberg as duly passed and adopted at a Regular Solana Beach City Council meeting held on the 22nd day of May, 2019. The original is on file in the City Clerk's Office.

ANGELA IVEY, CITY CLERK

CERTIFICATION DATE: June 26, 2019
SITE ACCESS & STAGING AREA NOTES:

1. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ALLEYS, SIDEWALKS, PRIVATE DRIVEWAYS, AND PUBLIC STREETS AT ALL TIMES.
2. CONSTRUCTION EQUIPMENT AND ACTIVITIES PERFORMED ON THE SANDY BEACH AREA SHALL NOT RESTRICT PUBLIC ACCESS.
3. ACCESS CORRIDORS SHALL BE LOCATED IN A MANNER THAT HAS THE LEAST IMPACT ON PUBLIC ACCESS AND ALONG THE SHORELINE.
4. CONSTRUCTION MATERIALS, EXCEPT FOR THE MINIMUM NECESSARY TO CONSTRUCT THE SEAWALL AND NOTCH FILL CONSTRUCTION, SHALL NOT BE STORED ON THE BEACH.
5. CONSTRUCTION SCHEDULE: NO WORK SHALL OCCUR ON THE BEACH ON WEEKENDS, HOLIDAYS OR BETWEEN MEMORIAL DAY WEEKEND AND LABOR DAY OF ANY YEAR.
6. NO OVERNIGHT STORAGE OF EQUIPMENT OR MATERIALS SHALL OCCUR ON SANDY BEACH OR PUBLIC PARKING SPACES AT FLETCHER COVE. DURING THE CONSTRUCTION STAGES OF THE PROJECT, THE PERMITTEE SHALL NOT STORE CONSTRUCTION MATERIALS OR WASTE WHERE IT WILL BE OR COULD POTENTIALLY BE SUBJECT TO WAVE EROSION AND DISPERSION. IN ADDITION, NO MACHINERY SHALL BE PLACED, STORED OR OTHERWISE LOCATED IN THE INTERTIDAL ZONE AT ANY TIME, EXCEPT FOR THE MINIMUM NECESSARY TO CONSTRUCT THE SEAWALL AND NOTCH FILL CONSTRUCTION, EQUIPMENT SHALL NOT BE WASHED ON THE BEACH OR IN THE FLETCHER COVE PARKING LOT.

ABBREVIATIONS:
- C.C.: CENTER TO CENTER
- C.O.: CLEAN OUT
- E.W.: EACH WAY
- E.: EXISTING
- N.: NEW
- N.I.C.: NOT IN CONTRACT
- P.T.D.: PRESSURE TREATED DOUGLAS FIR
- T.O.G.: TOP OF GRADE
- B.O.W.: BOTTOM OF WALL
- G.B.W.: GRADE BELOW WALL
- T.O.C.: TOP OF CONCRETE
- T.O.G.B.: TOP OF GRADE BEAM
- E.F.: EACH FACE
- U.N.O.: UNLESS NOTED OTHERWISE
- V.I.F.: VERIFY IN FIELD

SCALE: 1" = 70'
**LEGEND AND ABBREVIATIONS**

- **PROPERTY LINE**
- **EXISTING CONTOURS AT 2' INTERVALS**
- **PROPERTY LINE**
- **FOUND LEAD**
- **DISK STAMPED "LS 7655"**
- **AT 0.00' OFFSET PER CR 37918**
- **APN**
- **ASPHALT**
- **CONCRETE**
- **CORNER RECORD**
- **BENCH MARK**
- **CITY OF SOLANA BEACH SURVEY CONTROL POINT NO. 2012, NAMED ENC-43, 3.5" NATIONAL GEODETIC SURVEY DISC IN HEADWALL, 0.2 MILES NORTH OF SOLANA VISTA DR. ON EAST SIDE OF NORTHBOUND HIGHWAY 101, 3 FEET OFF SHOULDER AND 6 FEET WEST OF CARDIFF BY THE SEA SIGN.**
- **ELEVATION: 34.670 FEET (NAVD 88)**

**GENERAL NOTES**

1. **BOUNDARY SHOWN HERE IS BASED ON A FIELD SURVEY AND RECORD DATA PER MAP NO. 1749 AND CORNER RECORD NO. 37918.**
2. **AERIAL MAPPING PROVIDED BY PHOTO GEODETIC CORP., PROJECT NO. 475417, DATED 3/31/17.**
3. **ASSESSOR'S PARCEL NUMBERS: 263-301-11 AND 263-312-01.**

**LEGEND**

- **APPROX. TOP OF BLUFF/BLUFF EDGE**
- **40-FOOT REAR YARD SETBACK FROM BLUFF EDGE**

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**AS-BUILT**

Date: 10-10-17

Robert D. Mahony

Soil Engineering Const., Inc.

City of Solana Beach Senior Bridge Engineer

R.C.E. 16459

Exp: 6/30/24

Mohammad Sammak, City Engineer

Date: ___

R.C.E.: 37146

City of Solana Beach, CA 92075

REPAIRS TO COASTAL BLUFF 325-327 PACIFIC AVENUE

Sheet 4 of 15
EXISTING TIED-BACK SHOTCRETE SEAWALL
APPROX. EL. 15' MSL, CONSTRUCT SHOTCRETE WALL EXTENSION UP TO EL 35' MSL

TOTAL WALL EXTENSION 100'-0"±, MEASURED PARALLEL WITH PROPOSED SEAWALL ALIGNMENT

REMOVED EXISTING LOW WOOD WALLS
INSTALL EAST WEST "KEYSTONE" FILL CONTAINMENT WALL ALONG PROPERTY LINE, HEIGHT OF "KEYSTONE" WALL VARIES UP TO 6'-0"± HIGH

RECONSTRUCTED SECTIONS OF MID-TO-UPPER BLUFF WILL INCLUDE SLIGHT UNDULATIONS TO PROVIDE MORE NATURAL FINISHED BLUFF APPEARANCE. ELEVATIONS OF RECONSTRUCTED BLUFF AT NORTH AND SOUTH BOUNDARIES OF PROJECT WILL CLOSELY MATCH EXISTING BLUFF ELEVATIONS ON ADJACENT PROPERTIES

FLOOR PLAN-EXISTING CONDITION FOR:
325-327 PACIFIC AVENUE, SOLANA BEACH, CA 92075
REPAIRS TO COASTAL BLUFF

LEGEND AND ABBREVIATIONS
- PROPERTY LINE
- EXISTING CONDITIONS AT 6" INTERVALS
- APN: ASSESSOR'S PARCEL NUMBER
- HAMMER: CONCRETE
- TUC: CONCRETE
- CMT: CONCRETE
- BENCH MARK: CITY OF SOLANA BEACH ENGINEERING DEPARTMENT SURVEY CONTROL POINT NO. 2012, NAMED ENC-43, 3.5" NATIONAL GEODETIC SURVEY DISC IN HEADWALL, 0.2 MILES NORTH OF SOLANA VISTA DR. ON EAST SIDE OF NORTHBOUND HIGHWAY 101, 3 FEET OFF SHOULDER AND 6 FEET WEST OF CARDIFF BY THE SEA SIGN.
- ELEVATION: 34.670 (NAVD 88)

GENERAL NOTES
1.) BOUNDARY SHOWN HEREON IS BASED ON A FIELD SURVEY AND RECORD DATA PER MAP NO. 1749 AND CORNER RECORD NO. 37918.
2.) AERIAL MAPPING PROVIDED BY PHOTO GEODETIC CORP., PROJECT NO. 475417, DATED 3/31/17.
3.) ASSESSOR'S PARCEL NUMBERS: 263-301-11 AND 263-312-01.

LEGEND
- PROPOSED SEAWALL EXTENSION
- GRADES AND BLUFF EDGE
- 50-FOOT REAR YARD
- EXISTING CONSTRUCTION ON BLUFF EDGE
- PROPOSED GRADED CONTOUR
- AS-BUILT
AS-BUILT

ABBREVIATIONS:
- C.C. - CENTER TO CENTER
- C.O. - CLEAN OUT
- E.W. - EACH WAY
- E. - EXISTING
- N. - NEW
- N. I. C. - NOT IN CONTRACT
- P.T. D. F. - PRESSURE TREATED DOUGLAS FIR
- T. O. G. B. - TOP OF GRADE BEAM
- T. O. W. - TOP OF WALL
- T. & B. - TOP AND BOTTOM
- T. B. - TOP OF BEAM
- T. & B. - TOP AND BOTTOM
- T. B. - TOP OF BEAM
- U.N.O. - UNLESS NOTED OTHERWISE
- V. I. F. - VERIFY IN FIELD
- 8.0. W. - Grade BELOW Of WALL
- G. B. W. - Top Of grade BeAM
- T. O. C. - Top Of CONCRETe
- T. O. G. - Top Of grade
- E. F. - EACH FACE

SECTION-EXISTING

325 PACIFIC AVENUE

SECTION-PROPOSED

325 PACIFIC AVENUE

CITY OF SOLANA BEACH
ENGINEERING DEPARTMENT
DRAWING NO.
S.B.G.R.-6

AS-BUILT

By: ____________________________
Date: ____________________________
R.C.E.: ____________
Exp.: ____________

CITY OF SOLANA BEACH
ENGINEERING DEPARTMENT
DRAWING NO.
S B G R - 6

Sheet 6 of 15
SECTION - EXISTING
327 PACIFIC AVENUE
SCALE 1" = 10'
TIEBACK DETAILS

NOTES:
1. ANCHOR PLATE, TRUMPET & PROTECTIVE END CAP SHALL BE PRESSURIZED, TOP & BOTTOM.
2. PROVIDE ANCHOR TENDERS & CABLE, AS PER TABLE.
3. TIEBACK ANCHORS SHALL BE PRESSURIZED TO 120 PSI.

