



# CITY OF SOLANA BEACH

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

## AGENDA

### Joint REGULAR Meeting

Wednesday, May 27, 2020 \*4:00 p.m.

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

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

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

#### PUBLIC MEETING ACCESS

**Live Broadcast on Local Government Channel, Live web-streaming, and Archived videos online.**

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

#### MEETING LOCATION WILL NOT BE OPEN TO THE PUBLIC.

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

#### AGENDA MATERIALS

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

#### PUBLIC PARTICIPATION

\* Written correspondence regarding an agenda item at an open session meeting should be submitted to the City Clerk's Office at [EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org). Correspondence received after the official posting of the agenda, but before 12:00 p.m. on meeting day, will be distributed to Council and made available to the public online among with the agenda posting. The designated location for viewing public documents is the City's website [www.cityofsolanabeach.org](http://www.cityofsolanabeach.org)  
Please see updated information on the Agenda on how to participate live to provide oral comments.

#### SPECIAL ASSISTANCE NEEDED - AMERICAN DISABILITIES ACT TITLE 2

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

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

#### CITY COUNCILMEMBERS

Jewel Edson, **Mayor**

Judy Hegenauer, **Deputy Mayor**

Kristi Becker, **Councilmember**

Kelly Harless, **Councilmember**

David A. Zito, **Councilmember**

**Gregory Wade**  
City Manager

**Johanna Canlas**  
City Attorney

**Angela Ivey**  
City Clerk

## **CALL TO ORDER AND ROLL CALL:**

## **CLOSED SESSION REPORT:**

## **FLAG SALUTE:**

## **APPROVAL OF AGENDA:**

## **ORAL COMMUNICATIONS:**

*Written correspondence may be submitted for Oral Communications. See [Public Participation](#) on the front page 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 but not appearing on today's agenda. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment submittals. Council may refer items to the City Manager for placement on a future agenda.

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

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

### **A. CONSENT CALENDAR:** (Action Items) (A.1. - A.8.)

*Written correspondence may be submitted for Consent Items. See [Public Participation](#) on the front page for information on how to submit public comment.*

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting written correspondence to the City Clerk's Office. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

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

Recommendation: That the City Council

1. Ratify the list of demands for April 25, 2020 – May 8, 2020.

#### **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. Council Consideration of Resolution No. 2020-076 Approving the Adoption of General Fund Budget Adjustments for Fiscal Year 2019/20 as a Result of COVID-19.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2019-2020 General Fund Adopted Budget.

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

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**A.3. Construction Bids for 2020 Pavement Management Street list.** (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2020-074**:
  - a. Approving the list of streets scheduled for maintenance and repairs as part of the 2020 Street Maintenance and Repairs Project.
  - b. Authorizing the City Engineer to advertise for construction bids for the 2020 Street Maintenance and Repairs Project.

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. Solana Beach Coastal Rail Trail Maintenance District Engineer's Report, Annual Levy and Collection of Assessments.** (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-049**, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District for Fiscal Year 2020/21.
2. Adopt **Resolution 2020-050**, approving the Engineer's Report for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
3. Adopt **Resolution 2020-051**, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for June 24, 2020.

Item A.4. Report (click here)

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

**A.5. Solana Beach Lighting Maintenance District Engineer's Report, Annual Levy, and Collection of Assessments.** (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2020-052** approving the Solana Beach Lighting Maintenance District Engineer's Report for Fiscal Year 2020/21 for proceedings of the annual levy of assessments within a special maintenance district.
2. Adopt **Resolution 2020-053** declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for June 24, 2020.

Item A.5. Report (click here)

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

**A.6. State-Mandated Annual Fire Inspections Report in Compliance with Solana Beach 1205.** (File 0600-80)

Recommendation: That the City Council

1. Adopt **Resolution 2020-058**:
  - a. Accepting a report on the status of all state-mandated annual fire inspections in the City of Solana Beach in conjunction with SB 1205 and California Health and Safety Code Section 13146.4.

Item A.6. Report (click here)

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**A.7. Community Development Block Grant (CDBG) and Home Investment Partnerships – 3-Year Coop. Agmt. Extension** (File 0390-32)

Recommendation: That the City Council

1. Adopt **Resolution 2020-064**:
  - a. Authorizing the automatic renewal of the Community Development Block Grant Cooperation Agreement (Attachment 2) for the qualification periods of July 1, 2021 to June 30, 2022; July 1, 2022 to June 30, 2023; and July 1, 2023 to June 30, 2024.

Item A.7. Report (click here)

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

**A.8. Stormwater Program Management Services.** (File 0850-40)

Recommendation: That the City Council

1. Adopt **Resolution 2020-048**:
  - a. Authorizing the City Manager to execute a professional services agreement, in an amount not to exceed \$115,000 with Mikhail Ogawa Engineering for Stormwater Program Management Services.
  - b. Authorizing the City Manager to extend the agreement for up to four additional years, at the City's option.

Item A.8. Report (click here)

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

**B. PUBLIC HEARINGS:** (B.1. – B.3.)

*Written correspondence may be submitted for Oral Communications. See [Public Participation](#) on the front page for information on how to submit public comment.*

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, by submitting written comments.

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.

**B.1. Housing Element Annual Progress Report and Housing Successor Annual Report for Fiscal Year 2018/19 and Directing Submittal to the California Department of Housing and Community Development and the Governor's Office of Planning and Research.** (File 0630-12)

The Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find this item not a project and thereby exempt from the California Environmental Quality Act (CEQA) Review; and
3. Adopt **Resolution 2020-030** approving the 2019 Housing Element Annual Progress Report and the 2018/19 Housing Successor Annual Report as submitted and directing City Staff to file the report with the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

**Item B.1. Report (click here)**

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**B.2. Public Hearing: 838 Academy Drive, Applicant: Santa Fe Christian School, Case MOD 19-001/DRP 19-006/SDP 19-007.** (File 0600-40)

Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. If the Council can make the findings, adopt Resolution 2020-065 approving the MOD for the new SFCS Campus Master Plan, and allow the continued use of the temporary Eagle Dome tent structure, with conditions.
3. If the Council can make the findings, adopt **Resolution 2020-066** approving a DRP/SDP for Phase 1b and 1c of the SFCS Master Plan, including Buildings E and F, with conditions.

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

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**B.3. Public Hearing: 318 S. Nardo Avenue, Applicant: Richard and Rachel McHale, Case 17-17-40.** (File 0600-40)

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

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2020-034** conditionally approving a DRP, VAR and SDP to construct a detached Accessory Dwelling Unit (ADU) and a deck attached to the Principal Residence as well as perform associated site improvements including a hammerhead turnaround in the driveway for required fire access at 318 South Nardo Avenue, Solana Beach.

Item B.3. Report (click here)

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

**C. STAFF REPORTS: (C.1. – C.3.)**

**C.1. Statewide Organic Collection Mandates and Council Consideration of Automated Green Waste Collection Citywide.** (File 0150-78)

The Staff recommends that the City Council

1. Receive the report on solid waste and recycling state legislation and consider the implementation of automated green waste collection services citywide.

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. Allocation of CARES Act Community Development Block Grant (CDBG-CV) Funding.** (File 0390-32)

The Staff recommends that the City Council

1. Consider adoption of **Resolution 2020-075** approving the use of CDBG-CV for the North County Food.

Item C.2. Report - Pending

*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. SEA (Solana Energy Alliance) COVID-19 Impacts.** (File 1010-45)

#### **WORK PLAN COMMENTS:**

*Adopted June 12, 2019*

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

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

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

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

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

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

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

#### **ADJOURN:**

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**Next Regularly Scheduled Meeting is June 10, 2020**

*Always refer the City's website Event Calendar for Special Meetings or an updated schedule.*

*Or Contact City Hall 858-720-2400*

[www.cityofsolanabeach.org](http://www.cityofsolanabeach.org)

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**AFFIDAVIT OF POSTING**

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

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the May 27, 2020 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 20, 2020 at 6:45 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 4:00 p.m., May 27, 2020, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

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

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**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**





# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**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- 04/25/20 through 05/08/20

Check Register-Disbursement Fund (Attachment 1)	\$	524,601.15
Net Payroll	May 1, 2020	200,609.46
Federal & State Taxes	May 1, 2020	50,088.44
PERS Retirement (EFT)	May 1, 2020	47,253.75

TOTAL	\$	<u>822,552.80</u>
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## **DISCUSSION:**

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

## **CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

## **FISCAL IMPACT:**

The register of demands for April 25, 2020 through May 8, 2020 reflects total expenditures of \$822,522.80 from various City funding sources.

## **WORK PLAN:**

N/A

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

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

**DEPARTMENT RECOMMENDATION:**

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

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

Attachments:

1. Check Register – Disbursement Fund

PENTAMATION  
 DATE: 05/10/2020  
 TIME: 17:44:07

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 1  
 ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20200425 00:00:00.000' and '20200508 00:00:00.000'  
 ACCOUNTING PERIOD: 11/20

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97029	04/30/20	2137	AFLAC	001	APRIL 20	0.00	895.40
1011	97030	04/30/20	4832	AT&T CALNET 3	00160006150	9391012275 02/24-3/23	0.00	164.69
1011	97031	04/30/20	2526	BARTEL ASSOCIATES, LLC	00150005300	GASB74&75 FY19 CALC	0.00	1,630.00
1011	97032	04/30/20	5171	CORELOGIC SOLUTIONS, LLC	00155005550	PROPERTY PRO DATA-APR	0.00	96.83
1011	97033	04/30/20	739	DEPARTMENT OF JUSTICE	00160006140	FINGERPRINT APP-MAR	0.00	32.00
1011	97033	04/30/20	739	DEPARTMENT OF JUSTICE	00150005400	FINGERPRINT APP-MAR	0.00	160.00
TOTAL CHECK							0.00	192.00
1011	97034	04/30/20	213	DEPARTMENT OF TRANSPORTA	00165006540	MAINT JAN-MAR	0.00	1,818.81
1011	97034	04/30/20	213	DEPARTMENT OF TRANSPORTA	00165006540	ELECT JAN-MAR	0.00	431.29
TOTAL CHECK							0.00	2,250.10
1011	97035	04/30/20	5296	DOG WASTE DEPOT	00165006520	23 MUTT-MITT CARTONS	0.00	1,489.04
1011	97036	04/30/20	5864	ELIZABETH TRESP	001	RFND-SBGR-333/738 CAS	0.00	4,216.00
1011	97037	04/30/20	94	ESGIL CORPORATION	00155005560	BLDG PRMT 03/30-03/31	0.00	141.00
1011	97037	04/30/20	94	ESGIL CORPORATION	00155005560	BLDG PRMT 04/01-04/03	0.00	141.00
TOTAL CHECK							0.00	282.00
1011	97038	04/30/20	11	ICMA RETIREMENT TRUST-45	001	ICMA PD 05/01/20	0.00	12,576.43
1011	97039	04/30/20	3859	ICMA RETIREMENT TRUST-RH	001	ICMA PD 05/01/20	0.00	2,103.37
1011	97040	04/30/20	2287	KOPPEL & GRUBER PUBLIC F	20475007520	SNTA FE HILLS JAN-MAR	0.00	46.68
1011	97040	04/30/20	2287	KOPPEL & GRUBER PUBLIC F	20775007550	SAN ELJO HLLS JAN-MAR	0.00	25.34
1011	97040	04/30/20	2287	KOPPEL & GRUBER PUBLIC F	20575007530	ISLA VERDE JAN-MAR	0.00	24.00
1011	97040	04/30/20	2287	KOPPEL & GRUBER PUBLIC F	20375007510	OLD HGHWY 101 JAN-MAR	0.00	673.45
1011	97040	04/30/20	2287	KOPPEL & GRUBER PUBLIC F	00150005300	FIRE BENEFIT JAN-MAR	0.00	533.43
1011	97040	04/30/20	2287	KOPPEL & GRUBER PUBLIC F	20375007510	EXPENSES JAN-MAR	0.00	23.82
1011	97040	04/30/20	2287	KOPPEL & GRUBER PUBLIC F	67685008560	SO SOL SWR JAN-MAR	0.00	415.06
TOTAL CHECK							0.00	1,741.78
1011	97041	04/30/20	172	LEE'S LOCK & SAFE INC	00165006570	10-KEYS-FCCC	0.00	40.41
1011	97042	04/30/20	2102	LEGAL SHIELD CORP	001	PPD LEGAL-APRIL 20	0.00	64.75
1011	97043	04/30/20	1004	LORN CANNON	00150005400	CANNON-ENG COMP II	0.00	690.00
1011	97044	04/30/20	5549	MICHAEL BAKER INTERNATIO	22093826510	9382.03 LSF CORR-III	0.00	33,457.69
1011	97044	04/30/20	5549	MICHAEL BAKER INTERNATIO	22893826510	9382.03 LSF CORR-III	0.00	3,717.52
TOTAL CHECK							0.00	37,175.21
1011	97045	04/30/20	5407	PJ CASTORENA, INC.	45999055550	PLSTC ORDNC LETTERS	0.00	1,677.82
1011	97046	04/30/20	1161	MOTOROLA SOLUTIONS INC	27060006120	SHSP.18 - 800 MHZ RAD	0.00	12,113.24
1011	97046	04/30/20	1161	MOTOROLA SOLUTIONS INC	27060006170	CSA17.20 - 800 MHZ RAD	0.00	13,022.54
1011	97046	04/30/20	1161	MOTOROLA SOLUTIONS INC	13560006120	800 MHZ RADIOS	0.00	26,160.86

PENTAMATION  
 DATE: 05/10/2020  
 TIME: 17:44:07

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 2  
 ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20200425 00:00:00.000' and '20200508 00:00:00.000'  
 ACCOUNTING PERIOD: 11/20

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97046	04/30/20	1161	MOTOROLA SOLUTIONS INC	13560006170	800 MHZ RADIOS	0.00	1,417.34
TOTAL CHECK							0.00	52,713.98
1011	97047	04/30/20	2423	MW PELTZ + ASSOCIATES IN	20295256510	9525 ST HELNA TRL-MAR	0.00	1,290.00
1011	97048	04/30/20	4522	NISSHO OF CALIFORNIA	00165006530	STREET LNDSCP SVC-MAR	0.00	1,910.85
1011	97048	04/30/20	4522	NISSHO OF CALIFORNIA	00165006560	PRKS LNDSCP SVC-MAR	0.00	12,372.10
1011	97048	04/30/20	4522	NISSHO OF CALIFORNIA	00165006570	PUBFAC LNDSCP SVC-MAR	0.00	2,539.46
1011	97048	04/30/20	4522	NISSHO OF CALIFORNIA	20375007510	MID#33 LNDSCP SVC-MAR	0.00	2,778.49
1011	97048	04/30/20	4522	NISSHO OF CALIFORNIA	20875007580	CRT LNDSCP SVC-MAR	0.00	3,617.69
TOTAL CHECK							0.00	23,218.59
1011	97049	04/30/20	5863	PETER AND KATHLEEN WOODS	001	RFND-ENC-4155/1051 WO	0.00	530.00
1011	97050	04/30/20	4403	SANDIEGO COUNTY-AIR POLL	00165006570	EMISSION FEE6/20-6/21	0.00	460.00
1011	97051	04/30/20	169	SDG&E CO INC	55000007750	SEA CCA SVC-JAN	0.00	2,295.65
1011	97052	04/30/20	683	STATE CONTROLLER'S OFFIC	20265006510	FY19 STREET REPORT	0.00	3,000.00
1011	97053	04/30/20	2097	UT SAN DIEGO - NRTH COUN	55000007750	PUB HRG-SEA RATE AMND	0.00	220.99
1011	97054	04/30/20	30	VERIZON WIRELESS-SD	21100007600	PW CELL 03/02-04/01	0.00	5.02
1011	97054	04/30/20	30	VERIZON WIRELESS-SD	50900007700	PW CELL 03/02-04/01	0.00	5.02
1011	97054	04/30/20	30	VERIZON WIRELESS-SD	00165006540	PW CELL 03/02-04/01	0.00	20.09
1011	97054	04/30/20	30	VERIZON WIRELESS-SD	00165006560	PW CELL 03/02-04/01	0.00	20.09
1011	97054	04/30/20	30	VERIZON WIRELESS-SD	00165006510	PW CELL 03/02-04/01	0.00	25.09
1011	97054	04/30/20	30	VERIZON WIRELESS-SD	00165006520	PW CELL 03/02-04/01	0.00	25.11
1011	97054	04/30/20	30	VERIZON WIRELESS-SD	00165006530	PW CELL 03/02-04/01	0.00	25.11
TOTAL CHECK							0.00	125.53
1011	97055	05/07/20	2379	AA FARNSWORTH'S BACKFLOW	00165006560	BCKFLW DATA ENTRY FEE	0.00	90.65
1011	97055	05/07/20	2379	AA FARNSWORTH'S BACKFLOW	00165006560	BACKFLOW ANNUAL TEST	0.00	356.65
TOTAL CHECK							0.00	447.30
1011	97056	05/07/20	1135	AFFORDABLE PIPELINE SERV	00165006520	H-STORM DRAIN MAINT	0.00	1,140.00
1011	97057	05/07/20	3704	ARCO GASPRO PLUS	00165006560	AUTO FUEL-04/03-05/02	0.00	62.06
1011	97057	05/07/20	3704	ARCO GASPRO PLUS	00165006570	AUTO FUEL-04/03-05/02	0.00	103.44
1011	97057	05/07/20	3704	ARCO GASPRO PLUS	00165006510	AUTO FUEL-04/03-05/02	0.00	113.78
1011	97057	05/07/20	3704	ARCO GASPRO PLUS	50900007700	AUTO FUEL-04/03-05/02	0.00	124.13
1011	97057	05/07/20	3704	ARCO GASPRO PLUS	00160006140	AUTO FUEL-04/03-05/02	0.00	126.48
1011	97057	05/07/20	3704	ARCO GASPRO PLUS	00160006120	AUTO FUEL-04/03-05/02	0.00	191.79
1011	97057	05/07/20	3704	ARCO GASPRO PLUS	00165006530	AUTO FUEL-04/03-05/02	0.00	299.98
1011	97057	05/07/20	3704	ARCO GASPRO PLUS	00165006520	AUTO FUEL-04/03-05/02	0.00	331.00
1011	97057	05/07/20	3704	ARCO GASPRO PLUS	00160006170	AUTO FUEL-04/03-05/02	0.00	542.46
TOTAL CHECK							0.00	1,895.12
1011	97058	05/07/20	4832	AT&T CALNET 3	50900007700	9391012277 3/24-4/23	0.00	13.50
1011	97058	05/07/20	4832	AT&T CALNET 3	00165006540	9391012279 3/24-4/23	0.00	43.69
TOTAL CHECK							0.00	57.19

PENTAMATION  
 DATE: 05/10/2020  
 TIME: 17:44:07

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 3  
 ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20200425 00:00:00.000' and '20200508 00:00:00.000'  
 ACCOUNTING PERIOD: 11/20

FUND - 001 - GENERAL FUND

CASH ACCT CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97059	05/07/20 5822	CALIFORNIA OFFICE CLEANI	00170007110	SPC EVNT CLN-02/22-23	0.00	180.00
1011	97060	05/07/20 310	CITY OF ENCINITAS	50900007700	FY1920 SB ANNL CPCTY	0.00	47,246.59
1011	97060	05/07/20 310	CITY OF ENCINITAS	50900007700	O&M COMPONENTS	0.00	21,126.49
1011	97060	05/07/20 310	CITY OF ENCINITAS	50900007700	UNDRPYMNT FY17/18 EXP	0.00	6,895.73
TOTAL CHECK						0.00	75,268.81
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006530	CONCRETE MIX	0.00	3.65
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006560	PIPE/COUPLING/VALVE	0.00	15.59
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006560	PIPE/VALVE/SAW BLD	0.00	16.60
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006530	BATTERIES	0.00	17.23
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006570	COUPLING/HND TRCH GAS	0.00	18.77
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006560	COUPLING/CUTTER	0.00	19.09
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006530	PAINT/GLOVES/ROLLER	0.00	24.02
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006570	HD GEAR/CAULKING	0.00	53.27
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006570	WHEELS/WSHRS	0.00	93.07
1011	97061	05/07/20 134	DIXIELINE LUMBER CO INC	00165006570	WHEELS	0.00	129.48
TOTAL CHECK						0.00	390.77
1011	97062	05/07/20 2462	EMBROIDERY IMAGE	00150005400	JACKET-RETRMNT EGGUM	0.00	97.40
1011	97063	05/07/20 94	ESGIL CORPORATION	00155005560	BLDG PRMT 03/09-03/13	0.00	4,104.82
1011	97063	05/07/20 94	ESGIL CORPORATION	00155005560	BLDG PRMT 03/02-03/06	0.00	5,990.81
TOTAL CHECK						0.00	10,095.63
1011	97064	05/07/20 223	FEDEX	00150005150	SHIPPING-02/27/20	0.00	15.94
1011	97064	05/07/20 223	FEDEX	00150005150	SHIPPING-03/12/20	0.00	41.70
TOTAL CHECK						0.00	57.64
1011	97065	05/07/20 5407	PJ CASTORENA, INC.	55000007750	CCA WKLY ENRL 4/14&21	0.00	53.46
1011	97066	05/07/20 111	MISSION LINEN & UNIFORM	21100007600	LAUNDRY-PUB WORKS	0.00	2.64
1011	97066	05/07/20 111	MISSION LINEN & UNIFORM	00165006520	LAUNDRY-PUB WORKS	0.00	7.05
1011	97066	05/07/20 111	MISSION LINEN & UNIFORM	50900007700	LAUNDRY-PUB WORKS	0.00	10.53
1011	97066	05/07/20 111	MISSION LINEN & UNIFORM	00165006560	LAUNDRY-PUB WORKS	0.00	11.86
1011	97066	05/07/20 111	MISSION LINEN & UNIFORM	00165006530	LAUNDRY-PUB WORKS	0.00	21.08
TOTAL CHECK						0.00	53.16
1011	97067	05/07/20 4670	NATIONAL AUTO FLEET GROU	13565006530	F350 CNTRCT 120716NAF	0.00	63,046.77
1011	97068	05/07/20 5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-APR-FC	0.00	32.00
1011	97068	05/07/20 5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-APR-LC	0.00	32.00
1011	97068	05/07/20 5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-APR-PW	0.00	32.00
1011	97068	05/07/20 5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-APR-MS	0.00	32.00
1011	97068	05/07/20 5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-APR-FS	0.00	37.00
1011	97068	05/07/20 5361	HABITAT PROTECTION, INC	00165006570	PEST CONTROL-APR-CH	0.00	49.50
1011	97068	05/07/20 5361	HABITAT PROTECTION, INC	00165006570	AS ND PST CNTL-APR-MS	0.00	27.00
TOTAL CHECK						0.00	241.50
1011	97069	05/07/20 1112	RANCHO SANTA FE SECURITY	00165006560	RESTRM LCK/UNLCK-APR	0.00	555.79
1011	97069	05/07/20 1112	RANCHO SANTA FE SECURITY	00165006560	ALARM MONITORING-APR	0.00	240.00
TOTAL CHECK						0.00	795.79

PENTAMATION  
 DATE: 05/10/2020  
 TIME: 17:44:07

CITY OF SOLANA BEACH, CA  
 CHECK REGISTER - DISBURSEMENT FUND

PAGE NUMBER: 4  
 ACCTPA21

SELECTION CRITERIA: transact.gl\_cash='1011' and transact.ck\_date between '20200425 00:00:00.000' and '20200508 00:00:00.000'  
 ACCOUNTING PERIOD: 11/20

FUND - 001 - GENERAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	NAME	BUDGET UNIT	-----DESCRIPTION-----	SALES TAX	AMOUNT
1011	97070	05/07/20	5177	SAN DIEGUITO ENGINEERING	00165006510	RVW SOLANA 101FNL MAP	0.00	1,470.00
1011	97071	05/07/20	169	SDG&E CO INC	00165006530	UTILITIES-03/06-04/06	0.00	413.22
1011	97071	05/07/20	169	SDG&E CO INC	00165006540	UTILITIES-03/06-04/06	0.00	427.94
1011	97071	05/07/20	169	SDG&E CO INC	00165006530	UTILITIES-03/08-04/06	0.00	705.86
1011	97071	05/07/20	169	SDG&E CO INC	00165006540	UTILITIES-03/08-04/06	0.00	893.40
1011	97071	05/07/20	169	SDG&E CO INC	00165006570	UTILITIES-03/06-04/06	0.00	1,208.85
1011	97071	05/07/20	169	SDG&E CO INC	20375007510	UTILITIES-03/08-04/06	0.00	2,251.53
1011	97071	05/07/20	169	SDG&E CO INC	00165006570	UTILITIES-03/08-04/06	0.00	4,074.27
1011	97071	05/07/20	169	SDG&E CO INC	21100007600	UTILITIES-03/06-04/06	0.00	6,633.70
TOTAL CHECK							0.00	16,608.77
1011	97072	05/07/20	5725	SIEMENS MOBILITY, INC.	21100007600	ST LIGHT REPAIR-MAR	0.00	4,321.14
1011	97072	05/07/20	5725	SIEMENS MOBILITY, INC.	21100007600	ST LGHT REPLCMT MAR	0.00	1,594.61
1011	97072	05/07/20	5725	SIEMENS MOBILITY, INC.	00165006540	TRAFFIC SGNL MNT-MAR	0.00	1,062.88
1011	97072	05/07/20	5725	SIEMENS MOBILITY, INC.	00165006540	TRAFFIC CALL OUT-MAR	0.00	911.11
TOTAL CHECK							0.00	7,889.74
1011	97073	05/07/20	4509	AMY URUBURU	00150005100	RMB-FLWRS/K BECKER	0.00	72.27
1011	97074	05/07/20	3723	WAGeworks	00150005400	FSA ADMIN-APR	0.00	123.50
1011	97075	05/07/20	5867	WEAVER EMPIRE INC.	001	RFND B19-0454/984 AVO	0.00	163.37
1011	97075	05/07/20	5867	WEAVER EMPIRE INC.	135	RFND B19-0454/984 AVO	0.00	308.32
1011	97075	05/07/20	5867	WEAVER EMPIRE INC.	001	RFND B19-0454/984 AVO	0.00	5,445.47
TOTAL CHECK							0.00	5,917.16
1011	V9000109	04/30/20	13	SOLANA BEACH FIREFIGHTER	001	FD DUES PD 05/01/20	0.00	913.50
1011	V9000110	04/30/20	5019	TIFFANY WADE	00150005400	WADE-ADVANCED CEQA	0.00	525.00
1011	V9000111	05/07/20	5834	KIMLEY-HORN AND ASSOCIAT	45999055550	9905.03 PROF SVC-MAR	0.00	10,034.25
1011	V9000112	05/07/20	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRG-MOD20-001/424	0.00	264.54
1011	V9000112	05/07/20	2097	UT SAN DIEGO - NRTH COUN	00155005550	PUB HRG-DRP19-007/970	0.00	314.31
TOTAL CHECK							0.00	578.85
1011	V9000113	05/08/20	5862	ACTIVE NETWORK, LLC	255	JG REFUND PAYMENT	0.00	175,507.00
TOTAL CASH ACCOUNT							0.00	524,601.15
TOTAL FUND							0.00	524,601.15
TOTAL REPORT							0.00	524,601.15





# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** Finance  
**SUBJECT:** **Council Consideration of Resolution No. 2020-076 Approving the Adoption of General Fund Budget Adjustments for Fiscal Year 2019/20 as a Result of COVID-19**

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## **BACKGROUND:**

Over the past two months, Staff has been providing updates to the City Council regarding budget impacts as a result of the COVID-19 pandemic.

This item is before the City Council for consideration of Resolution No. 2020-076 (Attachment 1) approving the adoption of General Fund budget adjustments for Fiscal Year (FY) 2019/20 as a result of COVID-19

## **DISCUSSION:**

Staff is recommending that the City Council authorize the City Treasurer to amend the FY 2019/20 Adopted Budget for certain revenue and expenditure appropriations as previously presented to Council. The amendments reflect expected impacts to the General Fund as a result of the COVID-19 pandemic.