PROTECTIVE END CAP

TIEBACK ANCHORS SCHEDULE - TABLE "A"

<table>
<thead>
<tr>
<th>MARK</th>
<th>DESIGN</th>
<th>L.D.</th>
<th>TIEBACK</th>
<th>ANCHOR</th>
<th>HEAD</th>
<th>EACH PLATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>T1-T7</td>
<td>85.0</td>
<td>1/8&quot;</td>
<td>85.0</td>
<td>15</td>
<td>20</td>
<td>50</td>
</tr>
<tr>
<td>T8-T15</td>
<td>200.0</td>
<td>1/8&quot;</td>
<td>200.0</td>
<td>15</td>
<td>65</td>
<td>7</td>
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</tbody>
</table>

NOTES:
- ANCHOR PLATES, ON BOTH END OF WALL, TO BE DESIGNED TO ENSURE STABILITY.
- PROVIDE ANCHOR TENDERS & CABLE, AS PER TABLE.
- TIEBACK ANCHORS TO BE REMOVED AFTER CONSTRUCTION.

SECTION - EXISTING FENCE

DETAIL - ANCHOR SCHEMATIC

Abbreviations:
- C.C. = Center to Center
- C.O. = Clean Out
- E.W. = Each Way
- E. = Existing
- N.I.C. = Not in Contract
- P.T.D.F. = Pressure Treated Douglas Fir
- T.O.G.B. = Top of Beam/Base
- T.O.W. = Top of Wall
- T. & B. = Top and Bottom
- U.N.O. = Unless Noted Other
- V.I.F. = Verify in Field
- G.B.W. = Grade Below Wall
- T.O.C. = Top of Concrete
- T.O.G. = Top of Grade
- E.F. = Each Face

Abbreviations for Table:
- KIPS = Thousand Pounds
- FEET = Feet
- MIN. = Minimum

A5-BUILT

City of Solana Beach
Engineering Department
Drawing No.:

Sheet 9 of 15
SCOUR PROTECTION AS REQ'D USE RIPRAP OR PRECAST SLAB IN OUTLET AREA

HAND CUT UNIT TO WITHIN 1/2" OF PIPE

Typical Detail
Fire Outlet Elevation
Scale: None

PIPE OUTLET ELEVATION
Scale: None

TOP OF WALL SECTION
Pipe Outlet Structured Scale: None

TOP OF WALL SECTION
Pipe Outlet Structured Scale: None

TOP OF WALL SECTION
Pipe Outlet Structured Scale: None

TOP OF WALL SECTION
Pipe Outlet Structured Scale: None

TOP OF WALL SECTION
Pipe Outlet Structured Scale: None

TOP OF WALL SECTION
Pipe Outlet Structured Scale: None

KEYSTONE STANDARD UNIT
Scale: None

KEYSTONE COMPAC UNIT
Scale: None

NOTE:
This alternative would require to penetrate
geogrid layer.

STANDARD UNIT AT OUTLET
Scale: None

KEYSTONE STANDARD UNIT
Scale: None

KEYSTONE COMPAC UNIT
Scale: None

NOTE:
This alternative would require to penetrate
geogrid layer.

STANDARD UNIT
Scale: None

KEYSTONE STANDARD UNIT
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KEYSTONE COMPAC UNIT
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NOTE:
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Scale: None

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geogrid layer.

STANDARD UNIT
STORMWATER POLLUTION CONTROL BMP NOTES RELATIVE TO CONSTRUCTION

ACTIVITIES

CONSTRUCTION

CONSTRUCTION OF ANY STORMWATER CONSTRUCTION ACTIVITY SHALL BE AUTHORIZED BY THE PRIME CONTRACTOR AND PERMITTED BY THE CITY OF SOLANA BEACH. CONSTRUCTION ACTIVITY NOT AUTHORIZED OR PERMITTED MAY BE DISCONTINUED UNTIL AUTHORIZED OR PERMITTED BY THE CITY. CONSTRUCTION ACTIVITY NOT AUTHORIZED OR PERMITTED BY THE CITY SHALL BE DISCONTINUED AND RECOMMENDED FOR CONSTRUCTION.

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STATEMENT OF SPECIAL INSPECTIONS 2019 CBC SEC. 1704

Special Inspections Required For:
- Soil Monkey
- MSE - Wiretype X

- See "Special Inspections and Notes" Table, on front cover of Special Inspections Manual, for all special inspections required for this Project.
- Special Inspections shall be performed by registered civil engineer, and shall be performed in accordance with Special Inspections Manual
- Soil Special Inspections shall be required on all backfills, and shall be performed in accordance with Special Inspections Manual.
- Inspections shall be performed in accordance with Special Inspections Manual.

SPECIAL INSPECTIONS NOTES:

1. ALL DETAILING REQUIREMENTS ARE TO BE EXPERIENCED CONTRACTOR. ALL OPERATIONS MUST BE PERFORMED TO CITY OF SOLANA BEACH REQUIREMENTS.
2. ALL DETAILING SHOWN ON DRAWINGS ARE TO BE EXPERIENCED CONTRACTOR. ALL OPERATIONS MUST BE PERFORMED TO CITY OF SOLANA BEACH REQUIREMENTS.
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LANDSCAPE IMPROVEMENT PLANS
FOR
325-352 PACIFIC AVENUE, SOLANA BEACH, CA 92075
REPAIRS TO COASTAL BLUFF

GENERAL NOTES

THE FOLLOWING GENERAL NOTES ARE PROPOSED TO GIVE DIRECTIONS TO THE CONTRACTOR BY THE LANDSCAPE ARCHITECT.

1. NOTES ARE DIRECTED TO THE WORK OF THE LANDSCAPE CONTRACTOR UNLESS NOTED ON PLANS.

2. WORK NOT ATTACHED TO UNDERGROUND CONTRACTORS CONTRACT.

3. CONTRACTOR SHALL CONFER WITH LANDSCAPE ARCHITECT THAT PLANS ARE CURRENT AND APPROVED.

4. CONTRACTOR SHALL PROVIDE TO LANDSCAPE ARCHITECT THE CURRENT VERSION OF ALL GOVERNING CODES.

5. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT ONCE ALL UNDERGROUND UTILITIES ARE IDENTIFIED AND MARKED TO PREVENT DAMAGE DURING EXCAVATION.

6. CONTRACTOR SHALL PROVIDE THE LANDSCAPE ARCHITECT WITH A SITE PLAN THAT SHOWS THE EXISTING SITE CONDITIONS.

7. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF OTHERS.

8. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT OF ANY ERRORS, OMISSIONS OR DISCREPANCIES IN EXISTING CONDITIONS OR WITHIN THE PLANS PRIOR TO BEGINNING THE WORK.

9. CONTRACTOR SHALL BE APPROPRIATELY LICENSED AS REQUIRED BY THE STATE OF CALIFORNIA.

10. CONTRACTOR SHALL BE RESISTED TO WORK WITHIN THE STATE OF CALIFORNIA.

11. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF OTHERS.

12. CONTRACTOR SHALL BE APPROPRIATELY LICENSED AS REQUIRED BY THE STATE OF CALIFORNIA.

13. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT OF HIS PRIMARY RESPONSIBILITY TO PERFORM ALL WORK IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS AND GOVERNING CODES.

14. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF OTHERS.

15. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF OTHERS.

16. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF OTHERS.

17. CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF OTHERS.

LANDSCAPE MANAGEMENT PLAN

1. Observe plants for signs of stress on a regular basis so that field adjustments can be made in planting schedules.

2. Regular irrigation management must be in place to ensure proper hydration of irrigation equipment and waste water distribution.

3. No overhead irrigation should be performed between 10:00 a.m. and 4:00 p.m.

4. Site work shall be completed within two years of project completion.

5. As plantings grow and spread, it may be necessary to adjust spray heads to accommodate growth.

6. Plant replacement species must match the water requirements of existing plants in the same hydrozone.

7. Landscape lighting shall be installed in accordance with the manufacturer's recommendations.

8. Annual flush shall be completed before the start of the planting season.


10. Prevent landslides and other hazards from occurring.

11. An annual topographical or soil survey should be made, and its recommendations followed relative to fertilization and soil amendments.