## **General Fund Amendments**

### **General Fund – Revenues**

A summary of the recommended changes for General Fund revenues that are expected to be impacted as a result of the COVID-19 are listed in the table on the following page and have been previously presented to Council:

CITY COUNCIL ACTION:

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**FY 2019/20**

	AMENDED	BUDGET	ADJ	PROJECTED	Reduct
					%
Sales and Use Tax	\$ 3,259,200	\$ (74,800)	\$ 3,184,400		-2%
\$50K Payment Plan Program	-	(254,200)	(254,200)		
Total Sales and Use Tax	\$ 3,259,200	(329,000)	2,930,200		-10%
Transient Occupancy Tax - Hotels	\$ 1,000,000	(220,500)	\$ 779,500		-22%
TOT - Short-term Vacation Rentals	420,000	(100,500)	319,500		-24%
Total TOT	\$ 1,420,000	(321,000)	\$ 1,099,000		-23%
Business Registration	\$ 145,000	(90,000)	\$ 55,000		-62%
Other Special Permits	27,000	(7,000)	20,000		-26%
Total Business/STVR Registration	\$ 172,000	(97,000)	\$ 75,000		-56%
Building/Plumbing/Electrical/ Permits	\$ 281,000	(65,900)	\$ 215,100		-23%
Planning and Zoning	284,500	(63,700)	220,800		-22%
Building/Plan Check Fees	565,700	(84,000)	481,700		-15%
Public Facilities Fees	55,000	-	55,000		0%
Engineering Fees	210,000	(34,900)	175,100		-17%
Fire Plan Check Fees	77,900	(52,400)	25,500		-67%
Total Development Related	\$ 1,474,100	(300,900)	\$ 1,173,200		-20%
<b>General Fund</b>	<b>\$ 20,013,100</b>	<b>(1,047,900)</b>	<b>\$ 18,965,200</b>		<b>-5%</b>

**General Fund Appropriations – Expenditures**

A summary of the recommended changes for General Fund expenditures that Staff has identified as reductions in the FY 2019/20 Amended Budget are listed in the table on the following page and have been previously presented to Council:

FY 2019/20
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<b>Salaries and Benefits</b>	
City Clerk	\$ (10,000)
Human Resources	(45,000)
Total Salaries and Benefits	\$ (55,000)
<b>Professional Services</b>	
Legal	\$ (152,000)
Building	(112,400)
Planning	(40,000)
Information Systems	(40,000)
Environmental Services	(20,000)
Human Resources	(15,000)
Street Maintenance	(13,000)
City Clerk	(10,000)
Public Facilities	(5,000)
Engineering	(5,000)
Total Professional Services	\$ (412,400)
Total General Fund	\$ (467,400)

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA

**FISCAL IMPACT:**

If Council approves Staff recommendations, the “General Fund – Adopted Budget Plus Changes” net surplus balance reported at each Council meeting would be updated as follows:

GENERAL FUND - ADOPTED BUDGET PLUS CHANGES					
As of May 27, 2020					

Action	Description	Revenues	Expenditures	Transfers from GF	Net Surplus
Reso 2019-085	Adopted Budget	19,357,000	(19,141,500)	(151,100) (1)	\$ 64,400
Reso 2020-026	FY2019/20	656,100	(502,700)	-	217,800
Reso 2020-063	Tyler Munis	199,250	-	(199,250) (2)	217,800
Reso 2020-076	COVID-19 Budget Impact	(1,047,900)	467,400	-	(362,700)
(1)	Transfers to:				
	Debt Service for Public Facilities		151,100		
(2)	Transfer to:				
	Asset Replacement		199,250		

The General Fund's projected budget surplus for FY 2019/20 would then decrease by \$580,500 from \$217,800 to a budget deficit of \$362,700.

**WORK PLAN:**

Fiscal Sustainability

**OPTIONS:**

- Approve Staff Recommendation
- Deny Staff Recommendation

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council adopt Resolution No. 2020-076 revising appropriations in the Fiscal Year 2019/20 General Fund Budget.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

Attachments:

1. Resolution No. 2020-076

**RESOLUTION 2020-076**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, REVISING APPROPRIATIONS IN THE FISCAL YEAR 2019/20 BUDGET AND AUTHORIZING THE CITY TREASURER TO AMEND THE BUDGET ACCORDINGLY**

**WHEREAS**, during the course of the fiscal year, new information becomes available to Staff which require adjustments to be made to the adopted budget; and

**WHEREAS**, Section 3.08.040 of the Solana Beach Municipal Code limits the purchases by departments within the total departmental budget appropriations; and

**WHEREAS**, the City's Operating Budget Policies state that total expenditures of a particular fund may not exceed that which is appropriated by the City Council, without a budget amendment; and

**WHEREAS**, the City Manager, in coordination with the Finance Manager, reviewed and analyzed the expenditures of the Fiscal Year 2019/20 Adopted Budget and recommend certain amendments be made to the General Fund as well as other funds.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Solana Beach, California, does hereby resolve as follows:

1. That the above recitations are true and correct.
2. That the City Treasurer is authorized to amend appropriations in the 2019/20 fiscal year budget as further set forth in the attached Exhibit A.

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**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Solana Beach, California, this 27<sup>th</sup> day of May 2020, by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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



**Exhibit A**  
**Resolution 2020-076**

**GENERAL FUND**

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**Revenues**

<b><u>Account</u></b>	<b><u>Additions/ Deletions</u></b>
Sales and Use Tax	\$ (329,000)
Transient Occupancy Tax - Hotels	(220,500)
TOT - Short-term Vacation Rentals	(100,500)
Business Registration	(90,000)
STVR Permit Fee	(7,000)
Building/Plumbing/Electrical/ Permits	(65,900)
Planning and Zoning	(63,700)
Building/Plan Check Fees	(84,000)
Engineering Fees	(34,900)
Fire Plan Check Fees	(52,400)
<b><i>Total General Fund</i></b>	<b><u><u>\$ (1,047,900)</u></u></b>

**Expenditures**

City Clerk	Salary and Benefits	\$ (10,000)
City Clerk	Professional Services	(10,000)
Human Resources	Salary and Benefits	(45,000)
Human Resources	Professional Services	(15,000)
Legal	Professional Services	(152,000)
Building	Professional Services	(112,400)
Planning	Professional Services	(40,000)
Information Systems	Professional Services	(40,000)
Environmental Services	Professional Services	(20,000)
Street Maintenance	Professional Services	(13,000)
Public Facilities	Professional Services	(5,000)
Engineering	Professional Services	(5,000)
<b><i>Total General Fund</i></b>		<b><u><u>\$ (467,400)</u></u></b>



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Consideration of Resolution 2020-074 to Authorize the City Engineer to Advertise for Construction Bids for the 2020 Street Maintenance**

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## **BACKGROUND:**

In 2016, a City-wide pavement condition assessment was performed to determine the most effective way to budget, repair, replace and preserve City streets. Based upon this survey, the City's consultant prepared a priority list for the City's pavement repairs and maintenance in the City. This list was used to select street segments for this year's street maintenance and repair program.

This item is before the City Council for the consideration of Resolution 2020-074 approving the list of streets for the 2020/2021 Street Maintenance and Repairs Project, and authorizing the City Engineer to advertise the project for construction bids.

## **DISCUSSION:**

The proposed pavement maintenance program for this coming fiscal year are pavement overlays of the following streets:

1. Santa Luisa
2. Vera Street

The project would also include localized pavement repairs (pothole repairs) also known in the industry as "dig-out" replacements on Lomas Santa Fe Drive and on other residential streets throughout the City. Pavement striping and markings would also be performed.

CITY COUNCIL ACTION:

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The City's pavement management program is predominantly funded by Gas Tax, TransNet and Road Repair and Accountability Act (SB1) Funding. It is expected that, due to the COVID-19 pandemic, all three funding sources will decrease in FY 2020/21. The City has already been notified that its TransNet revenue will decrease in FY 2020/21 to approximately \$86,000. The projected revenue amounts for Gas Tax and SB1 are expected to be released in mid-May from the State of California. As of the date of writing of the Staff Report, the State has not announced these funding amounts. Since the exact amounts are not known at this time, Staff has designed this year's project based on a conservative estimated total funding amount of approximately \$325,000. With this funding level, the proposed project will provide two street overlays (Santa Luisa and Vera Street) and various areas of dig-outs and striping. If higher revenues are announced, and or Council desires to allocate a higher amount for this project, the budget amount for the FY 2020/21 Annual Pavement Management Program can be expanded to increase the areas of dig-outs accordingly.

In addition to the pavement repairs, this year's project includes improvements to the following five City owned public parking lots to meet American with Disabilities Act (ADA) requirements:

1. The two parking lots on the west side of South Sierra at the Del Mar Shores cul de sac;
2. The ADA parking area at City Hall;
3. The Seascape Sur parking lot on the west side of South Sierra north of Dahlia Drive; and
4. The parking lot on the south side of Plaza at Highway 101.

The estimated budget for this component of the project is approximately \$75,000 which is entirely funded by the City's CIP fund.

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

Advertising for construction bids is not a project under CEQA. Street repairs are exempt pursuant to Section 15301(c) of the State CEQA Guidelines.

#### **FISCAL IMPACT:**

Project funding will be from the Fiscal Year's (FY) 2020/21 Annual Pavement Management Program and the ADA Transition Plan accounts. The project would be presented to Council for award after July 1, 2020. Staff anticipates that the FY 2020/21 budget will include \$72,300 in Gas Tax Funds, \$144,400 in TransNet Funds, \$108,300 in Road Repair and Accountability Act (SB1) funding, and \$75,000 in the City CIP fund , for a total project budget of \$400,000.

**WORK PLAN:**

This project is listed in the FY 19/20 Work Plan under the Unprioritized Community Character Issues.

**OPTIONS:**

- Approve the list of streets scheduled for maintenance and repairs as part of the 2020/2021 Street Maintenance and Repairs Project and authorize the City Engineer to advertise for construction bids.
- Revise the list of streets scheduled for maintenance and repairs as part of the 2020 Street Maintenance and Repairs Project and authorize the City Engineer to advertise for construction bids.
- Direct Staff to prepare a new list for City Council approval at a later Council meeting.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2020-074:

1. Approving the list of streets scheduled for maintenance and repairs as part of the 2020 Street Maintenance and Repairs Project.
2. Authorizing the City Engineer to advertise for construction bids for the 2020 Street Maintenance and Repairs Project.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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

Attachments:

1. Resolution 2020-074
2. Map of Street Overlays & Parking Lots



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Council Consideration of Resolutions 2020-049, 2020-050 and 2020-051 Approving the Coastal Rail Trail Engineer's Report for Fiscal Year 2020/21, the Annual Levy and Collection of Assessments for the Solana Beach Coastal Rail Trail Maintenance District**

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## **BACKGROUND:**

In 2006, the City Council adopted a resolution forming the Solana Beach Coastal Rail Trail Maintenance District (District) under the provisions of the Landscape and Lighting Act of 1972, Division 15, Part 2, of the California Streets and Highways Code (1972 Act). The District was formed for the purpose of levying and collecting funds for the operations, maintenance, and servicing of landscaping, lighting and all appurtenant facilities related to the Coastal Rail Trail (CRT). In order to levy and collect an assessment in the Solana Beach Coastal Rail Trail Maintenance District, it is necessary to notify the property owners of the City and conduct a Public Hearing. Staff is recommending the public hearing be held on June 24, 2020.

This item is presented to the City Council for the consideration of Resolution 2020-049 (Attachment 1) initiating proceedings for the Coastal Rail Trail Maintenance District for Fiscal Year (FY) 2020/21, Resolution 2020-050 (Attachment 2) approving the Engineer's Report and Resolution 2020-051 (Attachment 3) setting a time and place for a Public Hearing.

## **DISCUSSION:**

The District's major costs are for the ongoing maintenance of the CRT. The maintenance items include landscaping, irrigation, trail maintenance and graffiti removal. The costs also include the utility charges for water use along the CRT. The District includes funds for capital replacement as well including future replacement of landscaping, irrigation, pedestrian/bike path and hardscape items. The capital

CITY COUNCIL ACTION:

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replacement costs also include an operating reserve of approximately 10% of the direct maintenance costs.

The District's assessment methodology uses an Equivalent Benefit Unit (EBU) System. The EBU method of apportioning benefit is typically viewed as the most appropriate and equitable assessment methodology for districts formed under the 1972 Act. The EBU for the proposed District establishes the single-family detached residential unit as the basic unit, representing 1.0 EBU. The following summarizes the EBU application by land use:

<u>Land Use</u>	<u>EBU</u>
Single-Family Residential	1.0 per parcel
Residential Condominium	1.0 per dwelling unit
Multi-Family Residential	0.75 per dwelling unit
Planned Residential Development	1.0 per proposed unit
Commercial/Industrial	1.0 per parcel
Vacant Single-Family Residential	1.0 per parcel
Vacant Multi-Family Residential	0.75 per parcel
Vacant Commercial/Industrial	1.0 per parcel

The methodology also identifies parcels that are exempt from the proposed District. They include, but are not limited to, parcels identified as public streets, roadways, dedicated public easements, open space and right-of-way. These properties, as well as other publicly owned properties such as schools, fire stations, post offices and community centers are considered to receive little or no benefit from the improvements of the proposed District.

In addition to assigning properties an EBU by land type, the assessment methodology utilizes three zones based on the proximity of parcels to the CRT. Properties located closest to the CRT will receive a greater special benefit than those properties that are located the farthest away from the trail. A factor is applied to each of the zones according to their locations. The three zones are as follows:

#### Zone 1:

This zone includes all properties generally located within a few blocks and closest to the CRT. The properties are located between the east side of Acacia Avenue, the east side of South Sierra Avenue and the west side of Rios Avenue (see the assessment boundary map in the Engineer's Report). Parcels in this zone are assessed the EBU amounts based on land use and then multiplied by a factor of three.

#### Zone 2:

This zone includes all properties that are generally located on the west side of Acacia Avenue, the west side of South Sierra Avenue and those properties located between



the east side of Rios Avenue and the west side of Interstate 5. Parcels in this zone are assessed the EBU amounts based on land use and then multiplied by a factor of two.

Zone 3:

This zone includes properties located east of Interstate 5. Parcels in this zone are assessed the EBU amounts based on land use and then multiplied by a factor of 0.5.

At the formation of the District, the adopted Maximum Assessment formula included an annual Consumer Price Index for All Urban Consumers (CPI-U) adjustment that is not to exceed 2%. This Maximum Assessment annual adjustment adopted by the initial vote is not considered an increased assessment. The following shows the maximum assessment rates proposed to be levied in the Fiscal Year (FY) 2020/21 by land use:

Land Use Description	Per	Base Rate Zone 1	Base Rate Zone 2	Base Rate Zone 3
Single-Family Residential	Lot or Parcel	\$23.28	\$15.52	\$3.88
Residential Condominium	Dwelling Unit	\$23.28	\$15.52	\$3.88
Multi-Family Residential	Dwelling Unit	\$17.46	\$11.64	\$2.91
Planned Residential Development	Lot or Dwelling Unit	\$23.28	\$15.52	\$3.88
Commercial/Industrial	Parcel	\$23.28	\$15.52	\$3.88
Vacant Single-Family Residential	Parcel	\$23.28	\$15.52	\$3.88
Vacant Multi-Family Residential	Parcel	\$17.46	\$11.64	\$2.91
Vacant Commercial/Industrial	Parcel	\$23.28	\$15.52	\$3.88
Timeshare Units	1 week of ownership	\$ 0.00	\$ 0.00	\$0.00
Exempt Parcels	Parcel	\$ 0.00	\$ 0.00	\$0.00
Public Owned Parcels	Parcel	\$ 0.00	\$ 0.00	\$0.00

The 1972 Act requires the City Council to adopt a resolution annually directing the preparation and filing of an Annual Report and a Resolution of Intention to renew the annual assessments for the District. The resolutions declare the City Council's intention to levy and collect assessments and set the date of the public hearing at which the assessments will be levied. The law requires the assessment information to be submitted to the County by August 10th of each year.

Attachment 4 is the proposed Coastal Rail Trail Maintenance District Engineer's Report for FY 2020/21. The report contains an overview of the District; a description of the services

and improvements to be maintained; the proposed FY 2020/21 Budget; and the method of apportionment.

The City will notify the property owners about levying and collecting assessments in the Solana Beach Coastal Rail Trail Maintenance District by publishing a notice about the date of the Public Hearing (June 24, 2020) in the local paper.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The District began assessing a benefit charge in FY 2006/07. The CPI-U for 2019 was 2.35%. Since the maximum amount the assessment is allowed to increase each year is 2.00%, the assessments for FY 2020/21 are proposed to increase by 2.00% per Table 3 of the Report (and indicated on the previous page). The amount of the Equivalent Benefit Unit for FY 2020/21 is \$7.76. This is \$0.16 more per EBU than last year's assessment and is consistent with the approval of the District by the vote of the property owners in January 2006.

Based on the above methodology and included in the Engineer's Report, the CRT is expected to receive \$81,318 in benefit charge revenues. Total expenditures that are expected to be spent on the CRT are \$95,200. The shortfall of \$13,882, or the difference between the amount expected to be received of \$81,318 and the amount expected to be spent of \$95,200, will be covered by available projected reserves in the CRT fund of \$71,613 on July 1, 2020. The CRT fund should keep reserves equal to approximately 50% of the assessment amount and the proposed budget will reduce the CRT fund balance to approximately \$57,731 by June 30, 2021. This reserve will be over the 50% recommended maximum fund balance of \$40,659 and will be reduced in future fiscal years until it reaches the 50% recommended maximum fund balance. Once the reserve is at the 50% recommended maximum fund balance, the additional money needed will once again be appropriated from non-CRT funds.

**WORK PLAN:**

Renewal of the CRT Maintenance District is consistent with the Fiscal Sustainability section of the City's Work Plan.

**OPTIONS:**

- Accept the Coastal Rail Trail Maintenance District Engineer's Report for FY 2020/21, proceed with the annual levy of assessments and set the time and date for a public hearing to be held on June 24, 2020.

- Do not renew the CRT Maintenance District and fund cost for maintenance of the CRT through the General Fund.
- Provide Direction.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council:

1. Adopt Resolution 2020-049, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District for Fiscal Year 2020/21.
2. Adopt Resolution 2020-050, approving the Engineer's Report for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
3. Adopt Resolution 2020-051, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for June 24, 2020.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2020-049, Initiating Proceedings
2. Resolution 2020-050, Approving Engineer's Report
3. Resolution 2020-051, Setting the Public Hearing
4. CRT Maintenance District Engineer's Report for FY 2020/21

## RESOLUTION 2020-049

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, INITIATING PROCEEDINGS FOR THE CITY OF SOLANA BEACH COASTAL RAIL TRAIL MAINTENANCE DISTRICT FOR FY 2020/21 AND FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN THE COASTAL RAIL TRAIL MAINTENANCE DISTRICT

**WHEREAS**, the City Council of the City of Solana Beach, California, by previous Resolutions formed and approved the maximum annual assessment rates for the City of Solana Beach Coastal Rail Trail Maintenance District ("District"), pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with sections 22500)* (1972 Act); and

**WHEREAS**, the 1972 Act provides the City Council the authority to annually levy and collect assessments for the District on the San Diego County tax roll on behalf of the District to pay the maintenance, services, and operation of facilities and improvements related thereto; and

**WHEREAS**, the City has retained Koppel & Gruber Public Finance for the purpose of preparing and filing an engineer's report (hereinafter referred to as the Engineer's Report) with the City Clerk.

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

1. That the above recitations are true and correct.
2. The City Council hereby appoints Koppel & Gruber Public Finance as the District Assessment Engineer and orders Koppel & Gruber Public Finance to prepare the Engineer's Report concerning the District and the levy of assessments for Fiscal Year (FY) 2020/21, in accordance with *Chapter 1, Article 4, beginning with Section 22565* of the Act.

That Coastal Rail Trail Maintenance District Engineer's Report for FY 2020/21, as presented, consists of the following:

- A description of the District boundary and improvements; and
- The Annual Budget (costs and expenses of services, operation and maintenance); and
- The method of apportionment for calculating the assessment for each of the assessed parcels, lots and subdivisions of land for the

property located within the CRT Maintenance District in proportion to the special benefits received and a roll containing the proposed levy amount for each assessed parcel within the CRT Maintenance District for Fiscal Year (FY) 2020/21; and

- An exhibit showing the boundaries of the District.

Upon completion of the Engineer's Report, said Report shall be filed with the City Clerk, who shall submit the same to the City Council for its consideration pursuant to *Section 22586* of the Act.

3. The proposed improvements for the District include, but are not limited to: the ongoing maintenance, operation and servicing of landscaping and public lighting improvements that were installed as part of the construction of the City's Coastal Rail Trail. These improvements may also include all materials, equipment, utilities, labor, and appurtenant facilities related to those improvements. The Engineer's Report describes in more detail the items to be maintained and serviced.
4. The City Council hereby determines that to provide the improvements described in Section 3 of this resolution, it is necessary to levy and collect assessments against lots and parcels within the District.
5. The City Manager of the City of Solana Beach is hereby authorized and directed to take any and all action necessary and appropriate in connection with the annual levy and collection of assessments for the District.

**PASSED AND ADOPTED** this 27th day of May, 2020, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

## RESOLUTION 2020-050

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE ENGINEER'S REPORT FOR PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN THE COASTAL RAIL TRAIL MAINTENANCE DISTRICT

**WHEREAS**, the City Council of the City of Solana Beach, California, pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California, did, by previous Resolution, initiate proceedings and ordered the preparation of an Engineer's Report for the annual levy of assessments within a special assessment district, such special assessment district known and designated as City of Solana Beach Coastal Rail Trail Maintenance District (Maintenance District); and

**WHEREAS**, pursuant to Section 22586 of the Streets and Highways Code, there has now been presented to this City Council the Engineer's Report as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution; and

**WHEREAS**, the City Council has carefully examined and reviewed the Engineer's Report as presented, and is preliminarily satisfied with the Maintenance District, each and all of the budget items and documents as set forth therein, and is satisfied that the proposed assessments have been spread in accordance with the benefits received from the improvements to be maintained and services, as set forth in said Engineer's Report.

**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 Coastal Rail Trail Maintenance District Engineer's Report for Fiscal Year 2020/21, as presented, consists of the following:
  - A description of the Maintenance District boundary and improvements; and
  - The Annual Budget (costs and expenses of services, operation and maintenance); and
  - The method of apportionment for calculating the assessment for each of the assessed parcels, lots, and subdivisions of land for the

property located within the Maintenance District in proportion to the special benefits received and a roll containing the proposed levy amount for each assessed parcel within the Maintenance District for Fiscal Year 2020/21; and

- An exhibit showing the boundaries of the District.
3. That the Engineer's Report is hereby preliminarily approved, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.
  4. That the City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the presentation of the Engineer's Report.

**PASSED AND ADOPTED** this 27th day of May, 2020, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

## RESOLUTION 2020-051

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN THE COASTAL RAIL TRAIL MAINTENANCE DISTRICT FOR FY 2020/21 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON

**WHEREAS**, the City Council of the City of Solana Beach, California, has previously formed a special assessment district pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California, such special assessment district known and designated as City of Solana Beach Coastal Rail Trail Maintenance District (the Maintenance District); and

**WHEREAS**, at this time, the City Council is desirous to take proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for costs and expenses necessary to pay for the maintenance of the improvements in said Maintenance District; and

**WHEREAS**, at the formation of the District, the adopted Maximum Assessment formula includes an annual Consumer Price Index for All Urban Consumers (CPI-U) adjustment not to exceed 2% and this annual adjustment adopted by the initial vote is not considered an increased assessment; and

**WHEREAS**, there has been presented and approved by this City Council the Engineer's Report, as required by law, and this City Council is desirous of continuing with the proceedings for said annual levy by adopting this Resolution of Intent pursuant to Streets and Highways Code Section 22587.

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

1. That the above recitations are true and correct.
2. The public interest and convenience requires, and the City Council does propose at this time, to levy assessments for the Maintenance District to provide for the financing of the operation, maintenance and servicing of certain improvements located within the Coastal Rail Trail including both landscaping improvements and appurtenances and public lighting improvements and appurtenances.



The landscaping improvements and services to be maintained by the Maintenance District include, but are not limited to, landscaping, planting, ground cover, shrubbery, turf, trees, irrigation and drainage systems, hardscape, fixtures, sidewalks, fencing and other appurtenant items located along and adjacent to the City portion of the Coastal Rail Trail.

The public lighting improvements to be maintained and serviced include, but are not limited to, poles, fixtures, bulbs, conduits, conductors, equipment including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide lighting along and within the Coastal Rail Trail.

3. That said works of improvement are of special benefit to the properties within the boundaries of said Maintenance District, which Maintenance District the legislative body previously declared to be the area specially benefited by said works of improvement, and for particulars, reference is made to the boundary map as previously approved by this legislative body, a copy of which is on file in the Office of the City Clerk and open for public inspection, and is designated by the name of this Maintenance District.
4. That the Engineers Report, as preliminarily approved by the legislative body, is on file with the City Clerk and open for public inspection. Reference is made to such Engineer's Report for a full and detailed description of the improvements to be installed and/or maintained, the boundaries of the Maintenance District, any zones therein and the proposed assessments upon assessable lots and parcels of land within the Maintenance District.
5. All costs and expenses of the works of maintenance and incidental expenses have been apportioned and distributed to the benefiting parcels in accordance with the special benefits received from the proposed work.
6. Notice is hereby given of a public hearing on the 24<sup>th</sup> day of June, 2020 at 4:00 P.M.

### **COVID-19 LOCAL EMERGENCY**

Pursuant to Governor Newsom's Executive Orders N-25-20, N-29-20 and N-33-20, the public hearing will be conducted via teleconference with members of the City Council and staff participating remotely.

In the interest of reducing the spread of COVID-19, no in-person participation

is currently allowed. City Council Meetings are broadcast live on Cox Communications-Channel 19, Spectrum (Time Warner)-Channel 24, and AT&T U-verse Channel 99. The meetings can also be streamed live on the City's website. Members of the public may submit written comments at [EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org). Correspondence received after the official posting of the agenda, but before 12:00 p.m. on meeting day, will be distributed to Council and made available to the public online among with the agenda posting. The designated location for viewing public documents is the City's website [www.cityofsolanabeach.org](http://www.cityofsolanabeach.org).

Please refer to the official posted agenda on the City's website (<https://www.ci.solana-beach.ca.us/>) prior to the meeting for the staff report for this item and/or changes to the agenda.

7. At that time, the legislative body will consider and finally determine whether to levy the proposed annual assessment, and to hear all protests relating to said proposed proceedings, or the estimate of the cost and expenses of the proposed maintenance, or the proposed annual assessment; and any and all persons interested may file a written protest at [EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org) before 12:00 p.m. of the hearing day or, having filed such a protest, may file a written withdrawal of that protest at [EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org) prior to 12:00 p.m. of such hearing day. Any such written protest must state all grounds for objection. A written protest by a property owner must contain a description sufficient to identify the property owned by such person, e.g. assessor's parcel number.

Any interested person may mail a protest to the following address:

CITY CLERK  
CITY OF SOLANA BEACH  
635 S. HIGHWAY 101  
SOLANA BEACH, CA 92075  
[EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org)

To be considered by the legislative body, all protests must be received by 12:00 p.m. the public hearing date. A postmark prior to such date and time will not be sufficient.

8. That the City Clerk is hereby authorized and directed to give notice as required by law by causing a copy of the Resolution to be published in the newspaper of general circulation within said City; and publication to be completed not less than ten (10) days prior to the date set for the public hearing.

**PASSED AND ADOPTED** this 27th day of May, 2020, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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



**CITY OF SOLANA BEACH  
COASTAL RAIL TRAIL MAINTENANCE DISTRICT  
ENGINEER'S REPORT  
FISCAL YEAR 2020/2021**

**MAY 18, 2020**



**KOPPEL & GRUBER**  
PUBLIC FINANCE

334 VIA VERA CRUZ, SUITE 256  
SAN MARCOS  
CALIFORNIA 92078

T. 760.510.0290  
F. 760.510.0288

# TABLE OF CONTENTS

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SECTION I.	OVERVIEW .....	2
SECTION II.	PLANS AND SPECIFICATION.....	4
SECTION III.	PROPOSED FISCAL YEAR 2020/2021 BUDGET.....	6
A.	ESTIMATED FISCAL YEAR 2020/2021 BUDGET.....	6
B.	DESCRIPTION OF BUDGET ITEMS.....	8
SECTION IV.	METHOD OF APPORTIONMENT .....	9
A.	GENERAL .....	9
B.	GENERAL BENEFIT ANALYSIS .....	9
C.	SPECIAL BENEFIT ANALYSIS .....	10
D.	ASSESSMENT METHODOLOGY .....	11
E.	RATES .....	13
F.	ASSESSMENT RANGE FORMULA.....	14
SECTION V.	ASSESSMENT ROLL.....	15
SECTION VI.	ASSESEMENT DIAGRAM.....	16

## SECTION I. OVERVIEW

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### A. INTRODUCTION AND BACKGROUND

The Coastal Rail Trail (the “CRT”) is a project sponsored by the cities of Oceanside, Carlsbad, Encinitas, Solana Beach and San Diego for a multi-use pathway (bicycle facilities and pedestrian) that will ultimately extend from the San Luis Rey River in Oceanside to the Santa Fe Depot in San Diego. Each of the sponsoring cities has agreed to construct and maintain the portion of the trail that is located within their jurisdiction. The City of Solana Beach (the “City”) began construction on their portion of the CRT (“City CRT”) in August 2003 by obtaining outside grants and the City CRT was substantially completed in November of 2004.

The City CRT encompasses approximately 1.7 miles extending from the north boundary of the City at the San Elijo Lagoon and the City of Encinitas to the south boundary of the City at Via de la Valle. The Class I bicycle trail proceeds south through the City, crossing Lomas Santa Fe Road and continuing to Via de la Valle in the City of Del Mar.

The City of Solana Beach Coastal Rail Trail Maintenance District (“District”) was formed in January 2006 in order to provide funding for the maintenance of certain public improvements including but not limited to the operation, maintenance and servicing of landscaping and public lighting improvements along the City CRT. This report constitutes the Fiscal Year 2020/2021 Engineer’s Report for the District.

The City Council pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (“Act”) and in compliance with the substantive and procedural requirements of the *California State Constitution Article XIII C and XIII D* (“Proposition 218”) and the *Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following)* (the “Implementation Act”) desires to levy and collect annual assessments against lots and parcels within the District beginning in the fiscal year commencing July 1, 2020 and ending June 30, 2021 to pay for the operation, maintenance and servicing of landscaping and public lighting improvements along the City CRT. The proposed assessments are based on the City’s estimate of the costs for Fiscal Year 2020/2021 to maintain the City CRT improvements that provide a special benefit to properties assessed within the District. The assessment rates set for Fiscal Year 2020/2021 as set forth in this Engineer’s Report, do not exceed the maximum rates established at the time the District was formed, therefore, the City and the District are not required to go through a property owner ballot procedure in order to establish the 2020/2021 assessment rates.

**B. CONTENTS OF ENGINEER’S REPORT**

This Report describes the District boundaries and the proposed improvements to be assessed to the property owners located within the District. The Report is made up of the following sections.

**SECTION I. OVERVIEW** – Provides a general introduction into the Report and provides background on the District and the assessment.

**SECTION II. PLANS AND SPECIFICATIONS** – Contains a general description of the improvements that are maintained and serviced by the District.

**SECTION III. PROPOSED FISCAL YEAR 2020/2021 BUDGET** – Identifies the cost of the maintenance and services to be provided by the District including incidental costs and expenses.

**SECTION IV. METHOD OF APPORTIONMENT** – Describes the basis in which costs have been apportioned to lots or parcels within the District, in proportion to the special benefit received by each lot or parcel.

**SECTION V. ASSESSMENT ROLL** – The assessment roll identifies the maximum assessment to be levied to each lot or parcel within the District.

**SECTION VI. ASSESSMENT DIAGRAM** – Displays a diagram of the District showing the boundaries of the District.

For this Report, each lot or parcel to be assessed, refers to an individual property assigned its own Assessment Parcel Number (“APN”) by the San Diego County (“County”) Assessor’s Office as shown on the last equalized roll of the assessor.

Following the conclusion of the Public Hearing, the City Council will confirm the Report as submitted or amended and may order the collection of assessments for Fiscal Year 2020/2021.

## **SECTION II. PLANS AND SPECIFICATION**

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### **A. GENERAL DESCRIPTION OF THE DISTRICT**

The boundaries of the District are defined as being contiguous with the boundaries of the City of Solana Beach. Solana Beach is located approximately thirty miles north of the City of San Diego in the north coastal area of the County. The City is bordered by the Pacific Ocean to the west, the City of Encinitas to the north, the City of Del Mar to the south and the unincorporated village of Rancho Santa Fe to the east.

The properties within the District include single-family residential, multi-family residential, timeshare, commercial, and industrial parcels. Each parcel has been categorized into three zones based upon their general proximity to the City CRT. Please refer to Section IV D of the Report for a further explanation on the zones included within the District.

### **B. DESCRIPTION OF SERVICES AND IMPROVEMENTS TO BE MAINTAINED**

The District provides a funding mechanism for the ongoing maintenance, operation and servicing of landscaping and public lighting improvements that were installed as part of the construction of the City CRT. These improvements may include, but are not limited to, all materials, equipment, utilities, labor, and appurtenant facilities related to those improvements.

The improvements constructed as part of the project that are to be maintained and serviced by the District relate to landscaping and public lighting improvements, and are generally described as follows:

- Concrete and decomposed granite trails including landscaping, irrigation, drainage, grading, lighting, and hardscape features.
- Concrete paths, trees, plantings, lighting, irrigation, conduit, infrastructure, earthwork, trash receptacles, fencing, node structures (bus shelters, art amenities, garden nodes), drinking fountains, signage, and observation deck.
- Open space and irrigated and planted slopes located along the Trail.
- Public lighting facilities within and adjacent to the City CRT.

Maintenance services will be provided by City personnel and/or private contractors. The proposed improvements to be maintained and services are generally described as follows:



## **LANDSCAPING AND APPURTENANT IMPROVEMENTS**

The landscaping improvements and services to be maintained by the District include but are not limited to landscaping, planting, ground cover, shrubbery, turf, trees, irrigation and drainage systems, hardscape, fixtures, sidewalks, fencing and other appurtenant items located along and adjacent to the City CRT.

## **PUBLIC LIGHTING AND APPURTENANT IMPROVEMENTS**

The public lighting improvements to be maintained and serviced include but are not limited to the following, which provide public lighting directly or indirectly to the City CRT or to other public areas associated with or necessary for use of the trail:

- Maintenance, repair and replacement of public light poles and fixtures, including changing light bulbs, painting, photoelectric cell repair or replacement, and repairing damage caused by automobile accidents, vandalism, time, and weather.
- Electrical conduit repair and replacement due to damage by vandalism, time and weather.
- Service-call maintenance, repair and replacement including painting, replacing worn out electrical components and repairing damage due to accidents, vandalism, and weather.
- Payment of the electrical bill for the existing street lighting system.
- Responding to constituent and business inquiries and complaints regarding the public lighting.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of landscaping and public lighting improvements facilities and appurtenant facilities. This includes repair, removal or replacement of all or part of any of the landscaping and street lighting improvements, or appurtenant facilities; providing for the life, growth, health and beauty of landscaping improvements and for the operation of the lighting improvements.

Servicing means the furnishing of all labor, materials, equipment and utilities necessary to maintain the landscaping improvements and to maintain and operate the public lighting improvements or appurtenant facilities in order to provide adequate illumination.

## **SECTION III. PROPOSED FISCAL YEAR BUDGET**

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### **A. ESTIMATED FISCAL YEAR 2020/2021 BUDGET**

A summary of the proposed District Fiscal Year 2020/2021 budget is summarized, by category, in Table 1 shown on the following page:

Table 1

**CITY OF SOLANA BEACH  
COASTAL RAIL TRAIL MAINTENANCE DISTRICT  
2020/21 BUDGET**

	TOTAL BUDGET	GENERAL BENEFIT PORTION <sup>1&amp;2</sup>	PROPOSED FY 2020/21 ASSESSMENT
<b>OPERATING AND MAINTENANCE COSTS</b>			
<b>Operating and Maintenance</b>			
Landscape, Irrigation & Hardscape Maintenance Thru an Outside Contract (Includes Tree Trimming)	\$69,900	\$13,600	\$56,300
Utilities (Water)	\$20,600	\$0	\$20,600
Utilities (Electricity)	\$29,500	\$29,500	\$0
Trail Maintenance (DG & Concrete Paths)	\$1,400	\$0	\$1,400
Graffiti Abatement	\$200	\$0	\$200
<b>Total Operating and Maintenance Costs</b>	<b>\$121,600</b>	<b>\$43,100</b>	<b>\$78,500</b>
<b>CAPITAL REPLACEMENT AND RESERVES</b>			
<b>Capital Replacement</b>			
Landscape & Irrigation Replacement	\$3,600	\$200	\$3,400
Pedestrian/Bicycle Path Replacement	\$2,600	\$200	\$2,400
Hardscape Features Replacement (water fountain, art work, bus shelter)	\$2,600	\$200	\$2,400
<b>Reserves</b>			
Fiscal Year 2020/2021 Reserve Collection	\$0	\$0	\$0
<b>Total Capital Replacement and Reserves</b>	<b>\$8,800</b>	<b>\$600</b>	<b>\$8,200</b>
<b>ADMINISTRATION COSTS</b>			
<b>District Administration Costs</b>			
County SB 2557 Costs			\$300
County Electronic Data Processing Costs			\$600
City Administration/Consultant Costs			\$7,600
<b>Total Administration Costs</b>			<b>\$8,500</b>
<b>AMOUNT TO LEVY</b>			
<b>TOTAL BUDGET</b>			<b>\$95,200</b>
<b>LESS OPERATING RESERVES USED IN FY<sup>2</sup></b>			<b>(\$13,882)</b>
<b>TOTAL ASSESSMENT AMOUNT</b>			<b>\$81,318</b>
Total Parcels in the District			13,102
Total Parcels Levied			5,642
Total Equivalent Benefit Units			10,479.25
<b>Proposed Levy Per Equivalent Benefit Unit</b>			<b>\$7.76</b>
Inflation Percentage Applied to Proposed Levy Per EBU			2.00%

<b>OPERATING RESERVES</b>	
Beginning Balance as of 7/1/20	\$71,613
FY 2020/2021 Collection	\$81,318
Expenditures	(\$95,200)
Projected Ending Balance as of 6/30/21	\$57,731
<b>Maximum Cash Flow Reserve Amount</b>	<b>\$40,659</b>

1. While the cost of the electricity is not 100% general benefit, the City is paying for the entire cost through other available funds and none of the cost is being allocated to the parcels located within the District.
2. The CRT landscaping cost is greater than the available funding from the District so other available funding is being utilized to cover the difference.

**B. DESCRIPTION OF BUDGET ITEMS**

The following is a brief description of the major budget categories that includes the detailed costs of maintenance and services for the District included in the table above.

**OPERATING AND MAINTENANCE COSTS** – This includes the costs of maintaining and servicing the landscaping and lighting improvements. This may include, but is not limited to, the costs for labor, utilities, equipment, supplies, repairs, replacements and upgrades that are required to properly maintain the items that provide a direct benefit to properties located within the District.

**CAPITAL REPLACEMENT AND RESERVES** – These items provide a funding source to pay for items that wear out over time, other unanticipated items not directly budgeted for and for the replacement of the landscaping, pathways and hardscape features located along and adjacent to the City CRT.

**ADMINISTRATION COSTS** – This includes the indirect costs not included above that are necessary to pay for administrative costs related to the District, including the levy and submittal of the assessments to the County to be placed on the Fiscal Year 2020/2021 County equalized tax roll, responding to property owner inquiries relating to the assessments and services, and any other related administrative costs.

## SECTION IV. METHOD OF APPORTIONMENT

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### A. GENERAL

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of landscaping and public lights and appurtenant facilities.

Streets and Highways Code Section 22573 requires that maintenance assessments be levied according to benefit rather than the assessed value.

*“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”*

In addition, Article XIID and the Implementation Act require that a parcel’s assessment may not exceed the reasonable cost for the proportional special benefit conferred to that parcel. A special benefit is a particular and distinct benefit over and above general benefits conferred on property located within the assessment district. Article XIID and the Implementation Act further provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. They also require that publicly owned properties which specifically benefit from the improvements be assessed.

### B. GENERAL BENEFIT ANALYSIS

The improvements described in Section II B of this Report are for the special benefit, enhancement and use of properties within the District. However, the City CRT was constructed as a portion of a much larger regional trail that will extend from the City of Oceanside to the north to the City of San Diego to the south. Residents and property owners located in each of the cities along the trail will receive a special benefit from the construction and maintenance of the trail within their city. Residents from each of these cities will have an opportunity to use the entire trail upon completion including the portion in Solana Beach which creates a general benefit.

Additionally, included among the different property types in the City are timeshare units. Though individuals may purchase and “own” their timeshare unit, their ownership rights are limited and temporary (typically one week per year.) Owners of timeshare units have an opportunity to use the CRT while vacationing in the City. Due to the limited ownership time-frame of timeshare owners, their special benefit is limited and thus considered as part of the general benefit similar to the general benefit to the public at large.

The general benefit portion of the assessment has been determined by looking at each participating city’s trail length as a factor or the entire trail. The City of Solana Beach’s portion of the CRT is 1.7 miles compared to the entire proposed trail length of 44.0 miles. Comparing the length of the City CRT to the total length of the CRT results in a general

benefit of 3.86%. Engineering also determined that timeshares add an additional 2.0% general benefit impact. For rounding purposes after adding the two components (3.86% + 2.0%) the general benefit is considered to be 6.0% overall to the public at large. The budget has been allocated to parcels based on their special benefit share. In addition, the City is paying 100% of the electricity costs, totaling \$29,000, for the District through funds available from other sources resulting in over 30% of the costs paid directly by the City.

### **C. SPECIAL BENEFIT ANALYSIS**

Each of the proposed improvements and the associated costs and assessments within the District has been reviewed, identified and allocated based on special benefit pursuant to the provisions of Article XIID, the Implementation Act, and the Streets and Highways Code Section 22573.

Proper maintenance and operation of the City CRT landscaping, hardscape, open space and public lighting provides special benefit to adjacent properties by providing community character, security, safety and vitality. Additionally, one of the purposes of the trail is to facilitate alternative transportation opportunities in order to reduce air pollution and vehicular traffic congestion which provide special benefit to the properties within the District.

#### **TRAIL AND LANDSCAPING SPECIAL BENEFIT**

Landscaping and appurtenant facilities, if well maintained, provide beautification, shade and enhancement of the desirability of the surroundings, and therefore increase property values. Specifically, they provide a sense of ownership and a common theme in the community providing aesthetic appeal, recreational and health opportunities and increased desirability of properties.

#### **PUBLIC LIGHTING SPECIAL BENEFIT**

The operation, maintenance and servicing of public lighting along and adjacent to the City CRT provide safety and security to properties along City CRT specifically as follows:

- Improved security, deterrence of crime and aid to police and fire protection.
- Reduced vandalism and damage to the improvements and property.
- Increased business activity to the coastal community during nighttime hours.

## **D. ASSESSMENT METHODOLOGY**

To establish the special benefit to the individual lots or parcels within the District, an Equivalent Benefit Unit system based on land use is used along with a Zone Factor based on geographic proximity to the City CRT.

### **EQUIVALENT BENEFIT UNITS**

Each parcel of land is assigned an Equivalent Benefit Unit in proportion to the estimated special benefit the parcel receives relative to other parcels within the District. The single family detached (“SFD”) residential property has been selected as the basic unit for calculating assessments; therefore, a SFD residential parcel equals one Equivalent Benefit Unit (“EBU”).

The EBU method of apportioning benefit is typically seen as the most appropriate and equitable assessment methodology for districts formed under the 1972 Act, as the benefit to each parcel from the improvements are apportioned as a function of land use type, size and development. A methodology has been developed to relate all other land uses to the SFD residential as described below.

### **EBU APPLICATION BY LAND USE:**

**SINGLE-FAMILY RESIDENTIAL** — This land use is defined as a fully subdivided residential parcel in which a tract map has been approved and recorded. This land use is assessed 1.0 EBU per lot or parcel. This is the base value that all other land use types are compared and weighted against (i.e. Equivalent Benefit Unit or EBU).

**RESIDENTIAL CONDOMINIUM** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property with individual unit ownership. This land use is assessed 1.0 EBU per dwelling unit.

**MULTI-FAMILY RESIDENTIAL** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property not available for individual unit ownership. This land use is assessed 0.75 EBU per dwelling unit.

**PLANNED-RESIDENTIAL DEVELOPMENT** — This land use is defined as any property not fully subdivided with a specific number of proposed residential lots or dwelling units to be developed on the parcel. This land use type is assessed at 1.0 EBU per planned (proposed) residential lot or dwelling unit.

**COMMERCIAL/INDUSTRIAL** — This land use is defined as property developed for either commercial or industrial use. This land use type is assessed at 1.0 EBU per parcel.

**VACANT SINGLE-FAMILY RESIDENTIAL** — This land use is defined as property currently zoned for single-family detached residential development, but a tentative or final tract map has not been submitted and/or approved. This land use is assessed at 1.0 EBU per parcel.

**VACANT MULTI-FAMILY RESIDENTIAL** — This land use is defined as property currently zoned for multi-family residential development, but a tentative or final tract map has not been submitted and/or approved. This land use is assessed at 0.75 EBU per parcel.

**VACANT COMMERCIAL/INDUSTRIAL** — This land use is defined as property currently zoned for either commercial or industrial use. This land use is assessed at 1.0 EBU per parcel.

**EXEMPT PARCELS** — This land use identifies properties that are not assessed and are assigned 0.0 EBU. This land use classification may include, but is not limited, to lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and right-of-ways including greenbelts and parkways; utility right-of-ways; common areas, sliver parcels and bifurcated lots or any other property that can not be developed; park properties and other publicly owned properties that are part of the District improvements or that have little or no improvement value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

**PUBLIC OWNED PARCELS** — This land use identifies properties that are not assessed and are assigned 0.0 EBU. This land use classification includes other typically non-assessed parcels that are not considered exempt parcels and may include, but is not limited, to lots or parcels identified as schools, government owned buildings, fire and police stations, and administration offices. These types of properties are considered to receive little special benefit from the improvements and any benefit that they may receive is considered to be part of the City’s general benefit contribution to the District.

**ZONE FACTOR**

The District was divided into three zones based on the proximity of parcels in location to the City CRT. Properties located the closest to the trail will receive a greater special benefit as compared to those parcels the farthest away. In order to calculate this into the assessment a factor is applied to each parcel according to the following Zone location.

**ZONE 1 PROPERTIES** – This Zone is defined as properties located adjacent to or within a few blocks of the City CRT improvements. This includes all properties that are generally located east of Acacia and Sierra Avenue and west of Rios Avenue. Parcels located in this zone use the EBU amounts derived above based on land use and then multiplied by a proximity factor of three (3).

**ZONE 2 PROPERTIES** – This Zone is defined as properties located close to the improvements but not adjacent to the City CRT or properties defined as Zone 1 Properties. This includes all properties that are generally located west of Acacia Avenue and also those properties located east of Rios Avenue and west of Interstate-5. Parcels located in this zone use the EBU amounts derived above based on land use and then multiplied by a proximity factor of two (2).

**ZONE 3 PROPERTIES** – This Zone is defined as properties located the furthest away from the City CRT improvements. This includes all properties that are located east of Interstate-5. Parcels located in this zone use the EBU amounts derived above based on land use and then multiplied by a proximity factor of 0.5.



The following table summarizes the EBU and Zone Factors based on land use.

Table 2

**CITY OF SOLANA BEACH  
COASTAL RAIL TRAIL MAINTENANCE DISTRICT  
EQUIVALENT BENEFIT UNITS AND ZONE FACTOR BY LAND USE**

Land Use Description	Equivalent Benefit Units (EBUs)		Zone 1 Multiplier	Zone 2 Multiplier	Zone 3 Multiplier	No. of EBUs for Property in Zone 1	No. of EBUs for Property in Zone 2	No. of EBUs for Property in Zone 3
	Per							
Single Family Residential	1.00	Lot or Parcel	3.00	2.00	0.50	3.00	2.00	0.50
Residential Condominium	1.00	Dwelling Unit	3.00	2.00	0.50	3.00	2.00	0.50
Multi-Family Residential	0.75	Dwelling Unit	3.00	2.00	0.50	2.25	1.50	0.38
		Lot or Dwelling						
Planned Residential Development	1.00	Unit	3.00	2.00	0.50	3.00	2.00	0.50
Commercial/Industrial	1.00	Parcel	3.00	2.00	0.50	3.00	2.00	0.50
Vacant Single Family Residential	1.00	Parcel	3.00	2.00	0.50	3.00	2.00	0.50
Vacant Multi-Family Residential	0.75	Parcel	3.00	2.00	0.50	2.25	1.50	0.38
Vacant Commercial/Industrial	1.00	Parcel	3.00	2.00	0.50	3.00	2.00	0.50
		1 week of						
Timeshare Units	0.00	ownership	3.00	2.00	0.50	0.00	0.00	0.00
Exempt Parcels	0.00	Parcel	3.00	2.00	0.50	0.00	0.00	0.00
Public Owned Parcels	0.00	Parcel	3.00	2.00	0.50	0.00	0.00	0.00

In order to determine the maximum annual assessment rate for each type of land use described above, the following formula is applied:

**Applicable EBU \* Applicable Zone Factor\*Maximum Assessment Rate per 1.0 EBU=Assessment Rate per Unit/Parcel.**

**E. RATES**

Table 3 below shows the maximum assessments rates proposed to be levied in Fiscal Year 2020/2021 by land use. Because the San Diego Consumer Price Index for All Urban Consumers (“CPI-U”) was over 2.00% for 2019 (2.35%), the maximum assessments were increased by 2.00% as allowed for in the assessment range formula discussed below.

**Table 3**

**CITY OF SOLANA BEACH  
COASTAL RAIL TRAIL MAINTENANCE DISTRICT  
EQUIVELANT BENEFIT UNITS AND ZONE FACTOR BY LAND USE**

Land Use Description	Per	Base Rate for Zone 1	Base Rate for Zone 2	Base Rate for Zone 3
Single Family Residential	Lot or Parcel	\$23.28	\$15.52	\$3.88
Residential Condominium	Dwelling Unit	\$23.28	\$15.52	\$3.88
Multi-Family Residential	Dwelling Unit	\$17.46	\$11.64	\$2.91
	Lot or Dwelling			
Planned Residential Development	Unit	\$23.28	\$15.52	\$3.88
Commercial/Industrial	Parcel	\$23.28	\$15.52	\$3.88
Vacant Single Family Residential	Parcel	\$23.28	\$15.52	\$3.88
Vacant Multi-Family Residential	Parcel	\$17.46	\$11.64	\$2.91
Vacant Commercial/Industrial	Parcel	\$23.28	\$15.52	\$3.88
Timeshare Units	1 week of ownership	\$0.00	\$0.00	\$0.00
Exempt Parcels	Parcel	\$0.00	\$0.00	\$0.00
Public Owned Parcels	Parcel	\$0.00	\$0.00	\$0.00

**F. ASSESSMENT RANGE FORMULA**

The purpose of establishing an Assessment Range Formula is to provide for reasonable inflationary increases to the annual assessments without requiring the District to go through an expensive balloting process required by law in order to get a small increase. On July 1, 2007 and each year thereafter, the Maximum Assessment Rate shall be increased by the lesser of Local CPI-U in the San Diego County area or 2.0%. The CPI-U used shall be as determined annually by the Bureau of Labor Statistics beginning with the CPI-U rate increase for 2006.

Beginning in the Fiscal Year 2007/2008 the Maximum Assessment may be increased using the lesser of the increase in the CPI-U from first year levy (the Assessment Range Formula) or 2.0%. This Assessment Rate Formula would be applied every fiscal year thereafter and a new Maximum Assessment will be established to include the allowable increase.

The Maximum Assessment adjusted annually by this formula is not considered an increased assessment. Although the Maximum Assessment will increase each year, the actual assessment will only reflect the necessary budgeted amounts and may remain unchanged. Increases in the budget or an increase in the rate in one year from the prior year will not require a new 218 balloting unless the rate is greater than the Maximum Assessment adjusted to reflect an increase in the CPI-U.

## **SECTION V. ASSESSMENT ROLL**

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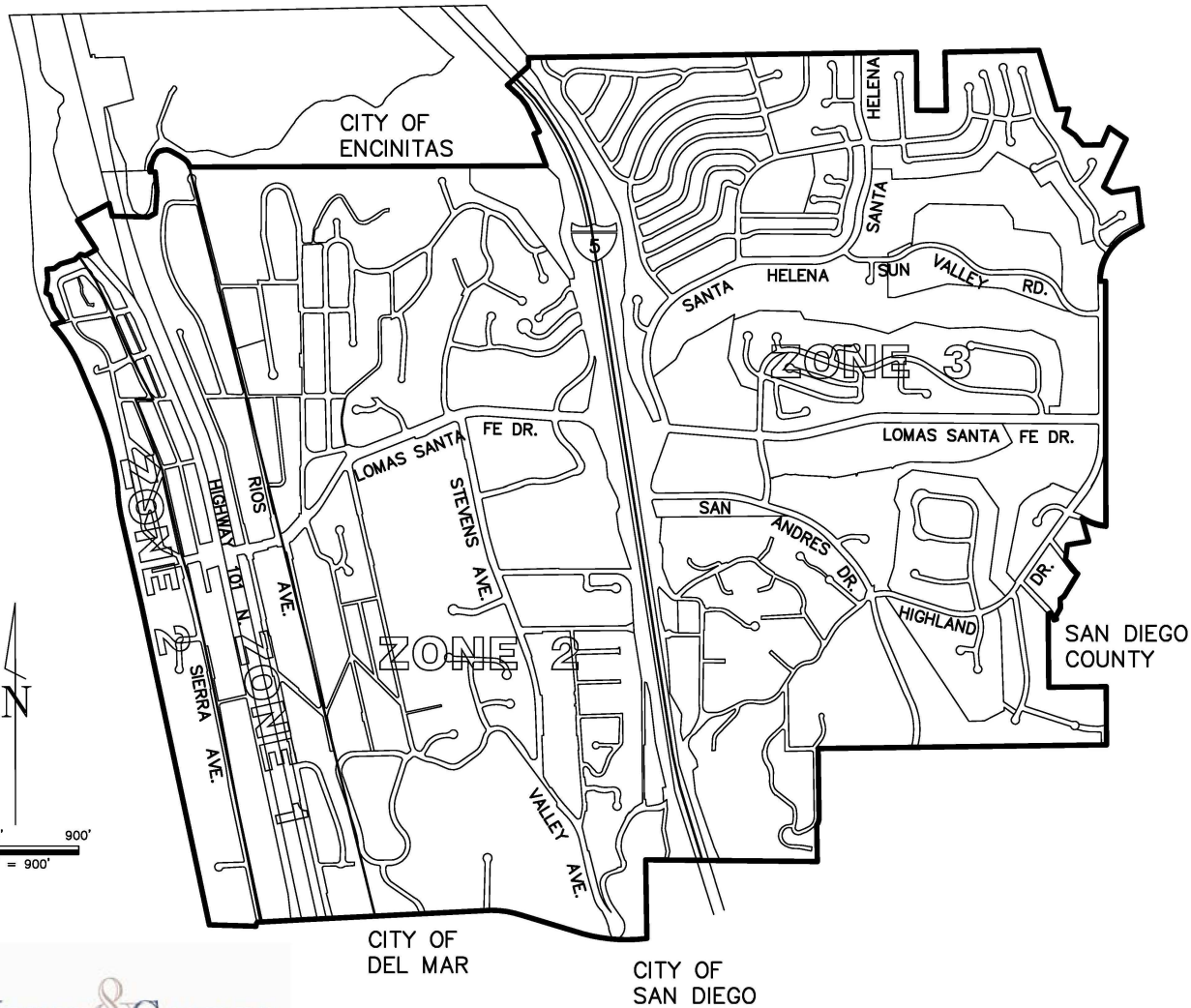
Parcel identification, for each lot or parcel within the District shall be the parcel as shown on the County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within the District, along with the proposed assessment amounts, has been submitted to the City Clerk, under a separate cover, and by reference is made part of this Report. Said listing of parcels to be assessed shall be submitted to the County Auditor/Controller and included on the property tax roll for each parcel in Fiscal Year 2020/2021. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

## **SECTION VI. ASSESSMENT DIAGRAM**

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The parcels within the District consist of all lots, parcels and subdivisions of land located in the City. A boundary map of the area is attached.



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SOLANA BEACH THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005.