12. Maintain a hard surface for use by visitors.

13. Prevent landslides and other hazards from occurring.

14. Prevent landslides and other hazards from occurring.

15. Prevent landslides and other hazards from occurring.

16. Prevent landslides and other hazards from occurring.

17. Prevent landslides and other hazards from occurring.

18. Prevent landslides and other hazards from occurring.

19. Prevent landslides and other hazards from occurring.

20. Prevent landslides and other hazards from occurring.

21. Prevent landslides and other hazards from occurring.

22. Prevent landslides and other hazards from occurring.

23. Prevent landslides and other hazards from occurring.

24. Prevent landslides and other hazards from occurring.

SOIL MANAGEMENT REPORT

The soil management report shall be submitted after a grading permit is issued. Prior to building permit issuance.

LANDSCAPE ARCHITECTURE CERTIFICATION

I, the undersigned, am familiar with the requirements for landscape and irrigation plans contained in the City of Solana Beach Landscaping Regulations. I have READ and agreed to comply with these regulations, and if I agree to any changes or modifications to these regulations, I agree to comply with the changes or modifications.

GEORGE MERCER, RLA

CITY OF SOLANA BEACH
ENGINEERING DEPARTMENT

LANDSCAPE ARCHITECT OF WORK:
DIAGRAMS/SHEETS:

CITY APPROVED CHANGES:

CITY OF SOLANA BEACH
PUBLIC WORKS DEPARTMENT

CITY OF SOLANA BEACH
PLANNING DEPARTMENT

CITY OF SOLANA BEACH
SOLID WASTE DEPARTMENT

CITY OF SOLANA BEACH
TRANSPORTATION DEPARTMENT

CITY OF SOLANA BEACH
WATER DEPARTMENT

CITY OF SOLANA BEACH
WATER DEPARTMENT
IRRIGATION LEGEND

SEE PLAN FOR EQUIPMENT SIZES

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>MANUFACTURER</th>
<th>MODEL</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>S</td>
<td>AUTO municipalities</td>
<td>200-2000</td>
<td>AUTOMATIC 2-WIRE WATER CONSUMPTION METER</td>
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<tr>
<td>S</td>
<td>OSA</td>
<td>3/4&quot;</td>
<td>INSTALL BELLOW OPEN IN VALVE BOX</td>
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<tr>
<td>C</td>
<td>CALIBRA</td>
<td>18</td>
<td>POP-UP</td>
</tr>
<tr>
<td>D</td>
<td>DRAIN</td>
<td>3/4&quot;</td>
<td>PVC SIZING TRUE DRAIN MAIN</td>
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<tr>
<td>C</td>
<td>CALIBRA</td>
<td>100-5</td>
<td>MANUAL 2-WIRE</td>
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<td>L</td>
<td>LIMIT</td>
<td>3/4&quot;</td>
<td>INVERT 8&quot; DEEP</td>
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<td>M</td>
<td>MANUFACTURER</td>
<td>FLOW SENSOR</td>
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<tr>
<td>W</td>
<td>PRESSURE</td>
<td>60</td>
<td>REGULATORS</td>
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CITY OF SOLANA BEACH ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET

ETWU = (ET/0) x (0.62) x (PF) x (HA) x (LA)

ET/0 = Evapotranspiration Rate

PF = Plant Factor

HA = Hydrozone Area (HA) - square feet

LA = Linear Application - gallons per linear foot

ETWU = Estimated Total Water Use

MAXIMUM APPLIED WATER APPLICATION (MAWA) calculation:

MAWA = 1.1 x (ETWU) / (1 - 0.2) 

In this case, ETWU = 16,091 gallons per year

MAWA = 1.1 x 16,091 / (1 - 0.2) = 71,652 gallons per year

MAXIMUM APPLIED WATER APPLICATION (MAWA) calculation:

Innings

ETWU = 16,091 gallons per year

MAWA = 1.1 x ETWU / (1 - 0.2) = 71,652 gallons per year

CITY OF SOLANA BEACH ENGINEERING DEPARTMENT

LANDSCAPE IRRIGATION PLAN FOR:

325-327 PACIFIC AVENUE, SOLANA BEACH, CA 92075

REPAIRS TO COASTAL BLUFF

LANDSCAPE ARCHITECT OF RECORD:

By George Mercer

990 SEACOAST DRIVE, STE 20
IMPERIAL BEACH, CA 91932
PHONE (619) 882-2499
E-MAIL mercers@sbcglobal.net

APPLICATION FOR APPROVAL

APPROVED FOR CONSTRUCTION

DATE: EXP:

Mohammad Sammak, City Engineer

DATE:

JUNE 14, 2024

Sheet 2 of 7
LANDSCAPE PLANS MUST BE CAREFULLY CONSIDERED IN CONNECTION HEREWITH.

IRRIGATION SPECIFICATIONS

A. THE WORK OF ASSEMBLING AND INSTALLING THE SPRINKLER SYSTEMS WILL BE ACHIEVED IN SUCH A MANNER THAT THE FINISHED SYSTEMS SHALL BE COMPLETE IN EVERY RESPECT AND SHALL BE LEFT READY FOR USE.

B. THE CONTRACTOR SHALL BE LIABLE FOR AND SHALL TAKE THE FOLLOWING ACTIONS, AS THEY MAY BE AUTHORIZED, IN WRITING, BY THE OWNER:

1. EXAMINE THE SITE AND SATISFY HIMSELF BEFORE SUBMISSION OF HIS BID, THAT ALL WORKMANSHIP AND MATERIALS SHALL CONFORM TO LOCAL BUILDING AND PLUMBING CODES.

2. INSTALLATION AND OPERATIONS MUST BE APPROVED BY ARCHITECT AS SPECIFIED UNDER GENERAL CONDITIONS.

3. ALL ADJUSTMENTS SHALL BE MADE TO THE SATISFACTION OF THE OWNER.

C. RESPONSIBILITY:

1. RESPONSIBILITY HEREUNDER IS SUBJECT TO THE FOLLOWING:

   a. THE CONTRACTOR MUST ASSURE THAT ALL WORKMANSHIP AND MATERIALS ARE IN ACCORDANCE WITH LOCAL BUILDING AND PLUMBING CODES.

   b. THE CONTRACTOR MUST PAY FOR ANY ADDITIONAL TRIPS FOR REINSPECTION OR RETESTING AT THE COST OF THE CONTRACTOR.

   c. ALL ADJUSTMENTS SHALL BE MADE TO THE SATISFACTION OF THE OWNER.

D. SPECIAL CONDITIONS:

1. PROVISIONS AND OPERATIONS MUST BE APPROVED BY ARCHITECT AS SPECIFIED UNDER GENERAL CONDITIONS.

E. EXCUSE:

1. EXCUSE MAY BE CLAIMED IF THE JOB, PLUS EXPENSES, AMOUNT OWED BY THE CONTRACTOR HEREUNDER MAY BE DEDUCTED FROM THE PROGRESS PAYMENTS DUE TO CONTRACTOR NEXT FOLLOWING THE DATE OF FAILURE OF INSPECTION OR TESTING BASED UPON THE OWNER'S REASONABLE ESTIMATE AS PERMITTED BY THE LAW.

F. CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR DAMAGES TO ANY AWD COVERED IN THESE SPECIFICATIONS IN THE PERFORMANCE OF THE CONTRACT.

G. ALL SPRINKLER HEADS SHALL BE SET AT A FINISH HEIGHT TO ACCOMMODATE AND CONSIDER ESTABLISHED GRADE CHANGE DURING COURSE OF THIS WORK TO ORIGINAL CONTOURS.

H. THE CONTRACTOR MUST CONFORM TO THE FOLLOWING MEASURES TO ELIMINATE THE POSSIBILITY OF DAMAGE TO AWD IN THE EVENT OF AWD'S INABILITY TO INSPECT, TEST AND APPROVE SPRINKLER HEADS PRIOR TO PLANTING:

1. ALL SPRINKLER HEADS WILL BE SECURED AND PROTECTED UPON INSTALLATION AND OPERATIONS TO ELIMINATE THE POSSIBILITY OF DAMAGE TO AWD.

I. ALL SPRINKLER HEADS WOULD BE SET AT A FINISH HEIGHT TO ACCOMMODATE AND CONSIDER ESTABLISHED GRADE CHANGE DURING COURSE OF THIS WORK TO ORIGINAL CONTOURS.

J. ALL SPRINKLER HEADS WILL BE SECURED AND PROTECTED UPON INSTALLATION AND OPERATIONS TO ELIMINATE THE POSSIBILITY OF DAMAGE TO AWD.