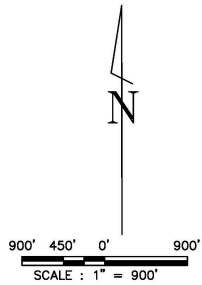
I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF THE COASTAL RAIL TRAIL MAINTENANCE DISTRICT, CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF SOLANA BEACH AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005, BY ITS RESOLUTION NO. \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK  
CITY OF SOLANA BEACH

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE(S) \_\_\_\_\_ AND AS INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

\_\_\_\_\_  
COUNTY RECORDER  
COUNTY OF SAN DIEGO  
STATE OF CALIFORNIA

NOTE: FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR'S PARCELS, REFERENCE IS MADE TO THE MAPS OF THE SAN DIEGO COUNTY ASSESSOR OF SAN DIEGO COUNTY RECORDS, WHICH MAPS SHALL GOVERN FOR ALL DETAILS RELATING THERETO.



**KOPPEL & GRUBER**  
PUBLIC FINANCE

334 Via Vera Cruz  
Suite 256  
San Marcos, California 92078  
Phone (760) 510-0290 Fax (760) 510-0288

### PROPOSED BOUNDARY MAP OF COASTAL RAIL TRAIL MAINTENANCE DISTRICT

CITY OF SOLANA BEACH  
COUNTY OF SAN DIEGO  
STATE OF CALIFORNIA

**CITY OF SOLANA BEACH**

**CITY OF SOLANA BEACH  
COASTAL RAIL TRAIL MAINTENANCE DISTRICT**

**Engineer's Report  
Fiscal Year 2020/2021**

The undersigned respectfully submits the enclosed Report as directed by City Council.

Report Submitted By:



By: \_\_\_\_\_  
Scott Koppel  
Koppel & Gruber Public Finance

By: \_\_\_\_\_  
Mohammad Sammak

**RESOLUTION 2020-074**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE 2020 STREET MAINTENANCE AND REPAIR PROJECT AND AUTHORIZING THE CITY ENGINEER TO ADVERTISE FOR CONSTRUCTION BIDS**

**WHEREAS**, the Capital Improvement Program for Fiscal Year 2020/21 is anticipated to appropriate funding for annual pavement maintenance and repairs; and

**WHEREAS**, the Engineering Department utilizes a pavement condition assessment program, field reviews and a review of previous street rehabilitation projects to identify the list of streets to be repaired as part of this project.

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

1. That the above recitations are true and correct.
2. That the City Council approves the list of streets scheduled for maintenance and repair as part of the 2020 Street Maintenance and Repair Project.
3. That the City Council authorizes the City Engineer to advertise for construction bids for the 2020 Street Maintenance and Repair Project.

**PASSED AND ADOPTED** this 27th day of May 2020, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

OVERLAYS (FULL WIDTH)

ADA PARKING UPGRADES

ENCINITAS

COUNTY OF SAN DIEGO

PACIFIC OCEAN

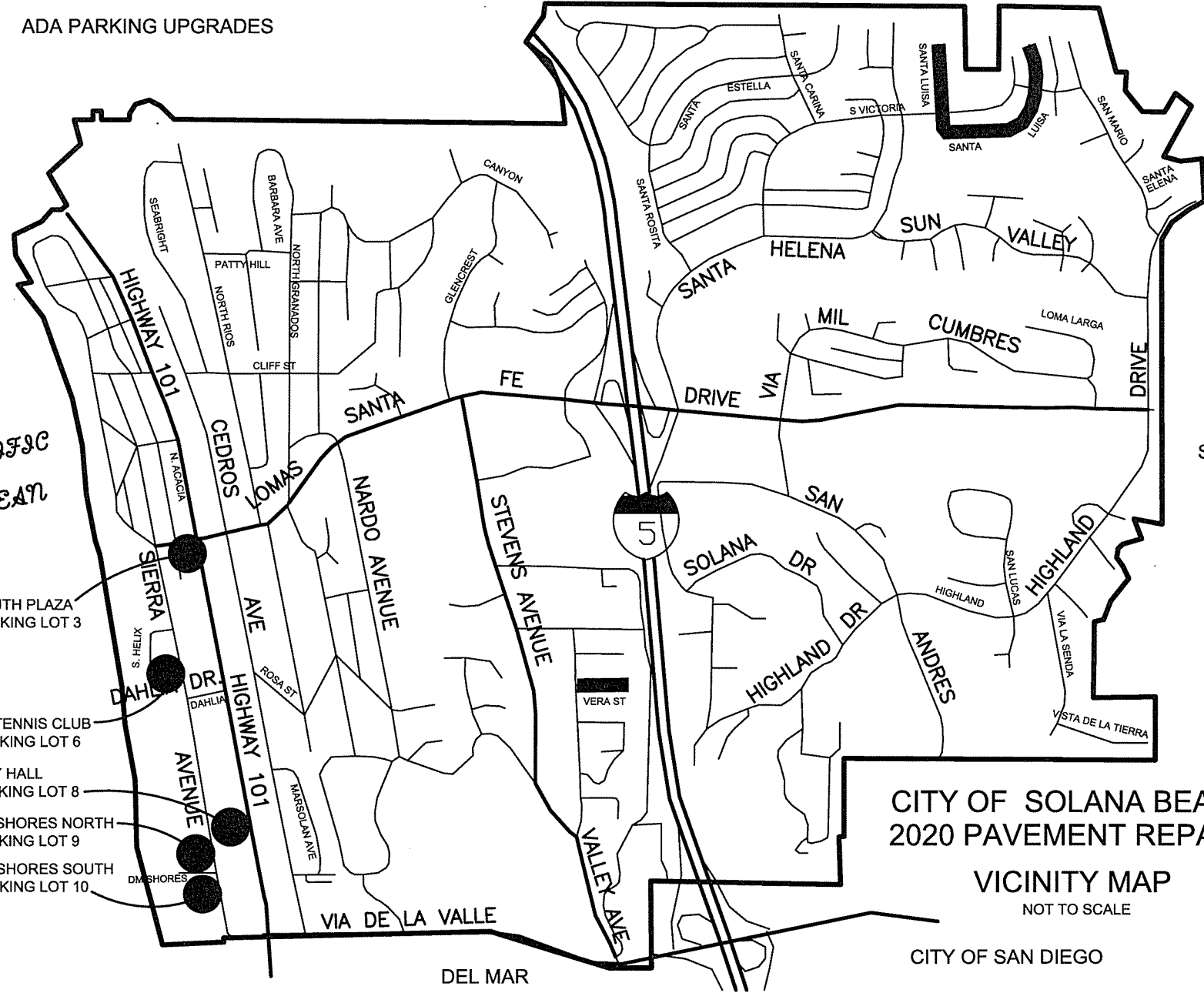
### CITY OF SOLANA BEACH 2020 PAVEMENT REPAIRS

VICINITY MAP

NOT TO SCALE

CITY OF SAN DIEGO

5/20/2020



ATTACHMENT 2





# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **Council Consideration of Resolution 2020-052 and 2020-053 for the Engineer's Report, the Annual Levy and Collection of Assessments for the Solana Beach Lighting District for FY 2020/21**

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## **BACKGROUND:**

In 1987, the City Council adopted a resolution forming the Solana Beach Lighting District under the provisions of the Landscape and Lighting Act of 1972, Division 15, Part 2, of the California Streets and Highways Code (1972 Act). The District was formed for the purpose of levying and collecting funds for the installation, operation, and maintenance of street lighting facilities within the City.

The 1972 Act requires the City Council to adopt a resolution annually directing the preparation and filing of an Annual Report and a Resolution of Intention to renew the District. The resolutions declare the City Council's intention to levy and collect assessments and set the date of the public hearing at which the assessments will be levied. The law requires the assessment information to be submitted to the County by August 10<sup>th</sup> each year. In Fiscal Year (FY) 2008/09, fees for the street light district were suspended. During the period of FY 2009/10 through FY 2019/20, fees were collected but the rate was not increased. Staff is proposing no increase in fees for FY 2020/21.

Utilizing some of the reserve funds in the district, all City-owned streetlights were retrofitted to LED fixtures in 2012. The LED lights are much more energy efficient than the old lights. The streetlights in Solana Beach are not metered and the City pays a set rate for each light. SDG&E has reduced the rates for the LED retrofitted lights and the savings are reflected in the budget. The retrofitted LED lights use approximately 50% less energy than the standard streetlights that were previously used.

CITY COUNCIL ACTION:

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AGENDA ITEM # A.5.

This item is presented to the City Council for the consideration of Resolution 2020-052 (Attachment 1) approving the Solana Beach Lighting Maintenance District Engineer's Report for Fiscal Year 2020/21 and Resolution 2020-053 (Attachment 2) setting a time and place for a Public Hearing.

**DISCUSSION:**

Attachment 3 is the proposed Solana Beach Lighting Maintenance District Engineer's Report for FY 2020/21. The recommended assessment methodology is a Spread Methodology as outlined in the Calculation of Assessment Fees, pages 6 and 7 of Attachment 3. The total amount to be assessed for street lighting for FY 2020/21 is \$77,025. The Derivation of Street Lighting Benefit Units table in Exhibit 2 is found to be consistent with the current SANDAG Traffic Generation Manual and is appropriate for the associated land uses. The improvements include those designated in the district boundaries and shown in the City's Street Light Master Plan.

The Solana Beach Lighting District is the successor agency to portions of San Diego County Lighting Maintenance District Nos. 1 and 3 (LMD1 and LMD3). Ballots issued in 1982 and 1984 to levy assessments for LMD1 and LMD3 were approved to have a maximum charge of \$25.00 per benefit unit. This maximum benefit unit charge will not apply to Zone B of the Solana Beach Lighting District as it was formed since Solana Beach was incorporated.

The annual assessment fees are collected based on property locations in the City, identified as Zone A or Zone B, as shown on Exhibit 1 (page 8) of Attachment 3. The annual assessment fees for this year are \$8.80 per benefit unit for Zone A and \$1.62 for Zone B. These fees are the same assessment fees as last year. In order to levy and collect an assessment in the Solana Beach Lighting District, it is necessary to notify the property owners of the City. The City will publish two notices in a newspaper of local circulation indicating the public hearing to be held on June 24, 2020.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

The District has been financed by a benefit charge and by using the District's share of one percent ad valorem property tax revenues since FY 1989/90. The amount to be generated from the benefit assessment is proposed to be \$8.80 per benefit unit in Zone A and \$1.62 in Zone B, which is unchanged from last year.

**WORK PLAN:**

Renewal of the Solana Beach Lighting District is consistent with the Fiscal Sustainability section of the City's Work Plan.

**OPTIONS:**

- Accept the Engineer's Report for proceeding for the annual levy of assessments and set time and date for a public hearing on June 24, 2020.
- Suspend assessment for FY 2020/21.
- Do not renew the Lighting District and provide direction to Staff.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council:

1. Adopt Resolution 2020-052 approving the Solana Beach Lighting Maintenance District Engineer's Report for Fiscal Year 2020/21 for proceedings of the annual levy of assessments within a special maintenance district.
2. Adopt Resolution 2020-053 declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for June 24, 2020.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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

Attachments:

1. Resolution 2020-052, Approving Engineer's Report
2. Resolution 2020-053, Setting Public Hearing
3. Lighting Maintenance District Engineer's Report for FY 2020/21

## RESOLUTION 2020-052

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE SOLANA BEACH LIGHTING MAINTENANCE DISTRICT ENGINEER'S REPORT FOR FISCAL YEAR 2020/21 FOR PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN A SPECIAL LIGHTING DISTRICT

**WHEREAS**, the City Council of the City of Solana Beach, California, pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California, did, by separate Resolution, initiate proceedings and order the preparation of the Engineer's Report (hereinafter referred to as Report) for the annual levy of assessments within a special Lighting District, said special Lighting District known and designated as Solana Beach Lighting District (hereinafter referred to as Lighting District); and,

**WHEREAS**, the Report, as required by said Division 15 of the Streets and Highways Code and as previously directed by Resolution, was presented to the City Council; and,

**WHEREAS**, the City Council examined and reviewed the Report as presented, and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments, on a preliminary basis, are spread in accordance with the special benefits received from the improvements to be maintained, as set forth in said Report.

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

1. That the above recitals are all true and correct
2. That the Solana Beach Lighting Maintenance District Engineer's Report for Fiscal Year 2020/21, as presented, consists of the following:
  - a. Plans and specifications describing the general nature, location and extent of the improvements to be maintained as described in the City's Street Light Master Plan. No other substantial changes in existing improvements or zones are proposed for the next fiscal year; all improvements to be maintained are in existing public streets, or sidewalks, or public leaseholds, of the City;
  - b. Estimate of cost, including the amount of the annual installment for the forthcoming fiscal year;
  - c. Diagram of the Lighting District;

- d. Assessment of the estimated cost, including the amount of individual annual installments for the next fiscal year. No assessments on any existing parcels within the Lighting District are to be increased from those as levied in Fiscal Year 2019/20.
3. That the Report, as presented, is hereby approved on a preliminary basis, and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.
4. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Solana Beach Lighting Maintenance District Engineer's Report for Fiscal Year 2020/21.

**PASSED AND ADOPTED** this 27th day of May, 2020, at a regularly scheduled meeting of the City Council of the City of Solana Beach, by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

## **RESOLUTION 2020-053**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN A SPECIAL LIGHTING DISTRICT, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON**

**WHEREAS**, the City Council of the City of Solana Beach, California, has previously formed a special Lighting District pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California, said special Lighting District known and designated as Solana Beach Lighting District (hereinafter referred to as the "Lighting District"); and

**WHEREAS**, at this time, the City Council desires to initiate proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for costs and expenses necessary to pay for the maintenance of the improvements in said Lighting District; and

**WHEREAS**, the Solana Beach Lighting Maintenance District Engineer's Report for Fiscal Year 2020/21 (herein referred to as Report), has been presented to and approved by the City Council as a separate action, as required by law, and the City Council desires to continue with the proceedings for said annual levy.

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

1. That the above recitals are all true and correct.
2. That the public interest and convenience requires, and it is the intention of this legislative body, to levy and collect assessments to pay the annual costs and expenses for the installation, maintenance and/or servicing of such improvements from those parcels which specially benefit from improvements described below for the above-referenced Lighting District. The improvements are generally described as follows:
  - a. The operation, maintenance and servicing of the following improvements, all within existing public streets, public sidewalks, or public leaseholds of the City.
  - b. Public lighting and street lighting improvements, together with appurtenances.
  - c. All improvements are detailed in the City's Street Light Master Plan. No substantial changes in existing improvements or zones are proposed as a part of these proceedings.

3. That said works of improvement are of special benefit to the properties within the boundaries of said Lighting District, which Lighting District the legislative body previously declared to be the area specially benefited by said works of improvement, and for particulars, reference is made to the boundary map as previously approved by this legislative body, a copy of which is on file in the Office of the City Clerk and open for public inspection, and is designated by the name of this Lighting District.
4. That the Solana Beach Lighting Maintenance District Engineer's Report for Fiscal Year 2020/21, as preliminarily approved by this legislative body, is on file with the City Clerk and open for public inspection. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the Lighting District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Lighting District.
5. All costs and expenses of the works of maintenance and incidental expenses have been apportioned and distributed to the benefiting parcels in accordance with the special benefits received from the proposed work. The amount assessed on any existing property has not been increased since the 2009/10 Fiscal Year.
6. Notice is hereby given of a public hearing on the 24<sup>th</sup> day of June, 2020 at 4:00 P.M.

### **COVID-19 LOCAL EMERGENCY**

Pursuant to Governor Newsom's Executive Orders N-25-20, N-29-20 and N-33-20, the public hearing will be conducted via teleconference with members of the City Council and staff participating remotely.

In the interest of reducing the spread of COVID-19, no in-person participation is currently allowed. City Council Meetings are broadcast live on Cox Communications-Channel 19, Spectrum (Time Warner)-Channel 24, and AT&T U-verse Channel 99. The meetings can also be streamed live on the City's website. Members of the public may submit written comments at [EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org). Correspondence received after the official posting of the agenda, but before 12:00 p.m. on meeting day, will be distributed to Council and made available to the public online among with the agenda posting. The designated location for viewing public documents is the City's website [www.cityofsolanabeach.org](http://www.cityofsolanabeach.org).

**Please refer to the official posted agenda on the City's website <https://www.ci.solana-beach.ca.us/> prior to the meeting for the Staff Report for this item and/or changes to the agenda.**

7. At that time, the legislative body will consider and finally determine whether to levy the proposed annual assessment, and to hear all protests relating to said proposed proceedings, or the estimate of the cost and expenses of the proposed maintenance, or the proposed annual assessment; and any and all persons interested may file a written protest at [EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org) before 12:00 p.m. of the hearing day or, having filed such a protest, may file a written withdrawal of that protest at [EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org) prior to 12:00 p.m. of such hearing day. Any such written protest must state all grounds for objection. A written protest by a property owner must contain a description sufficient to identify the property owned by such person, e.g. assessor's parcel number.

Any interested person may mail a protest to the following address:

CITY CLERK  
CITY OF SOLANA BEACH  
635 S. HIGHWAY 101  
SOLANA BEACH, CA 92075  
[EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org)

To be considered by the legislative body, all protests must be received by 12:00 p.m. the public hearing date. A postmark prior to such date and time will not be sufficient.

8. That the City Clerk is hereby authorized and directed to give notice as required by law by causing a copy of the Resolution to be published in the newspaper of general circulation within said City; and publication to be completed not less than ten (10) days prior to the date set for the public hearing.

**PASSED AND ADOPTED** this 27th day of May, 2020, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

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



---

JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

---

JOHANNA N. CANLAS, City Attorney

---

ANGELA IVEY, City Clerk

**CITY OF SOLANA BEACH  
LIGHTING MAINTENANCE DISTRICT  
ENGINEER'S REPORT  
FISCAL YEAR 2020/2021**



**Prepared by:  
Dan Goldberg  
Principal Civil Engineer  
R.C.E. 57292**

## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>3</b>
<b>GENERAL DESCRIPTION OF THE DISTRICT .....</b>	<b>3</b>
<b>DESIGNATION OF ZONES.....</b>	<b>4</b>
<b>DISTRICT IMPROVEMENT.....</b>	<b>4</b>
<b>METHOD OF APPORTIONMENT .....</b>	<b>6</b>
<b>DISTRICT FINANCING .....</b>	<b>6</b>
<b>ASSESSMENT ROLL .....</b>	<b>7</b>
<b>CALCULATION OF ASSESSMENT FEES .....</b>	<b>8</b>
<b>EXHIBIT 1 – STREET LIGHT ZONE MAP .....</b>	<b>8</b>
<b>EXHIBIT 2 – DERIVATION OF STREET LIGHT BENEFIT UNITS.....</b>	<b>9</b>
<b>EXHIBIT 3 – BUDGET 2015-2016.....</b>	<b>12</b>

## **Introduction**

The City of Solana Beach (“City”) Lighting Maintenance District (“District”) was formed in order to provide funding for operation, maintenance and servicing of all lights within the City, owned both by City of Solana Beach and San Diego Gas and Electric as shown on the City’s Street Light Master Plan. The City Council, pursuant to the provisions of the “Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Street and Highway Code of California” (Act), desires to levy and collect annual assessment against lots and parcels within the District beginning in the fiscal year beginning July 1, 2020 and ending June 30, 2021. The collected assessments would pay for the operation, maintenance and servicing of the public lighting improvements within the City. The proposed assessments are based on the City’s estimate for the cost for fiscal year 2020/2021 to maintain the District that provides a special benefit to properties assessed within the District. The assessment rates set for Fiscal Year 2020/2021, as set forth in this Engineer’s Report (“Report”), do not exceed the maximum rates established at the time the District was formed, therefore, the City and the District are not required to go through property owner ballot procedure in order to establish the 2020/2021 assessment rates. This report describes the District boundaries and the proposed operation, maintenance and services to be assessed to the property owners located within the District. For this Report, each lot or parcel to be assessed refers to an individual property and is assigned its own Assessment Parcel Number (“APN”) by the San Diego County (“County”) Assessor’s Office as shown on the latest equalization roll of the assessor. Following the conclusion of the Public Hearing, the City Council will confirm the Report as submitted or amended and may order the collection of the assessments for Fiscal Year 2020/2021.

## **General Description of the District**

The boundaries of the District are defined as being contiguous with the boundaries of the City of Solana Beach. The properties within the District include single-family residential, multi-family residential, timeshare, multiuse, commercial and industrial parcels.

Section 22573, Landscape and Lighting Act of 1972 (“1972 Act”), requires assessments to be levied according to benefit rather than according to assessed value. This section of the 1972 Act states:

*“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”*

The 1972 Act also provides for the classification of various areas within an assessment district into different zones where, "*...by reason of variations in the nature, location, and extent of the improvements, the various areas will receive differing degrees of benefit from the improvements. A zone shall consist of all territory, which will receive substantially the same degree of benefit from the improvements. An assessment district may consist of contiguous or non-contiguous areas.*"

Properties owned by public agencies, such as a city, county, state, or the federal government, are not assessable without the approval of the particular agency. For this reason, they are traditionally not assessed.

### **Designation of Zones**

The District consists of two zones in the City of Solana Beach; Zone "A" and Zone "B". Properties within Zone "A", which represent the majority of the population, are benefiting from the streetlights on six significant circulation element streets as well as streetlights on their local streets. Properties within Zone "B", also known as "Dark Sky Zone", do not have streetlights on their local streets. These properties benefit only from streetlights on circulation elements and do not benefit from streetlights on local streets. Maps showing the boundaries of the District and the zones are on file in the office of the City Engineer and are attached herein as Exhibit 1.

### **District Improvements**

The public lighting improvements to be maintained and serviced include but are not limited to the following:

- Maintenance, repair and replacement of public light poles and fixtures, including changing light bulbs, painting, photoelectric cell repair or replacement, repairing damages caused by automobile accidents and vandalism, and repairing normal deterioration caused by time and weather.
- Electrical conduit repair and replacement due to damage by vandalism, and normal deterioration.
- Service-call maintenance repair and replacement including painting, replacing worn out electrical components and repairing damage due to accidents, vandalism, and normal deterioration.
- Payment of the electrical bill for the existing street lighting system.
- Responding to constituent and business inquiries and complaints regarding the public lighting.

## **Maintenance**

The City provides services and furnishes materials for the ordinary and usual maintenance, operation and servicing of public lighting improvements facilities and appurtenant facilities. This includes inspecting lights during daylight as well as evening hours for condition assessment and performing repair, removal or replacement of all or part of any of the street lighting found to be inoperable in order to provide for the, health welfare and safety of the residents in the district.

## **Servicing**

The City workforces along with assistance from private contractors provide all labor, materials, equipment and utilities necessary to maintain and operate the public lighting improvements or appurtenant facilities in order to provide adequate illumination.

## **City's Streetlight System**

The City's streetlight system consists of streetlights which are owned by the San Diego Gas and Electric (SDG&E) and streetlights that are owned by the City of Solana Beach. A listing (printout) showing the type, size, location and ownership of the specific streetlights in the City is on file in the Office of the City Engineer. There are currently 801 streetlights in the District of which 149 are located on circulation element streets such as Highway 101, Lomas Santa Fe Drive, Via De La Valle, Cedros Avenue, San Andres Drive, Highland Avenue and Stevens Avenue. The remaining 652 streetlights are located on local streets. Approximately 274 streetlights are owned and maintained by SDG&E and the rest are owned and maintained by the City of Solana Beach. The City pays SDG&E for the use of their streetlights. For the purpose of this report, all lights have been analyzed regardless of ownership. Additionally, there are 247 bollard lights and 16 pedestrian pole lights on the Coastal Rail Trail that are included in the District.

## **Streetlight Retrofit**

In April 2012, the City entered into a contract with Chevron Energy Solution (Chevron ES) for a series of energy efficient projects, which included retrofitting all City-owned streetlights to the latest LED technology. This project replaced the approximately two-thirds of the streetlights throughout the City that are owned and operated by the City. The remaining one-third of the streetlights were not retrofitted because they are owned and operated by SDG&E. Because of this partial ownership arrangement, a few streetlights in some neighborhoods remained unchanged.

## **Capital Improvement Projects**

The City converted the light fixtures on Lomas Santa Fe Drive under the Interstate 5 bridge to LED fixtures. A total of 46 light fixtures were retrofitted.

### **Method of Apportionment**

The 1972 Act require that a parcel's assessment may not exceed the reasonable cost for the proportional benefit conferred to that parcel. To establish the benefit to the individual lots or parcels within the district, an Equivalent Benefit Unit ("EBU") system based on land use is used along with special consideration based on City's "Dark Sky Zone". Each parcel of land in the District was determined by the Engineering Department to have a specific land use. Each land use type was assigned a land use factor determined by trip generation rates developed by San Diego Association of Government (SANDAG). If a land use was not included in the SANDAG's study, the Engineering Department made a determination as to its probable trip generation compared to that of a single family residential and assigned a land use factor accordingly. Single-family residential units were assigned a land use factor of 1.0 regardless of its size. The theory is that all single-family residential units, regardless of parcel size, generate approximately the same number of trips and therefore receive the same benefit from the use of streets and their appurtenances such as streetlights. Under this method, vacant lots are assigned an EBU of "0". Exhibit 2 provides the EBU determination for all land uses within the City.

### **District Financing**

The District will be financed by assessing a benefit assessment and by using the District's share of 1.0 percent ad valorem tax revenues. The amount to be generated from the benefit assessment is \$8.80 per benefit unit in Zone "A" and \$1.62 per benefit unit in Zone "B". As mentioned above, the total amount of revenue to be generated by assessment was calculated from a methodology, which identifies two benefit zones within the District. This methodology assumes that circulation element streetlights provide City-wide benefit and therefore properties located in Zone "B", the Dark Sky Zone properties, are assessed for this portion of the District's expenses only. Properties located within Zone "A" are assessed for expenses associated with the streetlights located on the circulation element streets as well as those on local streets. Both the circulation element streetlight benefit and local streetlight benefit are allotted in proportion to the Average Daily Traffic (ADT) generated by properties within the District to establish equivalent benefit charge per property. A listing (printout) of the estimated assessment for each parcel in the District is on file in the Office of the City Engineer. These are estimates only because the County Assessor's information will not be available until August 2020. The City does not assess governmental agencies owning properties within the District. See Exhibit 3 for the proposed District budget.

## **Assessment Roll**

Parcel identification, for each lot or parcel within the District shall be the parcel as shown on the County Assessor's map for the year in which this Report is prepared.

A listing of parcels assessed within the District, along with the proposed assessment amounts, has been submitted to the City Clerk, under a separate cover, and by reference is made part of this Report. Said listing of parcels to be assessed shall be submitted to the County Auditor/Controller and included on the property tax roll for each parcel in Fiscal Year 2020/2021. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

## **Calculation of Assessment Fees**

Following is a calculation of assessment fees for the Solana Beach Lighting District. There are two zones in this lighting district; Zone "A" and Zone "B".

Total streetlights on six circulation element streets	149
Total streetlights on local streets	652
Total Streetlights	801

Bollard lights on Coastal Rail Trail	247
Pedestrian pole lights on Coastal Rail Trail	16

Total Benefit Units in Zone "A"	8,665
Total Benefit Units in Zone "B"	477

Assessment per Benefit Unit in Zone "A"	\$8.80
Assessment per Benefit Unit in Zone "B"	\$1.62

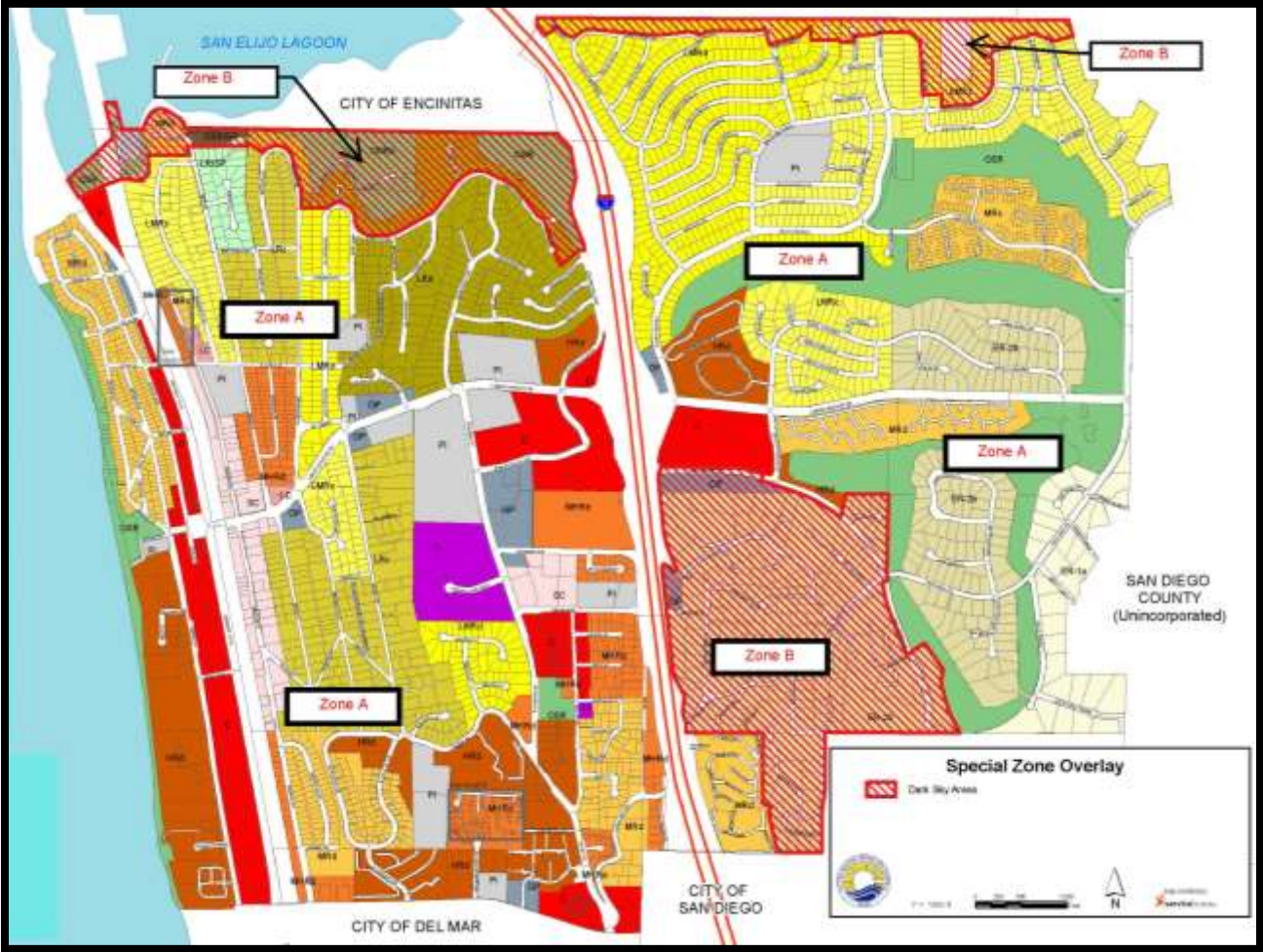
Total Assessment for Zone "A"	\$76,252
Total Assessment for Zone "B"	\$773

**Total Assessment for the District** **\$77,025**



**EXHIBIT 1**

**STREET LIGHT ZONE MAP**



## EXHIBIT 2

### DERIVATION OF STREET LIGHT BENEFIT UNITS

Traffic generation rates are derived from a report issued by the San Diego Association of Governments (SANDAG) dated April 2002. The information in the report is based on the San Diego Traffic Generators manual. Land uses are defined by the County Assessor. Using traffic generated by single family dwellings as 10 per dwelling unit (d.u.) or 40 per acre, the derivation of Benefit Units from land use is as follows:

<u>LAND USE</u>	<u>BENEFIT UNITS</u>	<u>HOW DERIVED</u>
Vacant Land	0.0	Generates little or no traffic. Assigned a value of 0.0
Residential	1.0/d.u.	<u>10 trips/d.u.</u> 10 trips/d.u.
Time Shares	.02/Time Share	<u>0.2 trips/time share</u> 10 trips/d.u.
Mobilehome/Trailer Parks	0.5/Space	<u>5 trips/d.u. or space</u> 10 trips/d.u.
1-3 Story Misc. Stores	10.0/Acre	<u>400 trips/acre</u> 40 trips/acre
4+ Story Offices/Stores	15.0/Acre	<u>600 trips/acre</u> 40 trips/acre
Regional Shopping Center Medical, Dental, Animal Hospital	12.5/Acre	<u>500 trips/acre</u> 40 trips/acre
Community Shopping Center	17.5/Acre	<u>700 trips/acre</u> 40 trips/acre
Neighborhood Shopping Center	30.0/Acre	<u>1200 trips/acre</u> 40 trips/acre

Hotel, Motel	5.0/Acre	<u>200 trips/acre</u> 40 trips/acre
Convalescent Hospital, Rest Home	1.0/Acre	<u>40 trips/acre</u> 40 trips/acre
Office Condominiums	0.5/Condo	<u>20 trips/condo</u> 10 trips/d.u.
Parking lot, Garage, Used Cars, Auto Sales/Service, Service Station	7.5/Acre	<u>300 trips/acre</u> 40 trips/acre
Bowling Alley	7.5/Acre	<u>300 trips/acre</u> 40 trips/acre

**EXHIBIT 3**

**STREET LIGHTING DISTRICT**

**PROPOSED BUDGET**

**FISCAL YEAR 2020-21**

	<b>Amended Budget 2019-20</b>	<b>Proposed Budget 2020-21</b>
<b>COSTS</b>		
Energy	91,100	97,500
Maintenance	154,500	157,700
Administration	106,538	104,700
Capital Outlay	0	0
Debt Service	70,400	70,400
Contingency Reserve	2,662,495	2,860,295
<b>TOTAL COSTS</b>	<b>3,085,033</b>	<b>3,290,595</b>

<b>FUNDING</b>		
Property Taxes	510,900	521,100
Benefit Fees	77,000	77,000
Interest	30,000	30,000
Intergovernmental	3,200	0
Fund Balance	2,463,933	2,662,495
<b>TOTAL RESOURCES</b>	<b>3,085,033</b>	<b>3,290,595</b>



# STAFF REPORT

## CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** Fire Department  
**SUBJECT:** **Consideration of Resolution 2020-058 Accepting State-Mandated Annual Fire Inspections Report in Compliance with SB 1205.**

---

### **BACKGROUND:**

On September 27, 2018, the Governor of the State of California signed Senate Bill No. 1205 (SB 1205). The bill mandates that every city fire department shall report annually to its administering authority on its compliance with the Health and Safety Code, Sections 13146.2 and 13146.3. SB 1205 states that the report shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.

This item is before the City Council to request approval of Resolution 2020-058 (attachment 1) accepting the state-mandated annual fire inspection report in compliance with SB 1205.

### **DISCUSSION:**

The California State Fire Marshal, through the California Health and Safety Code, mandates that certain occupancy types shall be inspected annually. These mandated occupancy types include private and public schools, hotels, motels, lodging houses and apartment/condominium buildings in accordance with California Health and Safety Code Section 13146.2 and 13146.3. The purpose of annual fire inspections is to mitigate known hazards, reduce risk to the community and ensure reasonable compliance with the California Fire Code. The Solana Beach Fire Department performs the mandated inspections, as well as inspections of local businesses as part of the Department's annual fire inspection program. The Fire Department completed 100% of the state-mandated annual inspections within the calendar year 2019.

COUNCIL ACTION:

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California Health and Safety Code Section 13146.2 mandates that the local fire department inspect all hotels, motels and lodging houses once annually. The Solana Beach Fire Department inspected four (4) out of four (4) hotels, motels and lodging houses during the 2019 calendar year.

California Health and Safety Code Section 13146.2 mandates that the local fire department inspect all apartments once annually. The California Building Code also specifies that condominiums should be considered apartments for building code application. An apartment shall consist of three or more attached units and excludes all duplex and townhome buildings as defined by code. The Solana Beach Fire Department inspected sixty-six (66) out of sixty-six (66) apartment/condominium complexes during the 2019 calendar year.

The Solana Beach Fire Department inspected residential care facilities that may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities and similar conditions. The residents may also be non-ambulatory or bedridden. The Solana Beach Fire Department inspected five (5) out of five (5) Group R (and their associated sub-categories) occupancies of this nature.

California Health and Safety Code Section 13146.3 mandates that the local fire department inspect all public and private schools once annually. The Solana Beach Fire Department inspected sixteen (16) out of sixteen (16) school facilities during the 2019 calendar year.

In total, the Solana Beach Fire Department conducted ninety-one (91) state-mandated inspections of the ninety-one (91) total required facilities during the 2019 calendar year, per the California Health and Safety Code.

Further, the acceptance of this compliance report and the recommended Resolution fulfill the statutory requirements contained in California Health and Safety Code Section 13146.2, 13146.3 and 13146.4, as amended by SB 1205.

**CEQA COMPLIANCE STATEMENT:**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the State CEQA Guidelines.

**FISCAL IMPACT:**

There is no direct fiscal impact associated with the Staff recommendation.

**WORK PLAN:**

N/A

**OPTIONS:**

- Approve Staff recommendation.
- Do not approve Staff recommendation and provide feedback/direction, if necessary.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2020-058 (Attachment 1) accepting a report on the status of all state-mandated annual fire inspections in the City of Solana Beach in conjunction with SB 1205 and California Health and Safety Code Section 13146.4.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

---

Gregory Wade, City Manager

Attachments:

1. Resolution 2020-058

## RESOLUTION 2020-058

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ACCEPTING STATE MANDATED ANNUAL FIRE INSPECTION REPORT IN COMPLIANCE WITH SENATE BILL (SB) 1205.

**WHEREAS**, California Health & Safety Code Section 13146.4 was added in 2018, and became effective on September 27, 2018; and

**WHEREAS**, California Health & Safety Code Sections 13146.2 and 13146.3 requires all fire departments, including the Solana Beach Fire Department, that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities for compliance with building standards, as provided; and

**WHEREAS**, California Health & Safety Code Section 13146.4 requires all fire departments, including the Solana Beach Fire Department, that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3; and

**WHEREAS**, the Solana Beach Fire Department inspected sixteen (16) out of the sixteen (16) Educational Group E school facilities, which is a 100% compliance rate for the 2019 reporting period; and

**WHEREAS**, the Solana Beach Fire Department inspected seventy-five (75) out of the seventy-five (75) Residential Group R facilities, which is a 100% compliance rate for the 2019 reporting period.



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

1. That the above recitations are true and correct.
2. That the City Council accepts the report on the status of all state-mandated annual fire inspections in the City of Solana Beach in compliance with SB1205 and California Health and Safety Code Section 13146.4.

**PASSED AND ADOPTED** this May 27, 2020, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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



# STAFF REPORT

## CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** Community Development Department  
**SUBJECT:** **Council Consideration of Resolution No. 2020-064  
Community Development Block Grant and Home Investment  
Partnerships Programs Three-Year Cooperative Agreement  
Extension**

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### **BACKGROUND:**

The Federal Government requires local jurisdictions with populations less than 50,000 to enter into cooperative agreements on a three-year cycle if they desire to participate in receiving Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds. On January 29, 2020, the County of San Diego Housing and Community Development Services (HCDS) sent its notification letter (Attachment 1) to the City requesting verification that the City of Solana Beach will continue its participation for the next three years as has been done in the past.

This item is before the City Council for the consideration of Resolution No. 2020-064 to authorize the automatic renewal of the Cooperation Agreement (Attachment 2) for three additional years covering Fiscal Years (FY) 2021-2024.

### **DISCUSSION:**

In 2011, the City Council authorized execution of a Cooperative Agreement with the County of San Diego for the Community Development Program (Attachment 2). This agreement is set up to be automatically extended to a new consecutive three-year term by resolution of the City Council if the City intends to continue participation. The resolution is required to be submitted to HCDS by June 2, 2020. If the City elects not to participate with the County, the City would need to retain its own representatives to participate on a competitive basis to apply for the same amount of grant funding. Given the relatively limited eligible projects and additional resources required to effectively compete for these funds, participating in the CDBG program with the County would be the most efficient and cost effective approach. Adoption of Resolution 2020-064 (Attachment 3) informs the County of the City's desire to continue to participate in the

CITY COUNCIL ACTION:

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cooperative agreement and be eligible for grant funds that have been approximately \$40,000-\$50,000 annually.

The previous CDBG funding, as approved by the City Council, was used to construct pedestrian ramps at public street intersections that comply with the Americans with Disabilities Act (ADA). CDBG funds may be used for public services and housing activities that meet a national objective including that they benefitting low-moderate income people. However, the U.S. Department of Housing and Urban Development (HUD) limits public service activities to 15% of the total grant award received for an Urban County, which for Solana Beach is the County HCDS. Funding expenditures for Public improvements are not capped.

The City recently completed the FY 2019/20 ADA Pedestrian Ramps project. The FY 2020/21 CDBG application was submitted to the County of San Diego in October 2019. County's approval of funding and notice to proceed is anticipated later this year.

**CEQA COMPLIANCE STATEMENT:**

This action is not a project as defined by the California Environmental Quality Act (CEQA).

**FISCAL IMPACT:** N/A

**WORK PLAN:** N/A

**OPTIONS:**

- Approve Staff recommendation.
- Deny Staff recommendation and do not participate in this program.
- Provide other direction to Staff.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution 2020-064 (Attachment 3), authorizing the automatic renewal of the Community Development Block Grant Cooperation Agreement (Attachment 2) for the qualification periods of July 1, 2021 to June 30, 2022; July 1, 2022 to June 30, 2023; and July 1, 2023 to June 30, 2024.

**CITY MANAGER RECOMMENDATION:**

Approve Department recommendation.



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

Attachments:

1. County of San Diego Notification letter (dated January 29, 2020)
2. Cooperation Agreement between the County of San Diego and the City for a Community Development Program
3. Resolution 2020-064



# County of San Diego

**NICK MACCHIONE, FACHE**  
AGENCY DIRECTOR

**HEALTH AND HUMAN SERVICES AGENCY**  
HOUSING AND COMMUNITY DEVELOPMENT SERVICES  
3989 RUFFIN ROAD, SAN DIEGO, CA 92123  
(858) 694-4801 • FAX (858) 467-9713

**DAVID ESTRELLA**  
DIRECTOR, HOUSING AND COMMUNITY  
DEVELOPMENT SERVICES

January 29, 2020

Jim Greenstein  
City of Solana Beach  
635 South Highway 101  
Solana Beach, CA 92075

## **2021-2023 CDBG PARTICIPATING CITIES COOPERATION AGREEMENT**

Dear Mr. Greenstein:

The current San Diego Urban County Community Development Block Grant (CDBG) Program Cooperation Agreement (Agreement), effective July 1, 2018 through June 30, 2021, includes an automatic renewal provision. The renewal option allows for the City's continued participation for an additional three consecutive periods covering July 1, 2021 through June 30, 2024.

San Diego Urban County is a federally designated area that includes the unincorporated area of San Diego County and all non-entitlement cities within the County that choose to participate in the CDBG Program. In accordance with the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) Notice, CPD-19-04 (attached), issued on March 8, 2019, the County of San Diego Housing and Community Development Services (HCDS) is required to provide notification of your City's opportunity to continue participating with the San Diego Urban County in fiscal years 2021-2023 Community Development Block Grant (CDBG) Programs and Annual Funding Plans.

The CPD Notice describes the administrative steps required by HUD for the CDBG San Diego Urban County qualification process. In further accordance with the requirements of Notice CPD-19-04, please be advised that if a City elects to remain with the Urban County and execute a Cooperation Agreement, the Cooperation Agreement must remain in effect until all CDBG funds and any CDBG and/or HOME Investment Partnerships (HOME) Program revenue received from funded CDBG and/or HOME activities have been expended and funded facilities are completed. Also, participating cities cannot withdraw from the Cooperation Agreement while it remains in effect.

If the City elects to remain in the Urban County, the City would be ineligible to apply under the separate small cities or State CDBG Programs. The City would also automatically participate in the HOME Program if the Urban County receives HOME funding, but could only participate in the HOME Program as part of the Urban County.

Participating cities may also elect not to participate in the Urban County CDBG Program and funding. If a City elects not to participate in the Urban County, the City must advise the County and HUD in writing of its decision to be excluded by June 2, 2020. Such election to be excluded will be effective for the entire three-year period for which the Urban County qualifies, unless the City specifically elects to be included in a subsequent year for the remainder of the Urban County's three-year qualification (Cooperation Agreement) period. In that case, the City must provide such notice of election in writing.

If your City decides not to participate in the 2021-2023 Urban County Cooperation Agreement, your Chief

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Cooperative Agreement

January 29, 2020

Page 2 of 2

Executive Officer must notify both HUD and the County of the decision in writing before June 2, 2020. Such notification to HUD should be addressed to:

Chin Woo Choi, Program Manager  
U.S. Department of Housing and Urban Development  
Los Angeles Area Office Region IX  
611 W. Sixth Street, Suite 800  
Los Angeles, CA 90017

Notification to the County should be addressed to:

David Estrella, Director  
Housing and Community Development Services  
3989 Ruffin Road  
San Diego, CA 92123

Please submit a letter with the city's intent to participate for the next CDBG Program qualification period to our office by June 2, 2020. If the City intends to continue participation in the Urban County, a resolution from City Council authorizing the automatic renewal of the Cooperation Agreement for the qualification periods of July 1, 2021 – June 30, 2022; July 1, 2022 – June 30, 2023; and, July 1, 2023 – June 30, 2024, must be submitted to County of San Diego Housing and Community Development Services by June 2, 2020.

Please contact me at (858) 694-8747, or via email at [Freddy.Villafan@sdcounty.ca.gov](mailto:Freddy.Villafan@sdcounty.ca.gov), with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Freddy Villafan', with a long, wavy horizontal line extending to the right.

FREDDY VILLAFAN, Administrative Analyst II  
Housing and Community Development Services

Enclosure

A COOPERATION AGREEMENT BETWEEN THE COUNTY  
OF SAN DIEGO AND CITY OF SOLANA BEACH  
FOR A COMMUNITY DEVELOPMENT PROGRAM

This Agreement is made and entered into this 16 day of May, 2011, by and between the County of San Diego, a political subdivision of the State of California, hereinafter called "County," and City of Solana Beach, a municipal corporation of the State of California, located in the County of San Diego, hereinafter called "City," collectively referred to as "Parties."

RECITALS:

WHEREAS, in 1974, the U. S. Congress enacted and the President signed a law entitled, The Housing and Community Development Act of 1974, as amended, herein called the "Act". The Act is omnibus legislation relating to Federal involvement in a wide range of housing and community development activities and contains eight separate titles.

WHEREAS, Title I of the Act is entitled, Community Development, and consolidates several existing categorical programs for housing and community development into new programs for such housing and development under block financial grants. The primary objectives of Title I are the improvement and development of metropolitan cities and urban counties or communities by providing financial assistance annually for area-wide plans and programs of housing assistance, public services and public works.

WHEREAS, in 1990, the U. S. Congress enacted and the President signed a law entitled, The National Affordable Housing Act, herein called the "Housing Act". The Housing Act is legislation relating to Federal involvement in affordable housing activities.

WHEREAS, the Housing Act requires an Urban County (as defined in the Housing Act) to certify that it is following a Consolidated Plan (as defined in the Housing Act) in order to receive Community Development Block Grant and HOME Investment Partnerships funds.

WHEREAS, the County of San Diego has requested of the Department of Housing and Urban Development that it be qualified as an Urban County and thereby become eligible for financial entitlement to receive Community Development Block Grant and HOME Investment Partnerships funds. Pursuant thereto, the County has been informed preliminarily, subject to final determination, that it will qualify as an Urban County and be eligible for funds.

WHEREAS, the Housing and Community Development Block Grant Regulations issued pursuant to the Act (the "Regulations") provide that qualified urban counties must submit an Annual Funding Plan (as defined in the Housing Act) to the Department of Housing and Urban Development for funds and that cities and smaller communities within the metropolitan area not qualifying as metropolitan cities may join the County in said Annual Funding Plan and thereby become a part of a more comprehensive County effort

WHEREAS, as the applicant, the County must take the full responsibility and assume all obligations of an applicant under the statute. This includes the analysis of needs, the setting of objectives, the development of community development and housing



affordability strategies and plans, the community development program, and the assurances or certifications.

NOW THEREFORE, in consideration of the mutual promises, recitals and other provisions hereof, the Parties agree as follows:

1. All capitalized terms not defined herein shall have the meanings given to them under the Act.
2. The Parties agree that this Agreement covers the Community Development Block Grant Entitlement Program and the HOME Investment Partnerships Program.
3. The Parties agree to cooperate to undertake or assist in undertaking, community renewal and lower income housing assistance activities.
4. The City agrees that it shall be included in the Annual Funding Plan the County shall develop and submit to the Department of Housing and Urban Development for Title I Housing and Community Development Block Grant and HOME Investment Partnerships Program funds under the Act and the Housing Act.
5. The City agrees that it may not apply for grants under the Small Cities or State Community Development Grant programs from appropriations for fiscal years during the period in which it is participating in the Urban County Community Development Block Grant Program under this Agreement, and may not participate in a HOME consortium except through the Urban County, regardless of whether the Urban County receives a HOME formula allocation.

6. The City shall prepare or work with the County in the preparation of a detailed project or projects or other activities to be conducted or performed within the City the plan of which shall be included in the aforesaid Annual Funding Plan.

7. The County agrees to include the City in its Annual Funding Plan under the Act and to work with the City in the preparation of the detailed project or projects or other activities to be conducted or performed within the City pursuant to the Annual Funding Plan.

8. The County is hereby authorized to carry out activities which will be funded from annual Community Development Block Grant funds from Fiscal Year 2012-2014 appropriations and from any program income generated from the expenditure of such funds. The City and the County recognize that the County shall be the governmental entity required to execute any grant agreement received pursuant to its Annual Funding Plan and that it shall there by become legally liable and responsible there under for the proper performance of the plan and program. The City agrees that it shall fully cooperate with the County in all things required and appropriate to comply with the provisions of any Grant Agreement received by the County pursuant to the Act and its Regulations.

9. Pursuant to 24 CFR 570.501(b), the City agrees and does hereby commit itself to undertake, conduct or perform or assist the County in undertaking, conducting or performing the essential community development and lower-income housing assistance activities identified in the plan and program contemplated hereunder pursuant to the Act. The City is subject to the same requirements applicable to subrecipients, including the requirement of entering into a written agreement with the County as described in 24 CFR 570.503.

10. All funds received by the County in accordance with its Annual Funding Plan shall be identified and allocated to the specific projects or activities set out in the Annual Funding Plan and such allocated amounts shall be expended exclusively for such projects or activities; provided, however, that a different distribution may be made when necessary to comply with Title I of the Housing and Community Development Act of 1974, as amended.

11. The City shall notify the County of any income generated by the expenditure of Community Development Block Grant funds received by the City. Such program income may be paid to the County, or the City may retain the program income subject to the provisions of this Agreement, the Act and its Regulations. Any program income retained must only be used for eligible activities in accordance with all Community Development Block Grant requirements as then apply.

12. The County shall monitor the use of any program income, requiring appropriate record-keeping and reporting by the City as may be needed for this purpose, and shall report the use of such program income to HUD. In the event of close-out or change of status of the City, all program income on hand or received by the City subsequent to the close-out or change of status shall be paid to the County.

13. The City shall notify the County of any modification or change in the use of real property acquired or improved in whole or in part using Community Development Block Grant funds that is within the control of the City, from that use planned at the time of acquisition or improvement including disposition. Such notification shall be made within thirty (30) days of such change of use.

14. The City shall reimburse the County in an amount equal to the current fair market value, less any portion thereof attributable to expenditures of non-Community Development Block Grant funds, of property acquired or improved with Community Development Block Grant funds that is sold or transferred for a use which does not qualify under the Regulations. The City shall fully inform the County of such program income within thirty (30) days of the sale or change of use of property acquired or improved with Community Development Block Grant funds.

15. In the event of close-out or change of status of the City or termination of this Agreement between the County and the City, such program income resulting from the disposition or transfer of property acquired or improved with Community Development Block Grant funds shall be paid to the County by the City.

16. City has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within their jurisdictions against any individuals engaged in non-violent civil rights demonstrations; and a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.

17. The term of this Agreement, known as the COUNTY CDBG Urban County Qualification period, shall cover fiscal years 2012-2014, commencing on July 1, 2012, and ending on June 30, 2014, unless an earlier date of termination is fixed by HUD, pursuant to the Act. Notwithstanding the above, if there are activities undertaken pursuant to this Agreement that are not yet completed or funded, then for the purpose of those activities only, this Agreement shall remain in effect until all Community Development Block Grant funds received pursuant to this Agreement, and any program income received with respect

to activities carried out pursuant to this Agreement are expended, and the funded activities are completed. The Parties cannot terminate or withdraw from this Agreement while it is in effect. The Agreement automatically renews to a new consecutive three-year terms, unless either Party provides written notice at least 60 days prior to the end of the term that it elects not to participate in a new qualification period. A copy of that notice must be sent to the HUD Field Office. Before the end of each three-year term, the County will notify the City in writing, by the date specified in HUD's urban county qualification notice for the next qualification period, of its right not to participate in the urban county for a successive three-year term with a copy of the notification sent to the HUD Field Office.

18. It is anticipated that the 2012/2013 Annual Funding Plan will be approved prior to July 1, 2012. All subsequent periods of performance hereunder shall be agreed to by written notification of this Agreement, fully executed by the Parties.

19. The Parties shall adopt amendments to this Agreement incorporating any changes necessary to meet the requirements for cooperation agreements set forth in the Urban County qualification Notice by HUD prior to a subsequent three-year extension of the term. Any amendment to this Agreement shall be submitted to HUD as required by the regulations. Such failure to comply will void the automatic renewal for such qualification period.

20. The Mayor and City Attorney of the City shall execute and submit to the County of San Diego the HUD Certification Forms with respect to the community development activities carried out within the boundaries of this City. It is further understood that the County will rely upon the Certifications executed by the Mayor and City Attorney for purposes of executing Certification Forms for submission to HUD.

21. All records of the City respecting these Annual Funding Plans and any project undertaken pursuant thereto shall be open and available for inspection by auditors assigned by HUD and/or the County on reasonable notice during the normal business hours of the City.

22. The Parties agree to take all actions necessary to comply with the Urban County's certification required by section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 109 of Title I of the Housing and Community Development Act of 1974, as amended and other applicable laws.

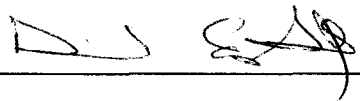
23. The Parties agree that no Urban County funding will be expended for activities in or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification.

24. If Community Development Block Grant funds are not awarded to the County by the U.S. Department of Housing and Community Development, the County's obligation to distribute those funds to the Urban County members will be terminated.

25. The Parties agree that if City fails to obligate funds within 12 months of the notice to proceed or to expend funds within 36 months of obligation for an eligible project or activity identified in the Annual Funding Plan pursuant to Paragraphs 6 and 7, the County may recapture and reallocate such unexpended funds at its sole discretion. The recaptured funds shall be made available for reprogramming to other eligible activities as deemed appropriate by the County, as Grantee for the Urban County.

IN WITNESS WHEREOF, the governing bodies of the respective Parties have authorized this Cooperation Agreement and direct its execution by their respective chief executive officers this 11 day of May, 2011. The terms and provisions of this Agreement are fully authorized under State and local law and the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community development and housing assistance activities, specifically urban renewal and publicly assisted housing.

COUNTY OF SAN DIEGO

BY 

Director,  
Housing and Community Development

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL


  
SENIOR DEPUTY 4/28/11

COUNTY COUNSEL acknowledges that the terms and provisions of the agreement are fully authorized under State and local law and the agreement provides full legal authority for the County of San Diego to undertake, or assist in undertaking, essential community renewal and lower income housing assistance activities.

BY 


Senior Deputy

CITY OF SOLANA BEACH


BY 

Mayor

ATTEST:

BY   
City Clerk

Approved as to form and legality:

  
City Attorney

**RESOLUTION 2020-064**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONFIRMING THE CITY'S DESIRE TO PARTICIPATE IN FISCAL YEARS 2021-2022, 2022-2023 AND 2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS PROGRAM AND HOME INVESTMENT PARTNERSHIPS PROGRAMS**

**WHEREAS**, the Housing and Community Development Department (HCD) of the County of San Diego administers the San Diego Urban County Community Development Block Grant Program and HOME Investment Partnerships Program ("Programs"); and

**WHEREAS**, the City desires to continue to participate in these Programs; and

**WHEREAS**, in 2017 the City entered into a three year Cooperative Agreement with the County Housing and Community Development Department for the Community Development Program; and the agreement has a renewal option that allows an automatic three year extension with City Council authorization.