K. ALL SPRINKLER HEADS WOULD BE SET AT A FINISH HEIGHT TO ACCOMMODATE AND CONSIDER ESTABLISHED GRADE CHANGE DURING COURSE OF THIS WORK TO ORIGINAL CONTOURS.

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M. ALL SPRINKLER HEADS WOULD BE SET AT A FINISH HEIGHT TO ACCOMMODATE AND CONSIDER ESTABLISHED GRADE CHANGE DURING COURSE OF THIS WORK TO ORIGINAL CONTOURS.
PLANTING LEGEND

<table>
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<tr>
<th>SYMBOL</th>
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<td></td>
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<td>149 NL-6</td>
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<td>NON INVASIVE SEED MIX</td>
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NON INVASIVE SEED MIX
INTERSEED WITH TO BE APPLIED AT ALL DISTURBED AREAS.

SPECIES/COMMON NAME
SYMBOL (NATIVE SPECIES) SIZE QUANTITY DETAILS

BACCHARIS 'PIGEON POINT' 1 GAL 149 NL-6
COYOTE BUSH - PROSTRATE 1 GAL 24 NL-6
COREOPSIS MARITIMA 1 GAL 16 NL-6
GERMAN IVY 1 GAL 8 NL-6
LAUREL SAGE 1 GAL 6 NL-6
NON INVASIVE SEED MIX 4000 LBS/acre

FIBER ROLLS

PLANTING SCHEDULE & NOTES:

1. SHORE PLANTING SHALL OCCUR IN THE MONTHS OCTOBER THROUGH MARCH.
2. HYDROSEEDING SHALL OCCUR AFTER SHRUB INSTALLATION.
3. PLANTING SHALL BE TEMPORARILY IRRIGATED FOR A PERIOD OF UP TO THREE YEARS. AT THAT TIME, IF PLANTINGS ARE NOT FULLY ESTABLISHED, THE IRRIGATION PERIOD MAY BE EXTENDED, IF APPROVED BY THE COASTAL COMMISSION EXECUTIVE DIRECTOR.

PLANTINGS SHALL BE MAINTAINED IN GOOD GROWING CONDITION THROUGHOUT THE LIFE OF THE PROJECT AND WHENEVER NECESSARY SHALL BE REPLACED WITH NEW PLANT MATERIALS TO ENSURE CONTINUED COMPLIANCE WITH THE APPROVED PERMANENT EROSION CONTROL PLAN.
PLANTING NOTES

1. All rock and debris shall be removed from planting areas and then from the slope areas. SLOPES 6:1 OR STEEPER SHALL NOT HAVE IRRIGATION SYSTEMS OR PLANTING.

2. The landscape contractor shall repair and/or replace (in size, kind, and quality), any plant material, equipment, or site which is damaged or is not fit for the purpose.

3. Any plant material, equipment, or site which is damaged or is not fit for the purpose.

4. The landscape architect shall locate and plant all trees, shrubs, and ground covers prior to planting.

5. Wilting plant material shall not be planted or used on the project.

6. Receipts for fertilizer type and quantity used at the nurseries prior to shipping are for convenience only and the landscape contractor shall be responsible for his own plant names.

7. Plant count and area take-offs.

8. All rock and debris shall be removed from planting areas and then from the slope areas. SLOPES 6:1 OR STEEPER SHALL NOT HAVE IRRIGATION SYSTEMS OR PLANTING.

9. The landscape contractor shall repair and/or replace (in size, kind, and quality), any plant material, equipment, or site which is damaged or is not fit for the purpose.

10. Any plant material, equipment, or site which is damaged or is not fit for the purpose.

11. The landscape architect shall locate and plant all trees, shrubs, and ground covers prior to planting.

12. Wilting plant material shall not be planted or used on the project.

13. Receipts for fertilizer type and quantity used at the nurseries prior to shipping are for convenience only and the landscape contractor shall be responsible for his own plant names.


15. All rock and debris shall be removed from planting areas and then from the slope areas. SLOPES 6:1 OR STEEPER SHALL NOT HAVE IRRIGATION SYSTEMS OR PLANTING.

16. The landscape contractor shall repair and/or replace (in size, kind, and quality), any plant material, equipment, or site which is damaged or is not fit for the purpose.

17. Any plant material, equipment, or site which is damaged or is not fit for the purpose.

18. The landscape architect shall locate and plant all trees, shrubs, and ground covers prior to planting.

19. Wilting plant material shall not be planted or used on the project.

20. Receipts for fertilizer type and quantity used at the nurseries prior to shipping are for convenience only and the landscape contractor shall be responsible for his own plant names.


22. All rock and debris shall be removed from planting areas and then from the slope areas. SLOPES 6:1 OR STEEPER SHALL NOT HAVE IRRIGATION SYSTEMS OR PLANTING.

23. The landscape contractor shall repair and/or replace (in size, kind, and quality), any plant material, equipment, or site which is damaged or is not fit for the purpose.

24. Any plant material, equipment, or site which is damaged or is not fit for the purpose.

25. The landscape architect shall locate and plant all trees, shrubs, and ground covers prior to planting.

26. Wilting plant material shall not be planted or used on the project.

27. Receipts for fertilizer type and quantity used at the nurseries prior to shipping are for convenience only and the landscape contractor shall be responsible for his own plant names.


A. GENERAL REQUIREMENTS

1. VARIFICATION OF EMBREMENTS

2. GENERAL PROVISIONS

3. CONTRACTOR SHALL COMPARE THE SPECIFICATIONS AND THE CONTRACT DOCUMENTS WITH THE INFORMATION SUPPLIED BY THE LANDSCAPE ARCHITECT. THE CONTRACTOR SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS IN THE INFORMATION SUPPLIED.

B. SPECIFICATION FOR HYDROMULCHING

1. THE HYDROMULCHING PROCESS SHALL BE COMPLETED IN A TIMELY MANNER TO MEET THE REQUIREMENTS OF THE CONTRACT.

2. THE CONTRACTOR SHALL GIVE PROPER ATTENTION TO THE HYDROMULCHING PROCESS TO ENSURE SUCCESSFUL PLANTING.

3. THE HYDROMULCHING PROCESS SHALL BE COMPLETED IN A TIMELY MANNER TO MEET THE REQUIREMENTS OF THE CONTRACT.

C. AMENDED BACKFILL MIX

1. THE CONTRACTOR SHALL PROVIDE THE AMENDED BACKFILL MIX IN ACCORDANCE WITH THE SPECIFICATIONS.

2. THE CONTRACTOR SHALL ENSURE THAT THE AMENDED BACKFILL MIX MEETS THE QUALITY REQUIREMENTS SPECIFIED IN THE SPECIFICATIONS.

D. MAINTENANCE PERIOD

1. ALL BERMUDA AND KIKUYUGRASS SHALL BE DUG OUT BY THE CONTRACTOR AT THE END OF THE MAINTENANCE PERIOD.

2. THE CONTRACTOR SHALL ENSURE THAT THE MAINTENANCE PERIOD IS PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS.

E. SEED MIX:

1. SEED MIXES SHALL BE PROVIDED IN ACCORDANCE WITH THE SPECIFICATIONS.

2. THE CONTRACTOR SHALL PROVIDE SEED MIXES THAT MEET THE QUALITY REQUIREMENTS SPECIFIED IN THE SPECIFICATIONS.

F. HYDROMULCHING APPLICATION AND PLANTING SCHEDULE

1. THE HYDROMULCHING PROCESS SHALL BE COMPLETED IN A TIMELY MANNER TO MEET THE REQUIREMENTS OF THE CONTRACT.

2. THE CONTRACTOR SHALL ENSURE THAT THE HYDROMULCHING PROCESS MEETS THE QUALITY REQUIREMENTS SPECIFIED IN THE SPECIFICATIONS.

G. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

H. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

I. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

J. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

K. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

L. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

M. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

N. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

O. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

P. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

Q. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

R. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

S. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

T. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

U. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

V. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

W. HYDROMULCHING APPLICATION

1. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.

2. THE OPERATOR SHALL SPRAY THE AREA WITH A UNIFORM VISIBLE COAT USING THE YELLOW COLOR OF THE HYDROMULCH.
LANDSCAPE PLANTING SPECIFICATIONS

NOTE: GENERAL AND SPECIAL CONDITIONS APPLIED HEREIN ARE A PART OF THE LANDSCAPE PLANTING SPECIFICATIONS. PLANTS SHALL BE CORRECTLY PLANTED BY THE CONTRACTOR THEREOF.

I. PURCHASES OF THE SPECIFICATIONS

A. The purpose of these specifications is to convey to the contractor a description of the grading, site conditions, and dimensions of the site, and the landscape design, including the materials, plantings, and workmanship necessary to complete the landscape.

B. The purpose of specifications shall be complete in every respect to the satisfaction of the owner, and to indicate the requirements of these specifications for execution of the installation of the landscape. All measurements shall be the basis of computing the quantity of work. Prices quoted shall be the basis of forming the prices to be paid the contractor, and the prices so quoted shall be the basis of the contract.