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

1. That the above recitations are true and correct.
2. That the City Council authorizes the automatic renewal of the Community Development Block Grant Cooperation Agreement for the qualification periods of July 1, 2021 to June 30, 2022; July 1, 2022 to June 30, 2023; and July 1, 2023 to June 30, 2024.

**PASSED AND ADOPTED** this 27th day of May 2020, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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





# STAFF REPORT

## CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** Engineering Department  
**SUBJECT:** **City Council Consideration of Resolution 2020-048 Approving a Professional Services Agreement with Mikhail Ogawa Engineering for Stormwater Program Management Services**

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### **BACKGROUND:**

The State Regional Water Quality Control Board (Regional Board) adopted Municipal National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0109266 in Fiscal Year (FY) 2012/13 to regulate discharges from Municipal Separate Storm Sewer Systems (MS4s). The Permit is renewed every five years. This is the fourth iteration of the Permit issued by the Regional Board pursuant to Section 402 of the Clean Water Act (CWA) and implementing regulations (Code of Federal Regulations [CFR] Title 40, Part 122 [40 CFR &122]) adopted by the Environmental Protection Agency, and Chapter 5.5, Division 7 of the California Water Code commencing with Section 13370. The primary objective of the CWA is to restore and maintain the chemical, physical and biological integrity of the nation's waters.

In order to fully comply with the Permit requirements and implementation of the City's Stormwater Program, the City needs the services of a professional consultant agency. On September 23, 2015, the City Council adopted Resolution 2015-109 authorizing the City Manager to execute a one (1) year Professional Services Agreement (PSA) with an option to extend up to an additional four (4) years, with Mikhail Ogawa Engineering (MOE). The terms of the PSA with MOE will expire in June 2020.

Staff issued a Request for Proposals (RFP) to solicit proposals from consultants experienced in Municipal NPDES Permit compliance to continue to build upon the current programs already established for the City; and more specifically to manage the Municipal Stormwater Programs that are essential in minimizing the risks associated

COUNCIL ACTION:

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with potential pollution of the City's storm drain system and possible Notices of Violations.

This item is before the City Council to authorize the City Manager to execute a Professional Services Agreement with Mikhail Ogawa Engineering for Stormwater Program Management Services.

### **DISCUSSION:**

In response to the RFP for managing the City's Stormwater Program, the City received two proposals from consultants that have experience working with the Municipal NPDES Permit. One of the proposals received was from MOE and the other was D-MAX Engineering, Inc. Both firms are based in the San Diego area. Both firms are highly qualified and extremely knowledgeable about the ever-evolving environmental and stormwater regulations. Additionally, both firms have had lengthy and continuous experience working for various cities and agencies across the San Diego region.

After careful and thorough evaluation of both proposals, Staff determined that MOE was the best suited for the City's storm-water program. This decision was partly based on the importance of maintaining operational continuity and MOE's familiarity with the City's Stormwater Program and the City's stormwater infrastructure, geography, watersheds and personnel.

Solana Beach is one of the smallest jurisdictions in the County of San Diego and hydrologically part of two large watersheds (Carlsbad and San Dieguito River), each having its own separate Water Quality Improvement Plan (WQIP) which is a major element prescribed in the current MS4 Permit. Not only has MOE been instrumental in the overall development and implementation of the City's current Stormwater Program, they also helped to shape the current MS4 landscape, keeping small municipal concerns and challenges at the forefront of discussions. Their experience in representing smaller cities like Solana Beach and Del Mar offers an advantage for navigating through potential regulatory changes that could set a new paradigm in stormwater management, especially during the review of the impending reissuance of the MS4 Permit by the Regional Board, which is tentatively scheduled to be launched in mid to late 2021.

MOE developed a proposal for the City's Stormwater Program in support of and to supplement City Staff's workload. MOE's staff includes former municipal agency employees that provide functional insights into providing all needed areas of support for our Stormwater Program. This includes stormwater program development, implementation, assessment and reporting; Fats, Oil & Grease (FOG) inspections; and, most recently, the development of Track 1 of the Trash Amendment Implementation Plan & Schedule as approved by the City Council on August 23, 2017 and submitted to the Regional Board in December 3, 2018. MOE's proposal also includes the completion of the one-year wet weather monitoring during FY 2018-19, as well as completing the updates to the City's Best Management Practice (BMP) Design Manual. MOE has

shown that they are well versed in stormwater issues at all stages of a program or project and would be the best choice for maintaining continuity of the City's Stormwater Program and eliminating the time and resources associated with familiarizing a new firm with the City and its Stormwater Program. Finally, their proximity to City Hall with their main office located on San Dieguito Drive in Del Mar enables their staff to respond quickly to any stormwater-related issues or complaints especially during the City's non-business hours, including dark Fridays, weekends, and holidays.

MOE also provides comparable services for the City of Del Mar that includes program development, source identification, strategy development, management of jurisdictional programs and participation in watershed efforts. In addition, they are the lead consultant tasked with managing the development and annual reporting of the Carlsbad Watershed Management Area (WMA) Water Quality Improvement Plan (WQIP) that includes coordination and facilitation of meetings of eight diverse Co-permittee agencies, and corresponding with the public and the Regional Board staff. Because MOE is doing similar services for the City of Del Mar (also in the San Dieguito River WMA), and as mentioned, is the lead for the Carlsbad WMA WQIP (of which Solana Beach is a member agency), they attend many of the same meetings that City Staff would otherwise be obligated to attend on a regular basis. Reducing this duplication of effort will save Staff time and money for the City over time. While the consultant selection process is quality based, the proposal from MOE for providing the same services is approximately 10% lower than the proposal provided by D-Max.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined under CEQA.

**FISCAL IMPACT:**

MOE developed a scope of work that is consistent with the Permit requirements. The Professional Services Agreement with MOE will be for a not to exceed amount of \$115,000. The Environmental Services/Professional Services Operating Budget will have sufficient funds to cover this proposed agreement.

**WORK PLAN:**

Although the stormwater program is not mentioned in the 2019-2020 Work Plan, this item is consistent with the Environmental Sustainability issues discussed in the Work Plan.

**OPTIONS:**

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


**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council consider adoption of Resolution 2020-048:

1. Authorizing the City Manager to execute a professional services agreement, in an amount not to exceed \$115,000 with Mikhail Ogawa Engineering for Stormwater Program Management Services.
2. Authorizing the City Manager to extend the agreement for up to four additional years, at the City's option.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

Attachments:

1. Resolution 2020-048

## RESOLUTION 2020-048

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MIKHAIL OGAWA ENGINEERING FOR STORMWATER PROGRAM MANAGEMENT SERVICES

**WHEREAS**, all stormwater regulations in the City and region are governed by the State Regional Water Quality Control Board pursuant to the Municipal NPDES (National Pollutant Discharge Elimination System) Permit issued in 2013 as Permit Order No. R9-2013-0001 as amended by Order No. R9-2015-0001 and Order No. 2015-0100; and

**WHEREAS**, although the re-issuance of said Permit is delayed and not expected to be issued until mid to late 2021, Staff is still continuing to manage the stormwater program with support from the current stormwater consulting firm; and

**WHEREAS**, it is expected that the new iteration of the Municipal NPDES Permit may include new updates and regulatory requirements which could lead to necessary enhancement of the City's stormwater program; and

**WHEREAS**, in order to address the mandates imposed under the current and pending Permit re-issuance and oversee the stormwater program, Staff issued a Request for Proposals (RFP) to solicit proposals for consultants experienced in the Municipal NPDES Permit and specifically in managing municipal stormwater programs; and

**WHEREAS**, after a detailed review of two proposals received, Staff is recommending that a contract be pursued with Mikhail Ogawa Engineering (MOE). Although the other firm has relevant stormwater backgrounds and is well regarded in the area, the proposal and experience provided by MOE, as well as a lower cost proposal, is superior to the other firm.

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

1. That the above recitations are true and correct.
2. That the City Council authorizes the City Manager to execute a professional services agreement, in an amount not to exceed \$115,000, with Mikhail Ogawa Engineering for Stormwater Program Management Services.

3. That the City Council authorizes the City Manager to extend the agreement for up to four additional years, at the City's option.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, held on the 27th day of May, 2020 by the following vote.

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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



# STAFF REPORT

## CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** Community Development Department  
**SUBJECT:** **Consideration of Resolution No. 2020-030 Approving the Housing Element Annual Progress Report and Housing Successor Annual Report for Fiscal Year 2018/19 and Directing Submittal to the California Department of Housing and Community Development and the Governor's Office of Planning and Research**

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### **BACKGROUND:**

Government Code<sup>1</sup> Section 65400 requires that each city and county planning agency prepare an annual progress report (APR) on the status of the Housing Element of its General Plan and report on the progress of the implementation of the policies in the Housing Element, using the forms and definitions adopted by the California Department of Housing and Community Development (HCD). A required part of the Report is the Housing Successor Annual Report (Housing Successor Report). Senate Bill (SB) 375, as adopted and codified under Section 65400(a)(2)(B), requires that the annual report be considered at an annual public hearing before the City Council.

This item was originally intended to be considered by City Council in late March 2020, however, as a result of the COVID-19 pandemic and local emergency many public hearings were delayed to subsequent City Council meetings dates. In March 2020, staff forwarded a copy of the draft APR to HCD to ensure timely submittal in conformance with State Law, with the intent to conduct a public hearing for City Council to review and approve the final APR and resolution at a later date.

The issue before Council is to consider adoption of Resolution 2020-030 (Attachment 1) ratifying the Housing Element APR (Attachment 2) and Housing Successor Annual Report for Fiscal Year (FY) 2018/19 (Attachment 3) pursuant to California Health and

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<sup>1</sup> All references are to the California Government Code unless specified otherwise.

COUNCIL ACTION:

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Safety Code Section 34176.1(f). If approved, Staff will submit the final reports to HCD and the Governor's Office of Planning and Research.

## **DISCUSSION:**

The Housing Element is an important planning policy document. It is used to identify the projected housing needs of the community and establishes policies to support the further development of all types of housing, including affordable housing, within the City.

All California municipalities are required to adopt a Housing Element as part of their General Plan. Distinct from the other General Plan elements, the Housing Element is subject to detailed statutory requirements and mandatory review by HCD.

The City Council adopted the City of Solana Beach Housing Element 2013-2020 and Negative Declaration by Resolution 2013-011 on February 13, 2013. The document was then submitted to HCD for certification. On March 4, 2013, HCD found the document in full compliance with State housing element law.

This progress report spans from January 1, 2019 through December 31, 2019 and includes statistics on the production of all housing types, including affordable housing, during the fifth cycle of the Regional Housing Needs Assessment (RHNA) for the San Diego Association of Governments (SANDAG), which began on January 1, 2010 and will end on December 31, 2020. The 2019 Housing Element APR (Attachment 2) contains the information required by state law. The data included in the APR is further described below.

### **Table A - Housing Development Applications Submitted**

As part of the new reporting requirements, cities are required to provide data on housing developments for which an application was submitted (and deemed complete) between January 1, 2019 and December 31, 2019. Housing development applications include an application for a discretionary entitlement, which results in a newly constructed housing unit, or a building permit application when only a ministerial process is required. Only newly constructed housing units are reported. For example, an application for an addition to an existing residence would not be counted; however, an application for a demolition and replacement of a residential structure would be counted. Furthermore, only applications which were "deemed complete" in 2019 were included. Attachment 2, Table A, includes all housing applications deemed complete in 2019, the number of proposed units by affordability level, and the number of units that have been approved by affordability level. In 2019, 19 housing development applications were deemed complete for a combined total of 23 units.

### **Table A-2 - Annual Building Activity Report Summary**

Another new reporting requirement includes the requirement for data on net new housing units and developments that have received any one of the following: an entitlement, a building permit or a certificate of occupancy. The data is included in Attachment 2, Table A2. Only developments that resulted in net new housing units are



included in Table A2. For example, an application that included the demolition and replacement of a residential structure would not be counted in this table; however, a new housing application proposed on a vacant lot would be counted.

It is expected that the same projects will be reported in multiple years of APRs. For example, a project will be listed in three separate APRs if it is entitled in one year, receives a building permit next year, and the certificate of occupancy in the following year.

In 2019, five development projects that result in net new housing units received entitlements, for a combined total of 7 net new units; 9 development projects received building permits for a combined total of 9 net new units; and 8 development projects were finalized for a combined total of 9 net new units.

### Table B - Regional Housing Needs Assessment (RHNA) Progress Report

On October 28, 2011, SANDAG adopted the RHNA allocations for each jurisdiction within the region for an 11-year cycle, beginning on January 1, 2010 and ending December 31, 2020. The RHNA allocation for all income categories for the City of Solana Beach is 340 units over this 11-year projection period.

Attachment 2, Table B identifies the number of net new dwelling units that were issued building permits from January 1, 2019 through December 31, 2019, based on income category.

As of December 31, 2019, a net total of 71 housing units were issued building permits, leaving a remainder of 269 units in the total RHNA allocation of 340 units for all income types. Of those 71 housing units, 9 were permitted during the 2019 reporting period. A breakdown of the housing units by year is depicted in Attachment 2, Table B.

For the current RHNA cycle, the number of permitted housing units by affordable category is as follows:

- The City's total RHNA allocation for above moderate income units is 131 and 51 units in this category have been permitted.
- The total RHNA allocation for moderate income units is 59 and 14 moderate income units, which are Accessory Dwelling Units, have been permitted.
- The total RHNA allocation for low income units is 65 and 6 units have been permitted.
- The total RHNA allocation for very low income units is 85 and 0 units have been permitted.

### Table C – Sites Identified or Rezoned to Accommodate Shortfall Housing Need

Attachment 2, Table C is used to report rezoned or identified sites required by no net loss pursuant to Government Code Section 65863. When a city permits or causes its housing element sites inventory site capacity to be insufficient to meet its remaining unmet RHNA, they are required to identify additional sites to meet the RHNA or if needed, rezone sites to accommodate the unmet RHNA. There were no development projects approved in 2019 that resulted in the City's inability to meet its unmet RHNA; therefore, these reporting requirements do not apply to the City and were left unreported.

### Table D – Housing Element Cycle and Implementation Progress Report

Attachment 2, Table D provides an itemized status report on the 2013-2020 Housing Element Implementation for nineteen programs, which were adopted with the City's Housing Element. These programs establish the policies of the City Council to encourage the construction of new affordable housing in Solana Beach, additional affordable housing opportunities using existing housing, and new housing in all income categories as identified in the RHNA and the Housing Element itself.

In compliance with Program 19 of the Housing Element, which identifies three City-owned sites in the Residential Land Inventory that are viable for affordable housing, the City Council authorized the City Manager to issue Requests for Proposals (RFP) for affordable housing development opportunities at 635 S. Highway 101, Solana Beach at the March 14, 2018 Council Meeting and at 140 S. Sierra Avenue, Solana Beach at the February 27, 2019 Council Meeting.

Information on other City regulations, which serve to facilitate affordable housing in the community, is located at the public counter in City Hall. This includes information on the City's density bonus and the City's Affordable Housing and Accessory Dwelling Unit Ordinances.

### Table E – Commercial Development Bonus

Attachment 2, Table E is used to report information on commercial development bonuses approved during the reporting period. When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the city, county, or city and county shall grant to the commercial developer a development bonus as prescribed in Government Code Section 65915.7. No commercial development bonuses were requested or approved; therefore, these reporting requirements do not apply and were left unreported.

### Housing Successor Annual Report

Senate Bill 341 (SB 341), which is codified in Health and Safety Code Section 34176.1 (Section 34176.1) and became effective on January 1, 2014, requires each housing

successor that assumed the housing functions of a former redevelopment agency to post a report on its website that contains information regarding the low- and moderate-income housing asset fund (Fund) of the former redevelopment agency for the previous fiscal year. In this case, the City, as the housing successor (Housing Successor), is required to prepare and post the report.

In addition, the Housing Successor is required to conduct and provide to the Council an independent financial audit (Audit) of the Fund within six months of the end of the fiscal year. The Audit may be included as part of the City's independent financial audit.

The Housing Successor assumed the housing functions of the former Solana Beach Redevelopment Agency (RDA) on January 11, 2012. The transfer of the functions included the transfer of formerly designated RDA low- and moderate-income housing funds together with any funds generated by former RDA housing assets. The funds must be maintained by the City in the separate Fund and expended in accordance with Section 34176.1. Allowable expenditures include the development of affordable housing, monitoring and preservation of housing subject to affordability restrictions and covenants, and homelessness prevention and rapid rehousing services for homeless individuals.

To ensure that the monies in the Fund are expended in accordance with the law, Section 34176.1(f) requires an independent financial audit of the Fund within six months of the end of the fiscal year. The Fund has maintained a zero balance for the entirety of the fiscal year. As a result, no audit report was prepared for the fiscal year.

SB 341 also requires annual reporting and website posting of a Housing Successor Report for the fiscal year related to the Fund. The Housing Successor Report for FY 2018/19 includes the following information:

- The Fund's balance for the fiscal year ending June 30, 2018 was 0 and there was no financial activity for the fiscal year ending June 30, 2019 resulting in a 0 fund balance for fiscal year ending June 30, 2019.
- The statutory value of assets owned by the Housing Successor consists only of the value of loans receivable from the Hitzke Obligation of \$601,310;
- The Fund does not have an "excess surplus" (the aggregate of unencumbered funds deposited into the Fund during the preceding four fiscal years).

After City Council approval, the Housing Successor Report (Attachment 3) will be posted on the City's website and submitted to HCD.

In conclusion, Staff recommends that the Council consider public testimony provided during the public hearing and consider approval of Resolution 2020-030 as contained in Attachment 1. Should the Council approve and adopt Resolution 2020-030, it is further recommended that the Council direct City Staff to submit the 2019 Housing Element

APR and the 2018/19 Housing Successor Annual Report to HCD as required by state law.

**CEQA COMPLIANCE STATEMENT:**

Not a project as defined by CEQA.

**FISCAL IMPACT:**

N/A

**WORK PLAN:**

Community Character – Land Use & Planning – Housing Element

**OPTIONS:**

- Approve Staff's recommendation to adopt the 2019 Annual Housing Element Progress Report and the 2018/19 Housing Successor Annual Report and adopt Resolution 2020-030 directing that the reports be submitted to HCD and the Governor's Office of Planning and Research.
- Approve the reports with modifications and adopt Resolution 2020-030 directing Staff to submit the report to HCD and the Governor's Office of Planning and Research.
- Provide other direction to Staff.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find this item not a project and thereby exempt from the California Environmental Quality Act (CEQA) Review; and
3. Adopt Resolution 2020-030 approving the 2019 Housing Element Annual Progress Report and the 2018/19 Housing Successor Annual Report as submitted and directing City Staff to file the report with the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation



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Gregory Wade, City Manager

Attachments:

1. Resolution 2020-030
2. 2019 Annual Housing Element Progress Report
3. 2018/19 Housing Successor Annual Report

## RESOLUTION 2020-030

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING THE 2019 HOUSING ELEMENT PROGRESS REPORT AND THE HOUSING SUCCESSOR ANNUAL REPORT FOR FISCAL YEAR 2018/19 AND DIRECTING SUBMITTAL TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**WHEREAS**, on February 13, 2013, the City Council adopted the City of Solana Beach 2013-2020 Housing Element by Resolution 2013-011; and

**WHEREAS**, the Housing Element is an important planning tool for the City of Solana Beach in meeting the housing needs of the community. It establishes an action plan to meet these needs pursuant to Government Code Section 65302(c) which sets forth the specific components to be contained in a community's housing element; and

**WHEREAS**, on October 28, 2011, the San Diego Association of Governments adopted a plan for the Regional Housing Needs Assessment (RHNA) allocating regional housing needs for the fifth RHNA cycle beginning January 1, 2010 and extending to December 31, 2020 to include adoption of Table B located within Attachment 1; and

**WHEREAS**, the City is required to submit to the California Department of Housing and Community Development (HCD) by April 1, 2020, the 2019 Annual Housing Element Progress Report (Housing Element Report); and

**WHEREAS**, the Housing Successor Annual Report for Fiscal Year 2018/19 is required by Health & Safety Code Section 34176.1(f) to be submitted to HCD with the Housing Element Report; and

**WHEREAS**, as a result of the COVID-19 pandemic and declaration of local emergency, the City was forced to delay many public hearings, including consideration of the City's 2019 Housing Element APR and Housing Successor Annual Report for Fiscal Year 2018/2019; and

**WHEREAS**, on March 19, 2020, Staff submitted a draft of the 2019 Annual Housing Element Progress Report to HCD in an effort to comply with Government Code Section 65400(a)(2)(B), with the intent that City Council would consider the Housing Element APR and Housing Successor Annual Report at the nearest available City Council meeting; and

**WHEREAS**, on May 27, 2020, the City Council held a duly noticed public hearing to consider the 2019 Annual Housing Element Progress Report and the Housing Successor Annual Report as required under Government Code Section 65400(a)(2)(B);

and

**WHEREAS**, City Staff presented the 2019 Annual Housing Element Progress Report, including information on the Housing Element Implementation and Annual Building Activity Report for the first nine years of the RHNA reporting period including January 1, 2010 through December 31, 2019 at the May 27, 2020 meeting; and

**WHEREAS**, the public hearing was conducted to take public testimony on the progress report as required by Government Code Section 65400(a)(2)(B); and

**WHEREAS**, the City Council found the proposed action is not a project, and is therefore exempt from the California Environmental Quality Act; and

**WHEREAS**, this decision is based upon the information presented in the Staff Report, the public testimony and any additional evidence presented at the public hearing.

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

1. That the above recitations are true and correct.
2. The 2019 Annual Housing Element Progress Report and the 2018/19 Housing Successor Annual Report are approved.
3. City Staff is directed to submit and file the final 2019 Annual Housing Element Progress Report and the 2018/19 Housing Successor Annual Report with the State Department of Housing and Community Development Department, and also the Governor's Office of Planning and Research.

**PASSED AND ADOPTED** this 27<sup>th</sup> day of May, 2020, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

**Please Start Here**

<b>General Information</b>	
Jurisdiction Name	Solana Beach
Reporting Calendar Year	2019
<b>Contact Information</b>	
First Name	John
Last Name	Delmer
Title	Junior Planner
Email	jdelmer@cosb.org
Phone	8587202445
<b>Mailing Address</b>	
Street Address	635 S. Highway 101
City	Solana Beach
Zipcode	92075

**Optional:** Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated.

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Jurisdiction	Solana Beach	
Reporting Year	2019	(Jan. 1 - Dec. 31)

## ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A Housing Development Applications Submitted																			
Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Notes	
1					2	3	4	5							6	7	8	9	10
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA, SFD, 2 to 4, 5+, ADU, MH)	Tenure R=Renter O=Owner	Date Application Submitted	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project (Auto-calculated Can Be Overwritten)	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Notes*
Summary Row: Start Data Entry Below								0	0	0	0	0	9	14	23	15	0	0	
	298-200-02	4250 North Lane	Fomon Residence	17-19-01	SFD	O	9/10/2019							1	1	1	0	No	
	263-361-19	320 Barbara Ave	Kostick Residence	17-19-02	SFD	O	6/20/2019							1	1	1	0	No	
	263-053-14	412 N. Acacia Ave	Hemmerich Residence	17-19-05	SFD	O	6/13/2019							1	1	1	0	No	
	298-084-14	336 S. Nardo Ave	Cooper Residence	17-19-07	SFD	R	7/5/2019						1	1	2	2	0	No	
	840	840 Hernandez Ave	Pulaski Residence	17-18-13	2 to 4	R	4/16/2019							2	2	1	0	No	
	263-096-02	632 Mar Vista	APP	17-19-09	SFD	R	12/20/2019							1	1	1	0	No	
	298-083-66	218 S. Granados Ave	Wilson Residence	17-19-10	ADU	O	10/25/2019						1	1	1	1	0	No	
	263-322-01	208 Pacific Ave	Adams Residence	17-18-04	SFD	O	1/24/2019							1	1	1	0	No	
	263-160-64	431 Marview Ln	Freis Residence	17-18-23	2 to 4	O	5/24/2019							1	1	2	0	No	
	298-292-20	984 Avocado Pl	Weaver Residence	17-18-11	SFD	O	4/26/2019						1	1	2	2	0	No	
	263-052-01	424 Pacific Ave	Piscitelli Residence	17-18-22	SFD	O	7/17/2019							1	1	1	0	No	
	298-320-14	710 W Solana Cir	Hoverman Residence	17-18-29	SFD	O	7/10/2019							1	1	1	0	No	
	298-131-25	652 Stevens Ave	Stevens	17-17-34	SFA	R	6/20/2019							1	1	1	0	No	
	298-081-28	166 S Nardo Ave	O'Connell ADU	19-0410	ADU	R	10/21/2019							1	1	1	0	No	
	298-362-15	200 Marine View Ave	Ocheltree ADU	19-0416	ADU	R	9/13/2019							1	1	1	0	No	
	263-370-31	234 Patty Hill		19-0439	ADU	R	9/26/2019							1	1	1	0	No	
	298-381-17	731 Avocado Pl	Harris Residence	17-18-15	SFD	O	5/21/2019							1	1	1	0	No	
	298-390-26	1036 Highland		19-081	ADU	R	2/20/2019							1	1	1	0	No	
	263-160-46	415 Marview Drive		19-198	ADU	R	4/24/2019							1	1	1	0	No	
														0	0	0	0		
														0	0	0	0		
														0	0	0	0		
														0	0	0	0		
														0	0	0	0		
														0	0	0	0		

Jurisdiction	Solana Beach	
Reporting Year	2019	(Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202)

Note: "+" indicates an optional field  
 Cells in grey contain auto-calculation formulas

Table A2																							
Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units																							
Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement							Affordability by Household Incomes - Building Permits									
1					2	3	4							5	6	7							8
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA, SFD, 2 to 4, 5+ ADU, MH)	Tenure (R=Renter, O=Owner)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units issued Entitlements	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued
Summary Row: Start Data Entry Below							0	0	0	0	0	5	2		3	0	0	0	0	0	6	3	
	298-084-14	336 S. Nardo Ave	Cooper Residence	17-19-07	ADU	O								1	9/25/2019	1							
	298-321-07	657 Marsolan Ave	Williams ADU	17-18-14	ADU	R								1	1/9/2019	1						1	4/30/2019
	298-072-31	214 S Rios	Kelley ADU	17-17-21	ADU	R								1	1/23/2019	1							
	263-160-64	431 Marview Lane	Freis Residence	17-18-23	2 to 4	O								1	7/10/2019	0							
	298-292-20	984 Avocado Pl	Weaver Residence	17-18-11	2 to 4	O								1	6/26/2019	0							
	298-292-21	982 Avocado		18-528	SFD	O										0							
	263-096-01	642 Mar Vista	Dunne ADU	19-0522	ADU	R										0						1	5/8/2019
	263-142-14	526 Marvista Dr		17-256	ADU	R										0							12/19/2019
	263-223-09	601 Canyon Dr		18-123	ADU	R										0							
	263-321-25	211 N Sierra		19-071	ADU	R										0						1	4/8/2019
	298-390-47	1051 Woodside Way		17-108	SFD	O										0							
	298-133-03	638-640 Valley Ave		16-454	2 to 4	R										0							
	293-371-37	525 San Julio Rd	Szekeres Residence	17-320	SFD	O										0							
	298-134-01	837 Vera		16-014	SFD	R										0							
	298-134-01	823 Vera		16-012	SFD	R										0							
	298-121-66	456 S Nardo Ave		19-015	SFD	O										0						1	5/10/2019
	298-390-26	1036 Highland Dr		19-081	ADU	R										0						1	10/29/2019
	298-380-45	1191 Solana Drive		18-609	ADU	R										0						1	3/1/2019
	298-292-55	850 Avocado Pl		18-466	SFD	O										0						1	3/28/2019
	263-160-46	415 Marview Drive		19-198	ADU	R										0						1	7/30/2019
																0							



<b>Jurisdiction</b>	Solana Beach	
<b>Reporting Year</b>	2019	(Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.  
 Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	85											85
	Non-Deed Restricted												
Low	Deed Restricted	65			1	1	2	1				6	59
	Non-Deed Restricted		1										
Moderate	Deed Restricted	59										14	45
	Non-Deed Restricted					3	5		6				
Above Moderate		131	11	5	3	5	12	12	3			51	80
Total RHNA		340											
Total Units			12	5	4	6	17	18	9			71	269

Note: units serving extremely low-income households are included in the very low-income permitted units totals  
 Cells in grey contain auto-calculation formulas



# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202)

<b>Jurisdiction</b>	Solana Beach		
<b>Reporting Year</b>	2019	(Jan. 1 - Dec. 31)	
<b>Table D</b>			
<b>Program Implementation Status pursuant to GC Section 65583</b>			
<b>Housing Programs Progress Report</b>			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Name of Program</b>	<b>Objective</b>	<b>Timeframe in H.E</b>	<b>Status of Program Implementation</b>
Encourage Mixed Use Development	Program 1: ABCD, inventory sites and initiate planning, encourage mixed use, look for funding.	ongoing	Two mixed-use projects netting in 33 dwelling units was approved in December 2016 and July 2018.
Encourage Accessory Living Units	Program 2: Distribute information, evaluate progress, monitor standards and process.	ongoing	Ordinance 470 was adopted on November 9, 2016 which amended the municipal code to comply with Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 related to accessory dwelling units. The provisions for accessory living units were removed from the municipal code as they were no longer consistent with the provisions of SB 1069 and AB 2299.
Density Bonus Program	Program 3: Develop handout.	Within 12 to 18 months	A handout has been developed and is available at the front counter and on the city website.
Affordable (Inclusionary) Housing Program	Program 4: Enforce ordinance and utilize impact fees for affordable projects.	ongoing	Inclusionary provisions of Municipal Code modified to adopt new Affordable Housing Impact Fee; adopted March 23, 2011. Two mixed-use project netting in 33 dwelling units approved in 2016 and 2018 were subject to the impact fee.
Replacement Housing	Program 5: Replaces ten very low income units.	By the end of the planning period	One mixed-use application consisting of 10 very low-income units on city-owned land was approved in 2014 and received a time extension in December 2015. On August 24, 2016 the City Council conducted a public hearing under the Tax and Equity Fiscal Responsibility Act (TEFRA) and approved the use of tax exempt bonds for the financing of the project.

Address and Mitigate Constraints to Housing Development	Program 6: Monitor Inclusionary Program; B. Monitor permit processing; C. Provide public education on affordable housing; D. Amend zoning for SB2 requirements, delineate residential care facilities, revise reasonable accommodation procedures; E. Clarify SROs, hold low-income workshops for developers, apply for funding, establish reduced fee for low-income projects; F. Provide Housing Element to water authority and adopt priority sewer service for affordable housing; G. Ensure Housing Element is consistent with General Plan and other regulations and procedures; and H. Ensure compliance with Employee Housing Act.	A-C: ongoing; D & E: within 1 year, during cycle, and ongoing; F: immediately; G: on-going; H: within 1 year	A: Staff discusses the inclusionary program with all applicants proposing 5 or more units and any interested parties; B: Residential permit process review ongoing; C: Educational information regarding affordable housing was posted on the website; D: Ordinance 445 amending zoning was adopted 2/12/14; E: SRO's were clarified in zoning; F: Housing Element was sent to the Water Authority; G: Consistency review is ongoing; H: Employee Housing Act has been reviewed for compliance
Emergency Shelter Housing Site Identification	Program 7: Amend zoning to allow for emergency shelters outright in General Commercial zone with development standards.	Within 1 year	Zoning ordinance amending emergency shelters outright in General Commercial and permitting them in the Public/Institutional zone with a Director's Use Permit with development standards was adopted February 12, 2014.
Illegal Unit Conversion	Program 8: Research feasibility of implementing an amnesty program.	Within 4 years	No applications for conversion have been received.
Preserve At-Risk Units	Program 9: Monitor determination by private property owners to place affordable units at risk.	Ongoing, prior to 2019 conversion date	Received project application for Solana Highlands in 2014 with 32 affordable units, which will replace units previously monitored by the County of San Diego. The expiration date for these affordable units was 2011. The project was approved by City Council in December 2018.
Section 8 Rental Assistance	Program 10: Work with County to administer program and assist developers to apply for program.	Ongoing	Continued to coordinate with County HCD to implement and administer Section 8 Rental Assistance.
Capital Improvements Program	Program 11: Prepare and adopt capital improvements to repair and maintain public utilities.	Ongoing	Continued to implement City's CIP program, annual budget adopted each year.
Condominium Conversion Policy	Program 12: Consider requests for the conversion of existing rental property when vacancy rate exceeds 6 percent.	Ongoing	No applications for conversion have been received.







Jurisdiction	Solana Beach	
Reporting Period	2019	(Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202)

Note: "+" indicates an optional field  
 Cells in grey contain auto-calculation formulas

**Table F**

**Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)(2)**

This table is optional. Jurisdictions may list (for informational purposes only) units that do not count toward RHNA, but were substantially rehabilitated, acquired or preserved. To enter units in this table as progress toward RHNA, please contact HCD at APR@hcd.ca.gov. HCD will provide a password to unlock the grey fields. Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in Government Code section 65583.1(c)(2).

Activity Type	Units that Do Not Count Towards RHNA <sup>+</sup> Listed for Informational Purposes Only				Units that Count Towards RHNA <sup>+</sup> Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1 <sup>+</sup>
	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Total Units by Income									

<b>Jurisdiction</b>	Solana Beach	
<b>Reporting Period</b>	2019	(Jan. 1 - Dec. 31)

**NOTE:** This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.

Note: "+" indicates an optional field  
Cells in grey contain auto-calculation formulas

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202)

<b>Table G</b>						
<b>Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of</b>						
<b>Project Identifier</b>						
1						4
<b>APN</b>	<b>Street Address</b>	<b>Project Name<sup>+</sup></b>	<b>Local Jurisdiction Tracking ID<sup>+</sup></b>	<b>Realistic Capacity Identified in the Housing Element</b>	<b>Entity to whom the site transferred</b>	<b>Intended Use for Site</b>
Summary Row: Start Data Entry Below						

<b>Jurisdiction</b>	Solana Beach	
<b>Reporting Year</b>	2019	(Jan. 1 - Dec. 31)

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	6
Above Moderate		3
<b>Total Units</b>		<b>9</b>

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

<b>Housing Applications Summary</b>	
Total Housing Applications Submitted:	19
Number of Proposed Units in All Applications Received:	23
Total Housing Units Approved:	15
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions</b>	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Cells in grey contain auto-calculation formulas

**HOUSING SUCCESSOR ANNUAL REPORT  
REGARDING THE LOW AND MODERATE INCOME HOUSING ASSET FUND  
FOR FISCAL YEAR 2018-19 PURSUANT TO  
CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176.1(f) FOR THE  
CITY OF SOLANA BEACH, HOUSING SUCCESSOR TO THE FORMER SOLANA BEACH  
REDEVELOPMENT AGENCY**

This Housing Successor Annual Report (Report) regarding the Low and Moderate Income Housing Asset Fund (LMIHAF) has been prepared pursuant to California Health and Safety Code Section 34176.1(f). This Report sets forth certain details of the activities of the City of Solana Beach, acting in its capacity as housing successor to the former Solana Beach Redevelopment Agency (Housing Successor), during Fiscal Year 2018-19 (Fiscal Year). The purpose of this Report is to provide the governing body of the Housing Successor an annual report on the housing assets and activities of the Housing Successor under Part 1.85, Division 24 of the California Health and Safety Code, in particular sections 34176 and 34176.1 (Dissolution Law).

The following Report is based upon information prepared by Housing Successor staff and information contained within the independent financial audit of the Low and Moderate Income Housing Asset Fund for Fiscal Year 2018-19 (Fiscal Year). The LMIHAF has maintained a zero balance for the entirety of the Fiscal Year. As a result, no audit report was prepared for the Fiscal Year. Further, this Report conforms with and is organized into sections I. through XI., inclusive, pursuant to Section 34176.1(f) of the Dissolution Law:

**I. Amount Deposited into LMIHAF:** This section provides the total amount of funds deposited into the LMIHAF during the Fiscal Year. Any amounts deposited for items listed on the Recognized Obligation Payment Schedule (ROPS) must be distinguished from the other amounts deposited.

**II. Ending Balance of LMIHAF:** This section provides a statement of the balance in the LMIHAF as of the close of the Fiscal Year. Any amounts deposited for items listed on the ROPS must be distinguished from the other amounts deposited.

**III. Description of Expenditures from LMIHAF:** This section provides a description of the expenditures made from the LMIHAF during the Fiscal Year. The expenditures are to be categorized.

**IV. Statutory Value of Assets Owned by Housing Successor:** This section provides the statutory value of real property owned by the Housing Successor, the value of loans and grants receivables, and the sum of these two amounts.

**V. Description of Transfers:** This section describes transfers, if any, to another housing successor agency made in previous Fiscal Year(s), including whether the funds are unencumbered and the status of projects, if any, for which the transferred LMIHAF will be used. The sole purpose of the transfers must be for the development of transit priority projects, permanent supportive housing, housing for agricultural employees or special needs housing.

**VI. Project Descriptions:** This section describes any project for which the Housing Successor receives or holds property tax revenue pursuant to the ROPS and the status of that project.

**VII. Status of Compliance with Section 33334.16:** This section provides a status update on compliance with Section 33334.16 for interests in real property acquired by the Former Agency prior to February 1, 2012. For interests in real property acquired on or after February 1, 2012, provide a status update on the project.

**VIII. Description of Outstanding Obligations under Section 33413:** This section describes the outstanding inclusionary and replacement housing obligations, if any, under Section 33413 that remained outstanding prior to dissolution of the former Solana Beach Redevelopment Agency (Former Agency) as of February 1, 2012 along with the Housing Successor's progress in meeting those prior obligations, if any, of the Former Agency and how the Housing Successor plans to meet unmet obligations, if any.

**IX. Income Test:** This section provides the information required by Section 34176.1(a)(3)(B), or a description of expenditures by income restriction for five year period, with the time period beginning January 1, 2014 and whether the statutory thresholds have been met. However, reporting of the Income Test is not required until 2019.

**X. Senior Housing Test:** This section provides the percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the Housing Successor, the Former Agency, and the City of Solana Beach within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the Housing Successor, the Former Agency, and the City of Solana Beach within the same time period. For this Report the ten-year period reviewed is January 1, 2007 to January 1, 2017.

**XI. Excess Surplus Test:** This section provides the amount of excess surplus in the LMIHAF, if any, and the length of time that the Housing Successor has had excess surplus, and the Housing Successor's plan for eliminating the excess surplus.

## **REPORT**

This Report and the former Solana Beach Redevelopment Agency's pre-dissolution Implementation Plan are to be made available to the public on the City's website [http://www.ci.solana-beach.ca.us/index.asp?SEC=4459C1D7-9FF7-4988-92FF-D6EC8A2F593E&Type=B\\_BASIC](http://www.ci.solana-beach.ca.us/index.asp?SEC=4459C1D7-9FF7-4988-92FF-D6EC8A2F593E&Type=B_BASIC).

**I. AMOUNT DEPOSITED INTO LMIHAF.** A total of \$0 was deposited into the LMIHAF during the Fiscal Year. Of the total funds deposited into the LMIHAF, no funds were held for items listed on the ROPS. All funds were designated to meet an enforceable obligation to the Hitzke Development Corporation to be used for ten units of very low income multifamily housing (Hitzke Obligation).

**II. ENDING BALANCE OF LMIHAF.** At the close of the Fiscal Year, the ending balance in the LMIHAF was \$0, of which no funds are held for items listed on the ROPS. All funds are designated to meet the Hitzke Obligation.

**III. DESCRIPTION OF EXPENDITURES FROM LMIHAF.** The following is a description of expenditures from the LMIHAF by category

Fiscal Year	
<b>Monitoring &amp; Administration Expenditures</b>	None
<b>Homeless Prevention and Rapid Rehousing Services Expenditures</b>	None
<b>Housing Development Expenditures</b> ➤ Expenditures on Low Income Units ➤ Expenditures on Very-Low Income Units ➤ Expenditures on Extremely-Low Income Units ➤ Total Housing Development Expenditures	None
<b>Total LMIHAF Expenditures in Fiscal Year</b>	<b>None</b>

**IV. STATUTORY VALUE OF ASSETS OWNED BY HOUSING SUCCESSOR IN LMIHAF.** Under the Dissolution Law and for purposes of this Report, the “statutory value of real property” means the value of properties formerly held by the Former Agency as listed on the housing asset transfer schedule approved by the Department of Finance as listed in such schedule under Section 34176(a)(2), the value of the properties transferred to the Housing Successor pursuant to Section 34181(f), and the purchase price of property(ies) purchased by the Housing Successor. Further, the value of loans and grants receivable is included in these reported assets held in the LMIHAF.

The following provides the statutory value of assets owned by the Housing Successor.

As of End of Fiscal Year	
<b>Statutory Value of Real Property Owned by Housing Authority</b>	<b>0</b>
<b>Value of Loans and Grants Receivable</b>	<b>\$601,310</b>
<b>Total Value of Housing Successor Assets</b>	<b>\$601,310</b>

**V. DESCRIPTION OF TRANSFERS.** The Housing Successor did not make any LMIHAF transfers to other Housing Successor(s) under Section 34176.1(c)(2) during the Fiscal Year.

**VI. PROJECT DESCRIPTIONS.** The Housing Successor does not receive or hold property tax revenue pursuant to the ROPS.

**VII. STATUS OF COMPLIANCE WITH SECTION 33334.16.** The Housing Successor has no interests in real property.

**VIII. DESCRIPTION OF OUTSTANDING OBLIGATIONS PURSUANT TO SECTION 33413**

**Replacement Housing:** According to the 2009-2014 Implementation Plan for the Former Agency, no Section 33413(a) replacement housing obligations were transferred to the Housing Successor. The Former Agency’s Implementation Plan is posted on the City’s website at [http://www.ci.solana-beach.ca.us/index.asp?SEC=4459C1D7-9FF7-4988-92FF-D6EC8A2F593E&Type=B\\_BASIC](http://www.ci.solana-beach.ca.us/index.asp?SEC=4459C1D7-9FF7-4988-92FF-D6EC8A2F593E&Type=B_BASIC)

**Inclusionary/Production Housing.** According to the 2009-2014 Implementation Plan for the Former Agency, the Former Agency was required to construct 2.1 units of very low income housing to meet its inclusionary requirement. The project proposed by the Hitzke Development Corporation and funded in part by the Housing Successor will provide 10 very low income housing units.

**IX. EXTREMELY-LOW INCOME TEST.** Section 34176.1(a)(3)(B) requires that the Housing Successor must require at least 30% of the LMIHAF to be expended for development of rental housing affordable to and occupied by households earning 30% or less of the AMI. If the Housing Successor fails to comply with the Extremely-Low Income requirement in any five-year report, then the Housing Successor must ensure that at least 50% of the funds remaining in the LMIHAF be expended in each fiscal year following the latest fiscal year following the report on households earning 30% or less of the AMI until the Housing Successor demonstrates compliance with the Extremely-Low Income requirement. This information is not required to be reported until 2019 for the 2014 – 2019 period.

All of the funds in the LMIHAF are committed under an enforceable obligation to the Hitzke Obligation, which will provide ten units of very low income housing. Because the Housing Successor receives minimal interest income, the extremely low-income test does not apply.

**X. SENIOR HOUSING TEST.** Neither the Housing Successor, the Former Agency nor the City provided funding to deed-restricted rental housing limited to seniors within the past 10 years.

**XI. EXCESS SURPLUS TEST.** Excess Surplus is defined in Section 34176.1(d) as an unencumbered amount in the account that exceeds the greater of one million dollars (\$1,000,000) or the aggregate amount deposited into the account during the Housing Successor's preceding four Fiscal Years, whichever is greater.

In the previous five fiscal years, a total of \$2,200 was deposited into the LMIHAF, in the form of interest payments. Therefore, the LMIHAF does not have an Excess Surplus.





# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** City Manager's Office  
**SUBJECT:** **Public Hearing: Consideration of Resolution No. 2020-065 (MOD 19-001 for the Master Plan Update and Temporary Structure/Eagle Dome); and Resolution No. 2020-066 (DRP 19-006/SDP 19-007 for Master Plan Phase 1b and 1c, Quad and Multipurpose Buildings)**

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## **BACKGROUND:**

The Applicant, Santa Fe Christian Schools (SFCS), is requesting the approval of a Development Review Permit (DRP), a Conditional Use Permit Modification (MOD) and Structure Development Permit (SDP) to construct Phase 1b and Phase 1c of the Santa Fe Christian Master Plan which includes two new three-story institutional buildings. The Applicant is also requesting to extend the use of the temporary tent structure known as "Eagle Dome" until July 1, 2023. The property is located within the Medium High Residential (MHR) Zone and is approximately 16.3 acres in size. The proposed project would include grading in the amounts of approximately 11,600 cubic yards (yd<sup>3</sup>) of cut. The Multi-Purpose structure is a 25,820 square foot, 3-level building. The Quad structure is a 43,927 square foot, 3-level building. The combined total building square footage of these two phases would be 69,747 square feet.

The maximum building height of the Multi-Purpose building is proposed at 32.33 feet above the existing grade with the highest story pole measured at 202.33 feet above Mean Seal Level (MSL). The maximum building height of the Quad building is proposed at 33.49 feet above the existing grade with the highest story pole measured at 198.33 feet above MSL. The project requires a DRP for grading that exceeds 100 cubic yards. A SDP is required for a structure in excess of 16 feet in height. A CUP modification is required for the Master Plan modification proposed by the Applicant.

In 2016, the City Council 1) approved Resolution 2016-099 for a Supplemental Environmental Impact Report (SEIR); 2) approved Resolution 2016-100 for a Conditional

COUNCIL ACTION:

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Use Permit (CUP) that updated the SFCS Campus Master Plan, increasing the allowed height limit from 25 feet to 35 feet, approved a shared parking agreement with North Coast Fellowship, and allowed continued use of the temporary tent structure called the “Eagle Dome” until June 30, 2020; and 3) approved a DRP and SDP for Phase 1a of the proposed SFCS Master Plan Update, which included construction of Building C (a 11,358 square foot new classroom building) and two Guard Shacks.

This item is before the City Council to consider adoption of Resolution 2020-065 (Attachment 1) approving a MOD for an update to the SFCS Campus Master Plan and extending the use of the temporary “Eagle Dome” tent structure; and adoption of Resolution 2020-066 (Attachment 2) approving a DRP/SDP for Phase 1b and 1c of the SFCS Master Plan, to construct the Quad and Multi-Purpose Buildings and associated parking and circulation improvements.

### **DISCUSSION:**

The SFCS Campus Master Plan is a multi-phase project that will modernize the existing facilities by eliminating a number of existing modular and temporary buildings and constructing new, permanent facilities that will accommodate a student capacity of a maximum of 1,110 students with adequate parking that is consistent with all regulatory requirements. Phase 1a, consisting of a 11,358 square foot new classroom building and two entry guard shacks, have now been completed.

The proposed project would implement the next phases of the SFCS Campus Master Plan (Phase 1b and 1c) which includes two three-story buildings that would be located on the northeastern portion of the site. The Quad Building (Building F) will be 43,927 square feet in size that includes classrooms, offices, student lounge, support spaces, and underground parking. The Multi-Purpose Building (Building E) will be 25,820 square feet in size, and would contain a basketball court, stage for education use, and support spaces.

The Applicant is also requesting approval of a MOD to update the SFCS Master Plan that would modify the proposed buildings in Phases 1b and 1c, as well as request the continued use of the 6,000 square foot temporary athletic tent known as the “Eagle Dome” until July 1, 2023.

The 15.65 acre SFCS campus is zoned Medium High Residential (MHR) and is partially located within the Hillside Overlay Zone (HOZ). Educational institutions are permitted in the MHR Zone with approval of a CUP by the City Council. Upon buildout of the Master Plan, 12 buildings would be renovated or replaced, containing a total of 172,336 square feet, with a Floor Area Ratio (FAR) of 0.25. The maximum student enrollment would remain at 1,110 students and 266 on-site parking spaces would be provided. Each phase of the SFCS Master Plan will continue to go through a DRP process, presuming that new construction would exceed 30 feet in height and grading over 100 cubic yards. Each phase exceeding 16 feet would also be subject to the SDP process.

## **Height Limits**

The maximum allowable height under the SFCS Campus Master Plan is 35 feet. The topography of the SFCS campus is elevated at a high point of about 160 feet above MSL and slopes downward toward I-5 to the east, the shopping center to the north, Stevens Creek to the west, and Academy Drive to the south. Buildings E and F will be located in the northeastern portion of the SFCS campus with a pad elevation of 170.00 feet MSL. The maximum height of Building E will be 32.33 feet above finished grade. The maximum height of Building F will be 33.49 feet above natural grade. The tallest story pole was certified at 202.33 feet above MSL, and is partially screened by existing trees and buildings on the SFCS campus.

## **Parking**

The Applicant's proposal for Phase 1b and 1c would increase the number of on-site parking spaces by 81. The Applicant currently has a City Council approved shared parking arrangement with the North Coast Fellowship site containing 73 parking spaces at 940 Genevieve Street to provide parking, consistent with the parking requirements of SBMC Chapter 17.52, until Phase 1c (and the removal of the Eagle Dome) of the SFCS Master Plan is completed.

The required on-site parking at the completion of all phases will be 263 spaces. Under the currently approved SFCS Master Plan, a total of 266 parking spaces would be available on-site at completion of the project. With the revised circulation plan and the lower level parking under Building F, the Applicant will be able to develop 317 parking spaces which is a net increase of on-site parking of 51 spaces. Thus, at build-out, the SFCS Master Plan would exceed the minimum parking requirements of the SBMC by 54 parking spaces.

## **Eagle Dome**

The existing Eagle Dome temporary tent structure was approved by CUP 17-04-07, Resolution 2004-72, and extended for an additional two years by Council Resolution 2009-061. In 2016, the City Council approved the Applicant's request to continue the use of the Eagle Dome until June 30, 2020, or until completion of Phase 1c of the SFCS Master Plan. The Applicant is now requesting an additional time extension to continue use of the Eagle Dome structure until July 1, 2023. The extended use of the Eagle Dome structure may be granted if the Council can make the findings for a CUP pursuant to SBMC Section 17.68.010(F) as follows:

- a. 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.
- b. 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.

- c. 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 Eagle Dome temporary tent structure would be removed and replaced with Parking Lot D, as shown on the SFCS Master Plan Update site plan. Staff has included a condition of the CUP to remove the Eagle Dome upon completion of Phase 1c, or by July 1, 2023, whichever occurs first.

### **DRP/SDP Buildings E and F, Phases 1b & 1c**

The Applicant is proposing to begin construction of Phases 1b and 1c of the Master Plan as soon as possible. Buildings E and F of Phases 1b and 1c require a DRP because the nonresidential structure exceeds 30-feet in height and will require more than 100 cubic yards of cut and/or fill as proposed. A SDP is required because the buildings exceed 16-feet in height. The tallest building (Building F) has a proposed maximum height of 33.49 feet above existing grade.. The tallest story pole (Building E) was certified at 202.33 feet above MSL. As designed, Buildings E and F will be set back at least 55 feet from the eastern, side yard property line and Building E will be set back 60 feet from the northern, rear yard property line which exceeds the minimum required side yard setback of 5 feet and rear yard setback of 25 feet.

Table 2, below, provides a synopsis of the Solana Beach Municipal Code (SBMC) specific minimum and maximum requirements of the zoning regulations for the building and site compared to the Applicant's proposed design for Buildings E and F. The table shows that the proposed project meets the SBMC requirements for parking, building setbacks, proposed height, density, and allowable floor area.



**Table 2**

LOT INFORMATION--				
<b>Property Address:</b>	838 Academy Dr.	<b>Zoning Designation:</b>	MHR (8-12 du/ac)	
<b>Lot Size:</b>	681,746 ft <sup>2</sup>	<b># of Units Allowed:</b>	N/A	
<b>Max. Allowable Floor Area:</b>	At least 343K ft <sup>2</sup>	<b># of Units Requested:</b>	N/A	
<b>Proposed Floor Area:</b>	172,336 ft <sup>2</sup>			
<b>Below Max. Floor Area by:</b>	170,664 ft <sup>2</sup>	<b>Setbacks:</b>	<b>Required:</b>	<b>Proposed:</b>
<b>Max. Allowable Height:</b>	35 ft.	Front	25 ft.	N/A
<b>Max. Proposed Height:</b>	33.49 ft.	Side (East P.L.)	5 ft.	55 ft.
<b>Highest Point/Ridge:</b>	202.33 MSL	Side (West P.L.)	5 ft.	N/A
<b>Overlay Zone(s):</b>	HOZ	Rear	25 ft.	60 ft.
PROPOSED PROJECT INFORMATION				
<b>Floor Area Breakdown:</b>				
<u>Building E – Multi-Purpose</u>				
Level 1	4,831 ft <sup>2</sup>	<b>Required Permits:</b>		
Level 2	17,287 ft <sup>2</sup>	<b>MOD:</b> Change to the SFCS Master Plan site plan and extension request to allowed continued use of Eagle Dome structure until July 1, 2023		
Level 3	3,702 ft <sup>2</sup>	<b>DRP:</b> A DRP is required for a nonresidential structure that exceeds 30-feet in height, and more than 100 cubic yards of cut and/or fill is proposed.		
<u>Building F – Quad Bldg.</u>				
Level 1	21,440 ft <sup>2</sup>	<b>SDP:</b> A SDP is required for a new structure that exceeds 16 feet in height as measured from the existing grade.		
Level 2	16,475 ft <sup>2</sup>			
Level 3	6,012 ft <sup>2</sup>			
Subtotal	69,747 ft <sup>2</sup>			
Basement Exemption	17,952 ft <sup>2</sup>			
Total Floor Area Proposed	51,975 ft <sup>2</sup>			
<b>Proposed Grading:</b> Cut: 11,600 cubic yards <b>Fill:</b> 0 cubic yards <b>Export:</b> 11,600 cubic yards				
<b>Proposed Parking:</b> per SFCS Master Plan <b>Existing Development:</b>				
<b>Proposed Fences and Walls:</b> No    Educational Institution				

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

In addition to meeting the zoning requirements, the project must also be found in compliance with the development review criteria. The following is a list of the development review criteria topics:

- Relationship with Adjacent Land Uses
- Building and Structure Placement
- Landscaping
- Roads, Pedestrian Walkways, Parking and Storage Areas
- Grading
- Lighting
- Usable Open Space

The Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. If the Council conditionally approves the proposed project, Resolution 2020-066 provides the full discussion of the following 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 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 subject property, as well as the adjacent residential property to the south on Mola Vista Way, is located within the MHR Zone. Properties to the west are zoned Office Professional (OP) and the property to the north is zoned General Commercial (C). The commercial property to the south is zoned Special Commercial (SC). The site is located adjacent to I-5 to the east. The site frontage and vehicular access is taken from Academy Drive with three driveway curb cuts. The project, as designed, is consistent with conditional uses for the MHR Zone and could be found consistent with the General Plan, which designates the property as Medium Density Residential. The proposed development could be found 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. As mentioned earlier, a portion of the property is also within the Hillside Overlay Zone (HOZ) area. Some areas such as the Parking Lot "D", which is part of Phase 1c, is located within the HOZ area but has been previously disturbed and will not disturb any areas greater than 25%. No other work is proposed within steep slopes or within the HOZ area.

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

The topography of the SFCS campus is elevated at a high point of about 160 feet above MSL and slopes downward toward I-5 to the east, the shopping center to the north, Stevens Creek to the west, and Academy Drive to the south. Buildings E and F will be

located in the northeastern portion of the SFCS campus with a pad elevation of 170.00 feet MSL. The maximum height of Building E will be 32.33 feet above finished grade. The maximum height of Building F will be 33.49 feet above natural grade. The tallest story pole was certified at 202.33 feet above MSL, and is partially screened by existing trees and buildings on the SFCS campus. As designed, Buildings E and F will be set back at least 55 feet from the eastern, side yard property line and Building E will be set back 60 feet from the northern, rear yard property line which exceeds the minimum required side yard setback of 5 feet and rear yard setback of 25 feet.