II. SCOPE OF WORK

A. The work included in these specifications shall consist of the grading of all land, the installation of all plants and the installation of all landscape features.

B. The work of constructing and installing the landscaping shall be performed in an efficient and professional manner, and the work shall be executed to the satisfaction of the owner.

C. All work shall be performed in a professional manner, and to the satisfaction of the owner, and all materials shall be of the quality required by the specifications.

D. All materials to be supplied by the contractor to the owner shall be of the quality required by the specifications, and the work shall be performed in a professional manner.

E. All construction shall be complete in every respect to the satisfaction of the owner, and all work shall be executed to the satisfaction of the owner.

F. All work shall be performed in a professional manner, and to the satisfaction of the owner.

III. QUALITY OF WORK

A. The work shall consist of the furnishing of all labor, tools, materials, and the installation of all landscape features.

B. The work of constructing and installing the landscaping shall be executed in a professional manner, and the work shall be executed to the satisfaction of the owner.

C. All work shall be performed in a professional manner, and to the satisfaction of the owner.

D. All work shall be performed in a professional manner, and to the satisfaction of the owner.

E. All work shall be performed in a professional manner, and to the satisfaction of the owner.

F. All work shall be performed in a professional manner, and to the satisfaction of the owner.

IV. INTERPRETATION OF PLANS AND SPECIFICATIONS

A. The work included in these specifications shall consist of the furnishing of all labor, tools, materials, and the installation of all landscape features.

B. The work of constructing and installing the landscaping shall be executed in a professional manner, and the work shall be executed to the satisfaction of the owner.

C. All work shall be performed in a professional manner, and to the satisfaction of the owner.

D. All work shall be performed in a professional manner, and to the satisfaction of the owner.

E. All work shall be performed in a professional manner, and to the satisfaction of the owner.

F. All work shall be performed in a professional manner, and to the satisfaction of the owner.

V. THE WORK INCLUDED IN THESE SPECIFICATIONS

A. The work included in these specifications shall consist of the furnishing of all labor, tools, materials, and the installation of all landscape features.

B. The work of constructing and installing the landscaping shall be executed in a professional manner, and the work shall be executed to the satisfaction of the owner.

C. All work shall be performed in a professional manner, and to the satisfaction of the owner.

D. All work shall be performed in a professional manner, and to the satisfaction of the owner.

E. All work shall be performed in a professional manner, and to the satisfaction of the owner.

F. All work shall be performed in a professional manner, and to the satisfaction of the owner.

VI. GENERAL CONDITIONS

A. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

B. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

C. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

D. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

E. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

F. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

VII. METHODS AND MATERIALS

A. The methods and materials shall be executed in a professional manner, and to the satisfaction of the owner.

B. The methods and materials shall be executed in a professional manner, and to the satisfaction of the owner.

C. The methods and materials shall be executed in a professional manner, and to the satisfaction of the owner.

D. The methods and materials shall be executed in a professional manner, and to the satisfaction of the owner.

E. The methods and materials shall be executed in a professional manner, and to the satisfaction of the owner.

F. The methods and materials shall be executed in a professional manner, and to the satisfaction of the owner.

VIII. INSURANCE

A. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

B. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

C. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

D. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

E. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

F. The Contractor shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

IX. WARRANTIES

A. The warranties shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

B. The warranties shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

C. The warranties shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

D. The warranties shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

E. The warranties shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

F. The warranties shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

X. unrestRICTION

A. The restrictions shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

B. The restrictions shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

C. The restrictions shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

D. The restrictions shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

E. The restrictions shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.

F. The restrictions shall be responsible for the work of constructing and installing the landscaping, and shall be responsible for the installation of all landscape features.
A. APPLICANT INFORMATION:

1. Project Address: 325 and 327 Pacific Avenue, Solana Beach, CA 92075

2. Applicant’s Name: Laughlin, Peter (325 Pacific) and Greenberg, Renita (327 Pacific)
   (Last, First & Middle Initial or Company Name)

3. Applicant’s Address: See Above Project Addresses
   (Street, City, State & ZIP Code)

4. Applicant’s Telephone: Laughlin: 831.236.8662
   Greenberg: 858.336.2910

5. Applicant’s Email Address: Laughlin: Peter@Laughlincompany.com
   Greenberg: Renitag@cox.net

B. PLEASE COMPLETE THE FOLLOWING:

1. Provide a detailed factual description and explanation of the reasons why a building permit was not issued prior to the expiration of the original approval or preceding extension and the specific reason(s) the extension is necessary; the applicant’s request for a specific time period for the extension.

   The project was significantly delayed by Coastal staff and received final approval in December 2021. Commission staff just provide the formal Notice of Intent to Issue Permit in March, 2022. We anticipate that completion of all Special Conditions of the Coastal Permit to be completed by the Fall, 2022.

   Dependent on the Permittee’s contractor’s schedule, the best tidal conditions and the prohibition against working on the beach between Memorial Day and Labor Day, we would envision a project start in late 2022 / early 2023 or in the Fall of 2023. Therefore, while we recognize that City Code limits project extensions to a maximum of 12 months, we would request a minimum 18 month extension if an allowance for such a request is possible.
2. A detailed description of the actions that will be taken during the specific requested extension period that justify the requested time period of the extension and that will result in the timely issuance of a building permit for the project before the extension expires.

As noted in response to Item #1, the applicants must complete all City and Coastal Commission conditions of project approval. Having just received the Commission's formal Notice of Intent to Issue Coastal Permit in March, 2022, and having extensive experience in the time required to complete Coastal Conditions to Coastal staff's satisfaction, we anticipate having these conditions fully completed within the next 4-6 months. However, determining the exact date of a construction start is based on satisfying the conditions and then working during the best times of the year for longer low tide periods. The start of this project, which should take up to 6 months to complete, is also based on the contractor's schedule and the limitations placed on work occurring during summer months (between Memorial Day and Labor Day).

3. A detailed timeline for the actions that will be taken during the requested extension period.

As noted in our response to Items #2, completion of all Special Conditions of approval should occur within 4-6 months. Actual start of construction, however, is dependent on the additional factors addressed in our response to Item #2.

(Please attach any additional relevant information supporting the extension)

Applicant Signature: [Signature]
Date: March 16, 2022

17.72.110 Lapse of approval and extensions.

A. Lapse of Approvals. Unless otherwise specified in this title, approvals for development review permits, structure development permits, conditional use permits, variances, and minor exceptions shall lapse (i.e., expire) and become void 24 months after the date of the approval, unless a different expiration date is specifically established as a condition of the approval or unless the following action occurs:
1. A building permit is issued in accordance with the approval.

B. Extensions. An extension may be issued prior to the lapse (i.e., expiration) of any approval described in subsection A of this section. There is not an absolute right to receive an extension. Approvals originally granted by the director of community development (the "director") may be extended by the director. Approvals granted by the view assessment committee may only be extended by the city council. Approvals by the city council may only be extended by the city council.
1. One or more (but not more than a total of four) extensions may be granted not exceeding a cumulative total of 24 months after the date the original
2. A detailed description of the actions that will be taken during the specific requested extension period that justify the requested time period of the extension and that will result in the timely issuance of a building permit for the project before the extension expires.

As noted in response to Item #1, the applicants must complete all City and Coastal Commission conditions of project approval. Having just received the Commission's formal Notice of Intent to Issue Coastal Permit in March, 2022, and having extensive experience in the time required to complete Coastal Conditions to Coastal staff's satisfaction, we anticipate having these conditions fully completed within the next 4-6 months. However, determining the exact date of a construction start is based on satisfying the conditions and then working during the best times of the year for longer low tide periods. The start of this project, which should take up to 6 months to complete, is also based on the contractor's schedule and the limitations placed on work occurring during summer months (between Memorial Day and Labor Day).

3. A detailed timeline for the actions that will be taken during the requested extension period.

As noted in our response to Items #2, completion of all Special Conditions of approval should occur Within 4-6 months. Actual start of construction, however, is dependent on the additional factors Addressed in our response to Item #2.

(Please attach any additional relevant information supporting the extension)

Applicant Signature: ____________________________ Date: 3/17/2023
BACKGROUND:

The Santa Helena Neighborhood Trail Project has been in the City’s Work Plan for several years. After City Council’s initial direction, Staff engaged the professional services of MW Peltz + Associates to assist Engineering Staff to develop design plans. Shortly thereafter, Staff, with the involvement of a few representatives from local HOAs as well as representatives of BikeWalkSolana, formed a focus group and developed preliminary conceptual plans. In March 2020, the conceptual plans were presented to the City Council for additional refinement and direction. As directed by the City Council, Staff held a City-wide virtual community workshop on October 21, 2021 to obtain additional feedback.

This item is before the City Council to present an update on the Santa Helena Neighborhood Trail Project (Project) and to receive additional comment and direction.

DISCUSSION:

Santa Helena from Sun Valley Road to the San Elijo Lagoon is a two-lane road (one lane per direction) within a very wide striped median and right of way. The proposed Project would reduce the roadway width, originally designed for four lanes, and convert the right of way not included as part of the roadway into a neighborhood trail. The proposed Project would accommodate two lanes of vehicular traffic (one lane per direction) and bike lanes in both directions. The proposed Project includes construction of new curb and gutter along one side, ADA compatible pedestrian ramps, median curbs, storm drains, pavement overlays, traffic markings and signs. The geometric design of the road would create a more user-friendly environment for all modes of travel with emphasis to pedestrians and bicyclists. The intersection of Santa Helena and Santa Victoria has been designed to introduce curb extensions at all four corners. This design will have a traffic

CITY COUNCIL ACTION:

____________________________________________________________________

____________________________________________________________________

AGENDA ITEM # C.1.
calming effect. It would also make the path of pedestrian travel significantly shorter through every leg of the intersection.

The neighborhood trail would include a 10-foot-wide meandering walking trail to accommodate pedestrians from Sun Valley to the San Elijo Lagoon. Drought tolerant landscaping and several rest areas equipped with benches, pedestrian lighting, decorative boulders, and other site furnishing are included. The irrigation system will utilize recycled water, which is available at the intersection of Santa Helena and Sun Valley.

The final design is in development by City Staff and MW Peltz. Staff is seeking Council’s recommendations and directions on the certain design elements of the Project including landscaping materials. Staff anticipate completion of the design in fall 2022. Once the design and construction plans are complete, the City will pursue grant funding opportunities for construction.

**CEQA COMPLIANCE STATEMENT:**

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

**FISCAL IMPACT:**

The Fiscal Year (FY) 2021/22 CIP budget includes $70,000 in TransNet funding for final design. Cost of construction of the Project is estimated to be $2,600,000. Construction funding is not identified at this time.

**WORK PLAN:**

This Project is listed in the FY 2021/22 Work Plan under the Community Character Priorities.

**OPTIONS:**

- Receive report.
- Provide additional direction.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council receive this report and provide input and direction on the Santa Helena Neighborhood Trail Project.
CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation.

_________________________
Gregory Wade, City Manager
**SOLANA BEACH FIRE DEPARTMENT**

**By:** __________

**SANTA FE IRRIGATION DISTRICT LANDSCAPE ARCHITECT OF WORK**

**By:** MICHAEL PELTZ

**SY: ___,- _______ Drawn By**

**ENGINEERING DEPARTMENT**

**DESCRIPTION:**

**REMARKS**

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**PLANT SCHEDULE**

<table>
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<tr>
<th>Common Name</th>
<th>Code</th>
<th>Container</th>
<th>Bays</th>
<th>City</th>
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<td>Hooker's Manzanita</td>
<td>BES X</td>
<td>1 gal. Pot</td>
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<td>Boca Rosa Island Snapdragon</td>
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**COMMON NAME**

**SIZE CONTAINER**

**QUANTITY**

---

**SCALE:** 1" = 20'
### Plant Schedule

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### Trees: Botanical Name

- **Cercis occidentalis**: Western Redbud
- **Pinus torreyana**: Torrey Pine
- **Quercus agrifolia**: Coast Live Oak

### Shrubs: Botanical Name

- **Ceanothus arborescens**
- **Arctostaphylos uva-ursi**
- **Bulbine frutescens 'Hallmark'**: Hallmark Stalked Bulbine

### Ground Covers: Botanical Name

- **Arctostaphylos x 'Emerald Carpet'**: Emerald Carpet Manzanita
- **Mimulus aurantiacus**: Sticky Monkeyflower
- **Verbena filifolia 'De la Mina'**: Deer Grass
- **Sedum spectabile**
- **Rhus integrifolia**: Baja Rose
- **Rosa minutifolia**: De la Mina Lilac Verbena
- **Westringia fruticosa WES04 'TM**: Grey Box Coast Rosematy

### Landscape Plans

**Location:** Santa Helena Trail

**Scale:** 1" = 20'

**City of Solana Beach Engineering Department**

**City of Solana Beach Landscape Plans for Santa Helena Trail**

**Drawing No.:** 58GR-2002709

**City of Solana Beach Fire Department**

**Santa Fe Irrigation District**

**Landscape Architect of Work:** By: Michael Peltz

**City Government Designation:** Solana Beach Fire Department

**City of Solana Beach Engineering Department:**

**Engineering Department:**

**Landscape Plans for Santa Helena Trail:**

**Approved for Construction:**

**City of Solana Beach Landscape Architect of Work:**

**Approved Changes:**

**San Diego County Fire Protection District:**

**Fire Chief:**

**Firefighter:**

**District Engineer:**

**District Engineer:**

**Approved for Approval:**

**Approved for Construction:**

**Recommended for Approval:**

**City of Solana Beach Engineering Department:**

**San Diego County Fire Protection District:**

**Engineering Department:**

**Landscape Plans for Santa Helena Trail:**

**Drawing No.:** 58GR-2002709

**City of Solana Beach Fire Department**

**Santa Fe Irrigation District**

**Landscape Architect of Work:** By: Michael Peltz
**PLANT SCHEDULE**

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<th>WUCOLS</th>
<th>VIV</th>
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<td>Senecio mandraliscae</td>
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**NORTH SCALE: 1"=20'**

**REMARKS**

- **Matching See Sheet X**
- **Matching See Sheet Y**

**SANTA HELENA TRAIL**

**CITY OF SOLANA BEACH**

**ENGINEERING DEPARTMENT**

**SBGR**

**SCALE 1"=20'**

**DATE**

**SOLANA BEACH FIRE DEPARTMENT**

**SANTA FE IRRIGATION DISTRICT**

**LANDSCAPE ARCHITECT OF RECORD**

**CITY APPROVED CHANGES**

**APPROVED FOR CONSTRUCTION**

**MUNICIPAL ENGINEER**

**A.C.E. 37146**

**EXP: 6/30/22**

**DATE: 3/23/??**

**DRAWN BY: MICHAEL PELTZ**

**ASSOCIATES**

**LANDSCAPE ARCHITECTURE**

**SANTA ANA BEACH, CALIFORNIA**

**BY: ___________**

**DRAWN BY: ___________**

**DATE: ___**

**R.C.E.: 37146**

**By:_________**

**DATE: ___**

**LOCATION X**

**BY: ___________**

**DATE: ___**

**CODE BOTANICAL NAME COMMON NAME SIZE CONTAINER WUCOLS**

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<th>COMMON NAME</th>
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<td>De la Mina Lilac Verbena</td>
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**Tree Schedule**

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<tr>
<td>Torrey Pine</td>
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<td>Coast Live Oak</td>
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**Ground Cover Schedule**

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<td>Pot</td>
</tr>
<tr>
<td>Blue Fingers</td>
<td>1 gal</td>
<td>Pot</td>
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STAFF REPORT
CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: May 11, 2022
ORIGINATING DEPT: City Manager’s Department/City Attorney’s Office
SUBJECT: Adopt Ordinance 523 – Amending Title 5 and Adding Chapter 5.07 to the Solana Beach Municipal Code to Regulate the Use, Sale and Distribution of Balloons Filled with Gas Lighter than Air

BACKGROUND:
Lighter than air balloons are sold in several retail establishments in Solana Beach and pose multiple threats to animals, humans, and the environment. Plastic pollution from improperly disposed of and/or deteriorating balloons directly impacts the environment, wildlife, domesticated animals, and human health, and indirectly impacts the City’s economy when it becomes beach litter. Lighter than air balloons are also a menace to utilities and fire departments, and when filled with helium, they threaten to deplete a precious, non-renewable resource important to science, industry and medicine.

On April 27, 2022, the City Council introduced Ordinance 523 (Attachment 1) amending Title 5 and adding chapter 5.07 to the Solana Beach Municipal Code to regulate the use, sale and distribution of balloons filled with gas lighter than air.

The action before the City Council is to consider adoption of Ordinance 523.

DISCUSSION
Plastic pollution is a significant environmental challenge and microplastics have been found in our drinking water, food, and the air we breathe. While plastic pollution reduction efforts have focused on single-use plastic bags, bottles, utensils and straws, balloons have been largely overlooked. Latex and Mylar are the two types of balloons in general use. Mylar balloons are petroleum-based and not biodegradable, and while latex does biodegrade, the latex balloons contain petroleum-based additives and are not 100% biodegradable. Researchers have observed that latex balloons deteriorate slowly and

CITY COUNCIL ACTION:

AGENDA ITEM # C.2.
retain their elasticity even after floating in the ocean for 12 months. The release of both of these types of balloons results in additional plastic pollution which negatively impacts the safety of our citizens, wildlife, oceans, coastlines, and communities.

Ordinance 523 has been developed to address the critical local and regional concerns with balloons, including plastic pollution, marine debris, marine life impacts, land animal and bird impacts, negative economic impacts, and wildfire dangers. The proposed Ordinance includes the following key provisions:

- No Person, including, but not limited to, a balloon wholesaler, retailer, or third-party vendor, shall use, sell, or distribute any type of Balloon inflated with any Gas Lighter Than Air within the City, either as a separate item or included in a packaged product set, including at any City Facility or City-Sponsored Event.

- No Person shall dispose of any Balloon inflated with any Gas Lighter Than Air within the City in any manner, including release outdoors into the air, other than in a trash container.

- This Section shall not apply to manned hot air balloons, or to balloons used in governmental or scientific research.

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 15308 because it is an activity undertaken to assure the maintenance, restoration, enhancement and protection of the environment and pursuant to Section 15601(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

FISCAL IMPACT:

There is no direct fiscal impact as a result of this item. However, implementation and enforcement of Ordinance 523, if adopted, would be the responsibility of City Staff.

WORK PLAN:

This item is included as an Uprioritized Item in the Environmental Sustainability section of the FY 2021/22 Work Plan.

OPTIONS:

- Adopt Ordinance 523 amending Title 5 and adding Chapter 5.07 to the Solana Beach Municipal Code to address the Use, Sale and Distribution of Balloons Filled with Gas Lighter than Air.

- Provide direction/feedback.
DEPARTMENT RECOMMENDATION:

Staff recommends the City Council adopt Ordinance 523 amending Title 5 and adding Chapter 5.07 to the Solana Beach Municipal Code to address the Use, Sale and Distribution of Balloons Filled with Gas Lighter than Air.

CITY MANAGER’S RECOMMENDATION:

Approve Department Recommendation

Gregory Wade, City Manager

Attachments:

1. Ordinance 523
ORDINANCE 523

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ADDING CHAPTER 5.07 TO THE SOLANA BEACH MUNICIPAL CODE PROHIBITING THE USE, SALE AND DISTRIBUTION OF BALLOONS FILLED WITH A GAS LIGHTER THAN AIR

WHEREAS, State law currently prohibits the outdoor release of any balloon constructed of electrically conductive material that is filled with a gas lighter than air as part of a public or civic event, promotional activity or product advertisement (California Penal Code Section 653.1 and Business and Professions Code Section 22942); and

WHEREAS, State law further requires that an object of sufficient weight be affixed to each Mylar balloon at the time of sale or distribution to counter the lift capability of the balloon, and also requires the manufacturer’s name to be printed on the balloon, along with a permanent warning notice regarding the conductivity and danger of Mylar balloons (California Penal Code Section 653.1 and Business and Professions Code Section 22942); and

WHEREAS, the City of Solana Beach desires to implement additional measures to minimize the existence of balloons filled with a gas lighter than air within the City and mitigate the dangerous impacts from these balloons coming into contact with ocean life, animals and power lines; and

WHEREAS, balloons can be damaging to ecosystems and wildlife when released into the air or not disposed of properly, as they are not biodegradable; and

WHEREAS, the Ocean Conservancy lists balloons as the second most dangerous debris item since they are frequently mistaken as food by birds, mammals, and marine life. When balloons are ingested, they block the animals’ digestive track, which leads to a loss of nutrition, internal injury, starvation, and death. Balloon ribbon is also hazardous because it can choke or entangle birds, mammals, and marine life in a manner that limits their mobility; and

WHEREAS, balloons are the most common form of floating garbage within 200 miles of American shorelines, and beach litter surveys have shown that the number of balloons and balloon pieces found on beaches has tripled in the past 10 years; and

WHEREAS, balloon debris on City beaches is prolific despite laws and regulations that prohibit littering, which contributes to dirty beaches, parks and communities, creates added costs to City budgets and discourages tourism; and

WHEREAS, balloons made of metalized or foil materials that conduct electricity, including
Mylar, also pose a safety hazard when released as they can cause power outages, explosions, downed power lines and damaged infrastructure when coming near or into direct contact with high-voltage power lines, resulting in costly repairs and/or hours of power outages affecting City residents and businesses; and

WHEREAS, over the past five years, Mylar balloons have been identified as the cause of more than 500 power outages in the San Diego region’s electrical system; and

WHEREAS, the most effective way to reduce balloon debris in the City’s waterways, decrease litter and pollution, and protect the environment, marine life, human health and the City’s infrastructure, is to prohibit the use, sale and distribution of balloons filled with a gas lighter than air; and

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

SECTION 1. All of the above recitals are true and correct.

SECTION 2. Chapter 5.07 of the Solana Beach Municipal Code is hereby added to read as follows:

5.07.010 Title.
This Chapter shall be known as the “Balloon Ordinance”.

5.07.020 Purpose and Intent.
The purpose of this Chapter is to establish standards and procedures for environmental waste and litter reduction measures and promote environmentally sustainable practices throughout the City by prohibiting the use, sale and distribution of balloons filled with a gas lighter than air. In enacting this Chapter, it is the City’s intent to further current prohibitions and regulations relating to balloons under State law and to protect the City’s residents, businesses, animals, and infrastructure from damage caused by balloons. Nothing in this Chapter is intended to or shall be interpreted as conflicting with any federal or state law or regulation.

5.07.030 Definitions
For purposes of this Chapter only, the terms below have the following meaning:

“Balloon” means a flexible bag, including but not limited to, those made from rubber, latex, polychloroprene (neoprene), Mylar, or nylon fabric, that is designed to be inflated with a gas lighter than air, causing it to float, or designed to be filled with water. A balloon may be used for decorative, toy, or entertainment purposes. Balloons used for medical, industrial, or scientific purposes are not subject to the provisions of this ordinance.

“Gas Lighter Than Air” means a gas that has a lower density than normal atmospheric
gases and rises above them as a result, including, but are not limited to, helium, hydrogen, methane, oxygen, and nitrogen.

“Person” means any person, business, corporation, or event organizer or promoter; public, nonprofit or private entity, agency or institution; or partnership, association or other organization or group, however organized.

5.07.040 Prohibition on the Use, Sale and Distribution of Balloons
A. No Person, including, but not limited to, a balloon wholesaler, retailer, or third-party vendor, shall use, sell, or distribute any type of Balloon inflated with any Gas Lighter Than Air within the City, either as a separate item or included in a packaged product set, including at any City Facility or City-Sponsored Event.

B. No Person shall dispose of any Balloon inflated with any Gas Lighter Than Air within the City in any manner, including release outdoors into the air, other than in a trash container.

C. This Section shall not apply to manned hot air balloons, or to balloons used in governmental or scientific research project.

5.07.050 Enforcement; Penalties.
A. Any violation of this Chapter shall be enforced through Chapters 1.16 and 1.18 of the Solana Beach Municipal Code.

B. Each violation of this Chapter shall be considered a separate offense.

C. The remedies and penalties provided in this Chapter are cumulative and not exclusive and nothing in this shall preclude the City from pursuing any other remedies. The City Attorney may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulations or administrative procedure developed pursuant hereto.

SECTION 3. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Section 15308 of the CEQA Guidelines because it is an activity undertaken “to assure the maintenance, restoration, enhancement and protection of the environment” and pursuant to Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council
hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause, phrase and portion of this Ordinance irrespective of the fact that one or more, sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional to this end, the provisions of this Ordinance are declared severable.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall proceed with publication pursuant to the provisions of Government Code section 36933.

INTRODUCED AND FIRST READ this 27th day of April 2022, at a regular meeting of the City Council of the City of Solana Beach, California; AND

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, on the 11th day of May 2022, 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
BACKGROUND:

The City Council introduced Ordinance 516 on April 27, 2022 to implement electronic online filing as required by AB 2151. The item is before the City Council to adopt Ordinance 516 (Attachment 1).

DISCUSSION:

Since Government Code section 84615 went into effect, many local government agencies throughout California have chosen to enact paperless filing as a courtesy to their campaign filers, to increase staff efficiency, and to help reduce the use of paper. In addition, with adoption of Government Code section 84616 requiring a local government agency to post any paper filings on the City’s website within 72 hours of the applicable filing deadline, it is more efficient to require and provide electronic filings.

The City Clerk’s office accepts FPPC filings of two major categories of economic disclosure documents: (1) campaign statements (commonly known as Form 460’s) disclosing contributions received and expenditures made by local candidates, local committees, and ballot measure campaigns and (2) statements of economic interests (commonly known as Form 700s) from designated public officials and employees, both with specified deadlines. In most instances, these documents are filed with the City Clerk as the filing officer/official. If the documents are not filed in a timely fashion, penalties are imposed.

Advantages:
There are many advantages to requiring electronic filing of disclosure documents. All FPPC forms are public records. By shifting to an electronic system, the public benefits with direct 24-hour access to campaign statements on the City’s website, providing greater transparency to the voters. The system is also beneficial to filers by providing multiple prompts to ensure timely filing, storing previous statements for user ease, information entered into the system by filers will carry over from one filing to the next reducing errors and the need to file amendments, and permitting a single filing for multiple offices. Further, implementation of a paperless system increases efficiency to the City and Staff with time savings and improves sustainability by reducing overall consumption, not only of paper, but also of ink, plastic packaging, and reduces transportation emissions tied to delivery and disposal of products.

Current Filings:
The City Clerk’s office began utilizing Granicus (Southtech) software for electronic filings of Statements of Economic Interests (Form 700) with 2021 filings due in 2022. However, currently campaign finance disclosure filings are accepted on paper which requires significant Staff time to redact appropriate information and post to the City’s website.

Authorize Online Filings for Campaign Statements:
For the City of Solana Beach to accept electronically filed campaign statements, the City Council must adopt an ordinance permitting the use of an online filing system as an option for filing and designating the filings received electronically by the City Clerk’s Office as the filings of record for the City. In addition, the system must operate securely and effectively. The ordinance incorporates the safeguards required by State law, including:

- The electronic filing system shall not place an undue burden on filers and include procedures for filers to comply with the requirement that they sign statements and reports under penalty of perjury; and
- The system shall ensure the integrity of the data transmitted and include safeguards against efforts to tamper with, manipulate, alter, or subvert the data; and
- The local filing officer shall make all data available on the internet in an easily understood format that provides the greatest public access; and
- The agency shall enable filers to complete and submit electronic filings free of charge.

Adoption of the proposed ordinance will only apply to those filers that meet a threshold of $200 (current limit) or more for expending or receiving campaign funds. This threshold is more stringent than the Political Reform Act (the “Act”), which recognizes campaigns that spend or raise $2,000 (current limit) or more as “Controlled Committees.” Under the Act, these types of committees are obligated to file detailed campaign finance disclosure statements, also known as Form 460s. For those smaller campaigns that do not meet the threshold of $200 (current City limit), they may continue to file paper versions of the Form 470 disclosure forms (although such filers may choose to file electronically for convenience).
Transition Timeline:
The requirement to electronically file campaign disclosure statements would become effective June 10, 2022, which is thirty (30) days following the adoption of the ordinance. To facilitate the full transition to electronic filing, the City Clerk’s Office will continue to provide detailed instructions and training.

The goal is to provide sufficient time for the City Clerk’s Office to conduct implementation measures and training prior to the beginning of the nomination period, July 18, 2022, for the 2022 elections.

CEQA COMPLIANCE STATEMENT:
Not a project as defined by CEQA.

FISCAL IMPACT:
The fee for the Granicus (Southtech) system is based on an annual subscription cost determined by population. The cost for the City of Solana Beach will be $1,000 annually which will be incorporated into the City Clerk’s budget. As noted above, the electronic filing system is free of charge to filers and free to the public for viewing purposes.

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation.

DEPARTMENT RECOMMENDATION:
Adopt Ordinance 516, related to electronic campaign statements, adding Section 2.24.085 Electronic Filing of Campaign Statements to the Solana Beach Municipal Code.

CITY MANAGER’S RECOMMENDATION:
Approve Department Recommendation.

Gregory Wade, City Manager

Attachments:

1. Ordinance 516
ORDINANCE 516

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ADDING SECTION 2.24.085, ELECTRONIC FILING OF CAMPAIGN STATEMENTS, TO THE SOLANA BEACH MUNICIPAL CODE

WHEREAS, the Political Reform Act of the State of California requires elected officers, political candidates, and committees to file campaign statements by specified deadlines disclosing contributions received and expenditures made. These documents are public and help voters to be fully informed. The City Clerk is the local filing officer/official for the City of Solana Beach and is responsible for receiving Fair Political Practices Commission (FPPC) campaign disclosure filings, reviewing, storing, and making them accessible to the public; and,

WHEREAS, on January 1, 2013, Assembly Bill 2452 went into effect, adding California Government Code section 84615, which allows local government agencies to require online or electronic filing for an elected officer, candidate, committee, or other person who is required to file statements, reports, or other documents under the Political Reform Act; and

WHEREAS, on January 1, 2021, Assembly Bill 2151 went into effect, adding California Government Code section 84616, which requires a local government agency to post on its internet website, within 72 hours of the applicable filing deadline, a copy of any specified statement, report, or other document filed with that agency in paper format. This bill requires that the statement, report, or other document be made available for four years from the date of the election associated with the filing; and

WHEREAS, the City intends to enter into an agreement with a vendor approved by the California Secretary of State, to provide an online electronic filing system (“System”) for campaign disclosure statements; and

WHEREAS, the System will operate securely and effectively and will not unduly burden filers. Specifically: (1) the System will ensure the integrity of the data and includes safeguards against efforts to tamper with, manipulate, alter or subvert the data; (2) the System will only accept a filing in the standardized record format developed by the Secretary of State and compatible with the Secretary of State’s system for receiving an online or electronic filing; and (3) the System will be available free of charge to filers and to the public for viewing filings; and

WHEREAS, the City will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615 and any other applicable laws; and
WHEREAS, the City desires to amend Title 2, Administration & Personnel, Chapter 2.24, Elections, to add Section 2.24.085 entitled “Electronic Filing of Campaign Statements” to the Solana Beach Municipal Code; and

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

Section 1. Purpose and Authority.
The purpose of this section is to require the filing of Campaign Disclosure Statements by elected officials, candidates, and committees electronically. The City Council enacts this Ordinance in accordance with the authority granted to cities by State law. This Ordinance is intended to supplement, and not conflict with, the Political Reform Act.

Section 2. Findings.
Pursuant to California Government Code Section 85615, the City of Solana Beach hereby finds that the online or electronic filing system required by this section will operate securely and effectively and will not unduly burden filers. Said System promotes the use of electronic filing of campaign forms required by the State of California to provide for a streamlined, paperless, and secure system to meet the demand for digital and transparent systems.

Section 3. Section 2.24.085
Section 2.24.085 is hereby added to Title 2 (Administration and Personnel), Chapter 2.24, Elections to read as follows:

“Section 2.24.085
Electronic Filing of Campaign Statements

A. Any elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act 1 of 3 (commencing with Section 84100 of the Government Code) and Solana Beach Municipal Code 2.24. These procedures shall ensure that the online filing system complies with the requirements set forth in Section 84615 of the California Government Code. Elected officers, candidates, or committees required to file statements must file such Statements using the City’s online filing system, unless exempt from the requirement to file online pursuant to Government Code Section 84615, as may be amended from time to time.

B. In any instance in which an original statement, report or other document must be filed with the California Secretary of State and a copy of that statement, report or other document is required to be filed with City Clerk, the filer may, but is not required to, file the Clerk’s copy electronically.
C. The online filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

D. The online filing system shall only accept a filing in the standardized record format that is developed by the California Secretary of State pursuant to Section 84602(a)(2) of the California Government Code and that is compatible with the Secretary of State's system for receiving an online or electronic filing.

E. The online filing system shall include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury pursuant to Section 81004 of the Government Code.

F. The City Clerk's office shall maintain for a period of at least 10 years commencing from the date filed, or other period required by law, a secured, official version of each online or electronic statement, report, form, or other document on the City Clerk's online filing system, which shall serve as the official version of that record for purpose of audits and any other legal purpose. Data that has been maintained for at least 10 years may then be archived in a secure format.

G. If the City Clerk's electronic system is not capable of accepting a particular type of statement, report or other document, the City Clerk Administrator may allow the elected officer, candidate, committee, or other person to file that document with the City Clerk in an alternative method, if it otherwise complies with all other requirements of this Section.

H. Procedures for Utilizing Online Filing.

1. Electronic filing is mandatory unless the officer, candidate, or committee is exempt as described in Section 2-30.10(c)(1) or California Government Code 84615.

2. Any elected officer, candidate, or committee who has electronically filed a statement using the City Clerk's online filing system is not required to file a copy of that document in paper format with the City Clerk.

3. The City Clerk or the online filing system shall issue an electronic confirmation that notifies the filer that the Statement was received, the notification shall include the date and the time that the Statement was received and the method by which the filer may view and print the data received by the City Clerk. The date of filing for a Statement filed online shall be the day that it is received by the City Clerk.

4. If the City Clerk's online filing system is not capable of accepting a Statement due to technical difficulties, an elected officer, candidate, or committee shall file that Statement in paper format with the City Clerk.

5. The online filing system shall enable electronic filers to complete and submit filings free of charge.

I. Except as otherwise provided in, or inconsistent with, this Chapter or other provisions of local law, the provisions of the California Political Reform Act relating
to local elections including any subsequent amendments are hereby incorporated as part of this Section."

Section 2. Severability
The provisions of this chapter are declared to be severable and if any provision, sentence, clause, section or part of this chapter is held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter or their application to persons and circumstances.”

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

INTRODUCED AND FIRST READ at a meeting of the City Council of the City of Solana Beach, California, on the 27th day of April, 2022; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, on the 1st day of May, 2022, 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