### **Fences, Walls and Retaining Walls:**

Fencing along the eastern and northern property lines is proposed to replace the existing fencing with Phase 1b or 1c of the SFCS Master Plan. New retaining walls are proposed adjacent to portions of Buildings E and F that will range between 3 feet and 7.5 feet in height as well as along the eastern boundary to accommodate the new drive aisle, bus lane and fire access roadway. These proposed retaining walls adjacent to the buildings are located within the buildable area of the site. The retaining wall along the eastern property line will not be visible from the exterior of the site. A condition has been added that the fencing and walls shall comply with the City's Zoning Ordinance, therefore, the proposed retaining walls and replacement fencing shall conform to the SBMC requirements for fences and walls.

### **Landscaping:**

New development projects with an aggregate landscape area equal to or greater than 500 square feet are subject to the Water Efficient Landscaping Regulations of SBMC Chapter 17.56 and are required to submit a Landscape Development Package. The Applicants provided a conceptual landscape plan that was reviewed by the City's third-party landscape architect and has been determined to comply with the City's Water Efficient Landscape Regulations.

The project has been conditioned to comply with current applicable Water Efficient Landscape Regulations of SBMC Chapter 17.56 at the time of building permit submittal. Additionally, a condition of project approval 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.

### **Grading:**

As shown on the Conceptual Grading and Drainage Plan, the Phase 1b, Building F, project proposes 7,800 cubic yards of cut and export. The Phase 1c, Building E, project proposes 3,800 cubic yards of cut and export. The topography of the SFCS campus is elevated at a high point of about 160 feet above MSL and slopes downward toward I-5 to the east, the shopping center to the north, Stevens Creek to the west, and Academy Drive to the south. Buildings E and F will be placed toward the rear, northeastern portion of the SFCS campus at a pad elevation of 170.00 feet MSL. Along the eastern and western

sides of Buildings E and F retaining walls are proposed to work with the proposed grades, generally sloping downward from north to south.

**Lighting:**

No athletic field lighting is proposed with the SFCS Master Plan Update. Conditions of project approval require that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC Section 17.60.060). In addition, the project is conditioned to prohibit any outside illumination for aesthetic or dramatic purposes of any building and/or surrounding landscape, including environmentally sensitive habitat areas (public or private).

**Usable Open Space:**

The SFCS Master Plan contains many usable open space amenities, including athletic fields, student quad, and amphitheater. The Floor Area Ratio (FAR) of the SFCS campus is 0.25, thus most of the land area of the SFCS is open space.

**Structure Development Permit Compliance (SBMC Chapter 17.63):**

The proposed new buildings exceed 16 feet in height above the existing grade, therefore, the project shall comply with all of the requirements of SBMC Chapter 17.63 View Assessment and the Applicant was required to complete the SDP process. A final story pole height certification was issued by a licensed land surveyor on February 23, 2020 which showed a maximum building height of 33.49 feet measured above the existing grade with a tallest point at 202.33 feet above MSL. Notices to apply for View Assessment were mailed to property owners and occupants within 300 feet of the project site and the deadline to file for View Assessment was March 26, 2020. No applications for View Assessment were received. Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively.

As a condition of approval, a height certificate prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the proposed addition will not exceed 33.49 feet above the proposed grade or 202.33 feet above the MSL.

A draft Resolution of Approval (Resolution 2016-066) has been prepared for City Council consideration. The draft Resolution is based upon the information provided in this report and Staff's analysis of the proposed project. It provides the applicable SBMC sections in italicized text. Conditions from the Community Development, Engineering and Fire Departments have been incorporated into the Resolution of Approval. The Council may direct Staff to modify the Resolution to reflect the findings and conditions as it deems appropriate as a part of the public hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.



### **Public Hearing Notice:**

Notice of the City Council Public Hearing for the project was published in the Union Tribune more than 10 days prior to the May 27, 2020 Public Hearing. The same public notice was mailed to property owners and occupants within 300 feet of the proposed project site, on May 14, 2020. As of the date of preparation of this Staff Report, Staff has received one letter in support of the project (Attachment 5), no other comments have been received from neighbors or interested parties in support of, or in opposition to, the proposed project.

In conclusion, the proposed project, as conditioned, would meet the requirements of the Zoning Ordinance, would be consistent with the General Plan, and could be approved if the City Council can make the findings required to approve the requested MOD, DRP and SDP applications and agrees with the conditions for subsequent City Staff review.

### **CEQA COMPLIANCE STATEMENT:**

In 2001, a Final EIR was certified and on June 30, 2016, a subsequent Final Supplemental EIR was certified pursuant to the California Environmental Quality Act (CEQA) by City Council. The proposed project as described above is consistent with the certified Final EIR and Supplemental EIR and therefore no additional environmental analysis is required.

### **FISCAL IMPACT:**

There is no direct fiscal impact to the General Fund.

### **WORK PLAN:**

N/A

### **OPTIONS:**

- Approve Staff recommendation
- Approve Staff recommendation with alternative amendments / modifications
- Continue the Public Hearing for additional information needed from Staff and/or Applicant
- Deny Staff recommendation

### **DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.

2. If the Council can make the findings, adopt Resolution 2020-065 approving the MOD for the new SFCS Campus Master Plan, and allow the continued use of the temporary Eagle Dome tent structure, with conditions.
3. If the Council can make the findings, adopt Resolution 2020-066 approving a DRP/SDP for Phase 1b and 1c of the SFCS Master Plan, including Buildings E and F, with conditions.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

Attachments:

1. Santa Fe Christian School Discretionary Case File History Log
2. Resolution 2020-065
3. Resolution 2020-066
4. Project Plans
5. SFCS Exterior Renderings (Quad and Multi-Purpose Buildings)
6. SFCS April 8, 2020 Letter
7. Lenihan Family Comment Letter
8. Sturgeon Family Comment Letter

## SFCS Project Chronology

Project #	Applicant/Project Name	Submittal Date	Status
80-92-09	Santa Fe Christian School, U.S. West Cellular for 30' Monopole Antenna	9/3/1992	PH 1/4/93; continued - see 80-92-16
80-92-16	Santa Fe Christian School, Project Mod. Incre. To 660 students, new gym, 2 mod bldgs & roof satellite antenna	12/23/1992	Approved 06/07/93; Res. 93-30
17-94-01 DUP	Santa Fe Christian School; Ham Radio Antenna	11/29/1993	Approved 12/15/93; DUP hearing
17-94-05 CUP	Santa Fe Christian School Gym, locker room/office bldg., incr. to 750 students	2/11/1994	approved 4/18/94; Res.94-27, N.Dec 4-15-93
17-94-16 CUP Mod	Use Permti Mod for 8,000 c.y. grading prev. Res. Amend 93-30, 5 modular bldgs.	6/19/1995	Approved 8/21/95; Res. 95-62
17-95-02 CUP	Airtouch - Cellular Antennas at 840 Academy Dr. (SFCS)	12/20/1994	Approved 2/6/95; res. 95-6
17-96-04 CUP	Santa Fe Christian School Use Permit Mod for new gymnasium	2/6/1996	Approved 3/4/96; Res. 96-23
17-98-17 DRP/DUP	Santa Fe Christian School Addition ad Grading, recreational sports field, etc.	6/19/1998	Approved 9/1/98; Res. 98-87
17-99-30 DRP CUP Mod	Santa Fe Christian School Library 15,000 s.f. Library/Media Center	8/12/1999	Approved 12/17/99; Res. 99/92
17-00-08 CUP/DRP/ PUD/SDP	Santa Fe Crhistian School EIR & Master Plan, 838 Academy Drive	3/14/2000	Approved 8/21/01; Res 2001-76, Res. 2001-77
17-01-36 CUP Mod/ DRP/SDP	Santa Fe Christian School Resolution Amendment (Height) 838 Academy Dr.	7/30/2003	Approved 8/25/03
	Santa Fe Christian School 838 Academy Increased Enrollment, (Res. 2001-76, and Temporarily Defer Sewer Line (2001-77)		Approve 6/3/03 & 10/01/02; Res. 2003-065 & Res. 2002-93
SDP 377	Santa Fe Crhistian Bleachers for Athletic Field - 838 Academy Drive	1/29/2004	SDP approved 3/8/04
CUP 17-04-07	SFCS Portable Classroom & Temp Athletic Tent - DRP/SDP Amend	2/10/2004	Approved 5/18/04; Res. 2004-72
CUP 17-04-07	SFCS Request for 2-year time extension Temp Athletic Tent - CUP Amendment	5/29/2009	Approved 5/29/09; Res. 2009-61
17-07-07 TUP	Santa Fe Christian School Athletic Field Night Lighting	3/1/2007	Withdrawn June 2007
CUP 17-15-33	SFCS Master Plan Update & EIR and 35-foot height limit	10/13/2015	Approved 7/13/16; Res. 2016-099
CUP 17-15-34	Continued use of the "Eagle Dome" Time Extension to 6/30/20	10/13/2015	Approved 7/13/16; Res. 2016-100
DRP/SDP 17-16-11	Building C, Phase 1a of the Updated SFCS Master Plan	5/3/2015	Approved 7/13/16; Res. 2016-101
CUP Mod 19-001	SFCS Master Plan Update & time extension for "Eagle Dome" continued use	9/18/2019	Public Hearing 5/27/20 CC Mtg
DRP 19-006	SFCS Phase 1b & 1c; Quad and Multipurpose Buildings and related parking and circulation improvements	9/18/2019	Public Hearing 5/27/20 CC Mtg
SDP 19-007	Quad & Multipurpose Buildings in excess of 16 feet in height	9/18/2019	Public Hearing 5/27/20 CC Mtg

## RESOLUTION 2020-065

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT MODIFICATION FOR THE SANTA FE CHRISTIAN SCHOOLS MASTER PLAN UPDATE, AND CONTINUED USE OF A TEMPORARY TENT STRUCTURE LOCATED AT 858 ACADEMY DRIVE

**APPLICANT: SANTA FE CHRISTIAN SCHOOL**  
**CASE NO.: MOD 19-001**

**WHEREAS**, Santa Fe Christian School (hereinafter referred to as “Applicant”) has submitted an application for a Conditional Use Permit Modification (MOD) pursuant to Title 17 (Zoning) of the Solana Beach Municipal Code (SBMC); and

**WHEREAS**, at the Public Hearing on May 27, 2020, the City Council received and considered evidence concerning the proposed applications; and

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

**WHEREAS**, in 2001, the City Council of the City of Solana Beach certified a Final Environmental Impact Report and subsequently certified a Final Supplemental Environmental Impact Report (EIR) in 2016 for a multi-phased Santa Fe Christian Schools (SFCS) Master Plan Update pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and

**WHEREAS**, the proposed SFCS Campus Master Plan update which includes construction of a new Multi-Purpose building and Quad building, on-site circulation and parking improvements and the continued use of the temporary “Eagle Dome” structure is consistent with the certified EIR and Supplemental EIR, therefore, no additional environmental analysis is required; and

**WHEREAS**, this decision is based upon the evidence presented at the hearings, 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 request for a MOD for the approval of the proposed update to the multi-phased SFCS Master Plan located at 838 Academy Drive, is conditionally approved based upon the following Findings and subject to the following Conditions; and

3. That the request for a MOD to construct Phase 1b and 1c, Buildings E and F, that exceeds 25 feet in height is conditionally approved based upon the following Finding and subject to the following Conditions; and
4. That the request for a MOD to allow the continued use of the temporary tent structure known as the “Eagle Dome” until July 1, 2023, is conditionally approved based upon the following Findings and Conditions:
5. FINDINGS

In accordance with SBMC Section 17.68.010 (Conditional Use Permits), the City Council must make the following findings to approve construction of buildings exceeding 25 feet high, and use of temporary structures in the Medium-High Residential Zone:

- 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 use is in accordance with the General Plan, the general intent of Title 17 of the SBMC (Zoning Ordinance), and the purposes of the Medium-High Residential Zone which conditionally allows for educational institutions, a height increase from 25 feet to 35 feet, and temporary structures. The Applicant’s request is in accordance with the spirit and intent of the General Plan, which indicates that the MHR Zone is intended to provide for residential development in areas characterized primarily by detached single-family dwellings on older subdivided lots and two-family and multiple-family dwellings within newer, large lot, planned developments. Schools are an integral part of residential neighborhoods serving the education needs of families. The General Plan recognizes that there are a variety of private schools located in various land use designations throughout Solana Beach.

The Applicant’s proposal will increase the number of parking spaces by 51 spaces, from 266 proposed parking spaces at build-out to 317 parking spaces with the buildout of the multi-phased SFCS Master Plan. The applicant would continue the shared parking arrangement with the North Coast Fellowship site containing 73 parking spaces at 940 Genevieve Street to provide parking, consistent with the parking requirements of SBMC Chapter 17.52, until Phase 1c (and the removal of the Eagle Dome) of the SFCS Master Plan is completed and Parking Lots D and F are built, no later than July 1, 2023.

- 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 includes the improvement and modernization of the operations of the SFCS campus, as well as provide the improvement of outdoor usable space and parking. Overall, the proposed project would

construct new buildings to create a more environmentally sensitive and sustainable campus.

As conditioned, the proposed update to the SFCS Master Plan, including the Multi-Purpose and Quad building construction, additional on-site improvements and the continued use of the Eagle Dome temporary tent structure until July 1, 2023 would not be detrimental to the public health, safety, or materially injurious to properties or improvements in the vicinity because the SFCS campus is surrounded primarily by commercial and institutional uses, and impacts on residential neighborhoods and the community would be less than significant, as documented in the Final Supplemental EIR prepared for the proposed project.

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

The project has been evaluated for conformance with all applicable provisions of the zoning ordinance and the Applicant's continued use of the site as an educational institution and continued use of the temporary tent structure known as the "Eagle Dome" until July 1, 2023, could be found consistent with Title 17 (Zoning) as well as applicable provisions of the General Plan if the City Council can make the required findings.

## 6. CONDITIONS

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

### A. Community Development Department Conditions:

- I. The use of the SFCS and North Coast Fellowship facilities shall be appropriately scheduled and restricted until completion of Phase 1c of the SFCS Master Plan and Parking Lots D and F are built.
- II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on May 27, 2020, and located in the project file with a submittal date of January 23, 2020.
- III. Prior to requesting a framing inspection, the Applicant shall be required to submit a height certification, signed by a licensed land surveyor, certifying that the building envelope is in conformance with City Council approval on May 27, 2020. Therefore, the Multi-Purpose building (Building E) shall not exceed 32.33 feet in height from the proposed grade or 202.33 feet above MSL, and the Quad building (Building F) shall not exceed 33.49 feet in height from the proposed grade or 198.33 feet above MSL.

- IV. The Eagle Dome temporary tent structure shall be removed and replaced with Parking Lot D, as shown on the SFCS Master Plan Update site plan upon completion of Phase 1c, or July 1, 2023, whichever occurs first.
- V. Prior to demolition of existing structures and associated infrastructure, the Applicant will perform a Lead-Based Paint (LBP) survey of the buildings. Additionally, surface soil samples will be collected around the drip line of buildings where the exterior paint is identified as positive for LBP. Soil samples will be analyzed for organochlorine pesticides to evaluate impacts from termicide application. The results will be compared with RWQCB Environmental Screening Levels and EPA Regional Screening Levels for unrestricted use. Samples with lead or OCP results exceeding the screening levels will be further investigated with step-out and deeper analysis to determine if removal action is necessary.
- VI. All applicable development impact fees shall be paid at time of building permit issuance including, but not limited to, traffic impact fees, park development fees, and sewer fees.
- VII. All of the conditions of this Conditional Use Permit are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time may result in the revocation of the permit granted for the use of the property.
- VIII. The Applicant shall obtain required California Coastal Commission (CCC) approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of a grading or building permit.
- IX. 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.
- X. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC 17.60.060.
- XI. 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.
- XII. Construction vehicles shall be parked on the subject property at all times when feasible. If construction activity prohibits parking on the subject property, the Applicant shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on

Academy Drive and Ida Avenue and minimize impact to the surrounding neighbors.

B. Engineering Conditions

- I. The Applicant is required to obtain an Encroachment Permit in accordance with SBMC Section 11.20 prior to any work being done in the public right-of-way. These include, but are not limited to:
  - a) Construction of the proposed 18-inch storm drain pipe.
  - b) Construction and grading of the fire access lane.
  - c) Construction for the replacement of any damaged sidewalk panels.
- II. The Applicant 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 improvements in the Public Right-Of-Way including but not limited to:
  - a) 18-inch storm drain pipe.
- III. All of the conditions of this Conditional Use Permit are continuing conditions from Phase 1A and approved Master Plan. Failure of the Applicant to comply with any or all of said conditions at any time may result in the revocation of the permit granted for the use of the property.
- IV. The Applicant shall complete to the satisfaction of the City Engineer all grading, paving, public improvements, landscaping, and drainage improvements.
- V. The Applicant shall underground all new utility services including, but not limited to, electrical and telephone.
- VI. 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.
- VII. Construction fencing shall be located on the subject property unless the Applicant has obtained an Encroachment Permit in accordance with chapter 11.20 of the SBMC which allows otherwise.

GRADING:

- VIII. Obtain a Grading Permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a grading permit shall include, but not be limited to, the following:
  - a) The Applicant shall obtain a grading plan prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in



accordance with Chapter 15.40 of the Solana Beach Municipal Code.

- b) The Applicant shall obtain a Soils Report prepared by a Registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The grading plan shall incorporate all recommendations contained in the soils report.
- c) The Applicant shall provide a Drainage Report prepared by a Registered Civil Engineer. This report shall address the design for detention basin and corresponding outflow system to ensure the rate of runoff for the proposed development is at or below that of pre-existing condition. All recommendations of this report shall be incorporated into the Preliminary Grading Plan. A detention basin easement(s) shall be recorded for maintenance of the detention basins by the property owner(s) in perpetuity, prior to Final Inspection of the Building Permit.
- d) The Applicant shall show all retaining walls and drainage structures. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code. Contact the Community Development department for further information.
- e) The Applicant is responsible to protect the adjacent properties during construction. If any grading, construction activity, access or potential construction-related impacts are anticipated beyond the property lines, as determined by the City Engineer, the Applicant shall obtain a letter of permission from the adjoining property owners. All required letters of permission shall be submitted to the City Engineer prior to the issuance of the grading permit.
- f) Cut and fill slopes shall be set back from site boundaries and buildings shall be set back from cut or fill slopes in accordance with SBMC 15.40.140 and to the satisfaction of the City Engineer.
- g) The Applicant shall pay a grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.
- h) The Applicant shall obtain and submit grading security in a form prescribed by the City Engineer.

- i) The Applicant shall obtain haul permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.
- j) The Applicant shall submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by the Engineer of Record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and the Soils Engineer certifying the as-built conditions.
- k) An Erosion Prevention and Sediment Control Plan shall be prepared by the Applicant. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.
- l) The Applicant shall show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.
- m) Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.
- n) Prior to obtaining a building permit, submit a building pad certification statement from a soils engineer and an engineer or land surveyor licensed in Land Surveying per SBMC 15.40.230E.
- o) The building permit shall be issued concurrently with the grading permit.
- p) No increased cross lot drainage shall be allowed.

#### C. 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. **DEAD ENDS:** All dead-end fire access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than four (4) structures. The minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet in residential areas with no parking.
- III. **GRADE:** The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).
- IV. **GATES:** All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Solana Beach Fire Department standards.
- V. **CONSTRUCTION MATERIALS:** Prior to delivery of combustible building construction materials to the project site all of the following conditions shall be completed to the satisfaction of the Fire Department:
- a) All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency;
  - b) As a minimum the first lift of asphalt paving shall be in place to provide a permanent all weather surface for emergency vehicles; and
  - c) Water supply for fire protection (fire hydrants and standpipes) shall be installed, in service and accepted by the Fire Department and applicable water district.
- VI. **POSTING OR STRIPING ROADWAYS "NO PARKING FIRE LANE":** Fire Department access roadways, when required, shall be properly identified as per Solana Beach Fire Department standards. The

means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

- VII. 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.
- VIII. FIRE HYDRANTS AND FIRE FLOWS: The Applicant shall provide fire hydrants of a type, number, and location satisfactory to the Solana Beach Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Multi-family residential or industrial fire hydrants shall have two (2) 4" inch and two (2) 2 ½" inch NST outlets. Residential fire hydrants shall have one (1) 4" inch NST outlet, and one (1) 2 ½" inch NST outlets.
- IX. ADDRESS NUMBERS: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.
- X. AUTOMATIC FIRE SPRINKLER SYSTEM: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department.
- XI. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.
- XII. FIRE ALARM SYSTEM: A California State Fire Marshal listed fire alarm system is required and shall be designed and installed per NFPA 72, California Fire Code and Solana Beach Fire Department requirements.
- XIII. SOLAR PHOTOVOLTAIC INSTALLATIONS (Solar Panels): Solar Photovoltaic systems shall be installed per the California Fire Code and Solana Beach Fire Department requirements.

7. **ENFORCEMENT:** Pursuant to SBMC Section 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.
8. **EXPIRATION:** The Conditional Use Permit for the SFCS Master Plan Update project will expire in ten years from the date of this approval, unless the Applicant has obtained building permits and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council.
9. **INDEMNIFICATION AGREEMENT:** The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Applicant shall pay all of the costs related thereto including, without limitation, reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by Applicant.
10. **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 special meeting of the City Council of the City of Solana Beach, California, held on the 27<sup>th</sup> day of May 2020, by the following vote:

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

ABSTAIN: Councilmembers –

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

**RESOLUTION NO. 2020-066**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT AND AN ADMINISTRATIVE STRUCTURE DEVELOPMENT PERMIT FOR PHASE 1B AND 1C, MULTIPURPOSE BUILDING AND QUAD BUILDING AT SANTA FE CHRISTIAN SCHOOL, LOCATED AT 838 ACADEMY DRIVE**

**APPLICANT: SANTA FE CHRISTIAN SCHOOL  
CASE NO.: DRP 19-006 AND SDP 19-007**

**WHEREAS**, Santa Fe Christian School (hereinafter referred to as “Applicant”) has submitted an application for a Development Review Permit (DRP) and an administrative Structure Development Permit (SDP) pursuant to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

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

**WHEREAS**, at the Public Hearing on May 27, 2020, the City Council received and considered evidence concerning the proposed application; and

**WHEREAS**, the City Council of the City of Solana Beach certified the Final Supplemental Environmental Impact Report (EIR) for the multi-phased Santa Fe Christian Schools (SFCS) Master Plan Update pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and

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

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

1. That the foregoing recitations are true and correct.
2. That the project is identified as Phase 1b and 1c of the SFCS Master Plan Update for which a Supplemental EIR was certified by the City Council.
3. That the request for a Development Review Permit (DRP) and an administrative Structure Development Permit (SDP) to build a new Multi-Purpose building (Building E) and Quad building (Building F) in the SFCS Master Plan Update containing a combined 51,975 square feet of floor area on the 15.65-acre campus located at 838 Academy Drive. The property is zoned Medium-High Residential (MHR) and is partially located within the Hillside Overlay Zone (HOZ). As designed,

the proposed project will require 11,600 cubic yards of cut and export. The project is conditionally approved based upon the following Findings and subject to the following Conditions:

#### 4. FINDINGS

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

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

General Plan Consistency: The project, as conditioned, is consistent with the City's General Plan designation of Medium-High Residential, which allows for school uses in residential neighborhoods. Further, the proposed development is consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

Zoning Ordinance Consistency: The proposed project is consistent with all applicable requirements of the Zoning Ordinance (Title 17) Permitted Uses and Structures (SBMC 17.20.020), which provides for use of the property as a school (educational institution) with a conditional use permit (CUP) approved by the City Council.

The design of the project is consistent with the provisions for minimum setbacks, the maximum floor area ratio (FAR), maximum building height, up to 35-feet with approval of a MOD by the City Council.

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

- a. *Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and where feasible, complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects, as well as protection of the property from adverse surrounding influences.*

The proposed project is designed in a manner compatible and complementary to development in the area in that the subject property, as well as the adjacent residential property to the south on Mola Vista Way, and is located within the MHR Zone. Properties to the west are zoned Office Professional (OP) and the property to



the north is zoned General Commercial (C). The commercial property to the south is zoned Special Commercial (SC). The site is located adjacent to I-5 to the east. The site frontage and vehicular access is taken from Academy Drive with three driveway curb cuts. The project, as designed, is consistent with conditional uses for the MHR Zone and could be found consistent with the General Plan, which designates the property as Medium Density Residential. The proposed development could be found 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 northern slope of the property is undeveloped and vegetated, and located within the Hillside Overlay Zone. The property is also located within the California Coastal Zone. The Applicant is required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission (CCC) prior to the issuance of a Building Permit.

- b. Building and Structure Placement: Buildings and structures shall be sited and designed in a manner which visually and functionally enhances their intended use.*

The topography of the SFCS campus is elevated at a high point of about 172.3 feet above Mean Sea Level (MSL) and slopes downward toward I-5 to the east, the shopping center to the north, Stevens Creek to the west, and Academy Drive to the south. Buildings E and F will be placed toward the rear, northeastern portion, of the SFCS campus at a pad elevation of 170.00 feet MSL. The maximum height of Building F is 33.49 feet above proposed grade with the tallest story pole was certified at 198.33 feet above MSL. The maximum height of Building E is 32.33 feet above proposed grade with the tallest story pole being certified at 202.33 feet above MSL. Both buildings are partially screened by trees and buildings on the SFCS campus.

- c. Landscaping: The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. Trees and other large plantings shall not obstruct significant views when installed or at maturity.*

New development projects with an aggregate landscape area equal to or greater than 500 square feet are subject to the Water Efficient Landscaping Regulations of SBMC Chapter 17.56 and are required to submit a Landscape Development Package. The Applicant provided a conceptual landscape plan that has been

reviewed by the City's third-party landscape architect for conformance to the City's Water Efficient Landscape Regulations.

The project has been conditioned to comply with current applicable Water Efficient Landscape Regulations of SBMC Chapter 17.56 at the time of building permit submittal. Additionally, a condition of project approval 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.*

The Circulation Plan prepared by the Applicant provides adequate internal vehicle, bicycle and pedestrian access and circulation.

- 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.*

Although the proposed project will require 11,600 cubic yards of cut and export, the project has been designed to blend with the existing terrain to the greatest extent feasible. The project proposes to install landscaping and vegetation that addresses erosion.

- 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 Section 17.60.060 (Exterior Lighting Regulations).*

No athletic field lighting is proposed with the SFCS Master Plan Update. Conditions of project approval require that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC Section 17.60.060). In addition, the

project is conditioned to prohibit any outside illumination for aesthetic or dramatic purposes of any building and/or surrounding landscape, including environmentally sensitive habitat areas (public or private).

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

The SFCS Master Plan contains many usable open space amenities, including athletic fields, student quad, and amphitheater. The Floor Area Ratio (FAR) of the SFCS campus is 0.25, thus most of the land area of the SFCS is open space.

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

All required permits, including a CUP and SDP are being processed concurrently with the Development Review Permit.

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

As a condition of project approval, the Applicant will be required to obtain approval from the California Coastal Commission (CCC) prior to the issuance of Building Permits.

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

The proposed structure exceeds 16 feet in height above the existing grade, therefore, the project shall comply with all of the View Assessment requirements of SBMC Chapter 17.63 and the Applicant was required to complete the SDP process. The Story Pole Height Certification was certified by a licensed land surveyor on February 23, 2020 showing a maximum building height of 33.49 feet above the proposed grade for Building F and a maximum 32.33 feet above the proposed grade for Building E. Notices were mailed to property owners and occupants within 300 feet of the project site establishing a deadline to file for View Assessment by March 26, 2020. No applications for View Assessment were received. Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively.

As a condition of approval, a height certification prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the proposed addition will not exceed 33.49 feet above the proposed grade or 198.33 feet above MSL for Building F and will not exceed 32.33 feet above the proposed grade or 202.33 feet above MSL for Building E, which is the maximum proposed structure height reflected on the project plans.

## 5. CONDITIONS

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

### A. Community Development Department Conditions:

- I. The use of the SFCS and North Coast Fellowship parking facilities shall be appropriately scheduled and restricted until completion of Phase 1c of the SFCS Master Plan and Parking Lots D and F are built.
- II. Building Permit plans must be in substantial conformance with the architectural plans presented to the City Council on May 27, 2020, and located in the project file with a submittal date of January 23, 2020.
- III. 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).
- IV. Prior to requesting a framing inspection, the Applicant shall be required to submit a height certification, signed by a licensed land surveyor, certifying that the building envelope is in conformance with City Council approval on May 27, 2020. Therefore, the Multi-Purpose building (Building E) shall not exceed 32.33 feet in height from the proposed grade or 202.33 feet above MSL, and the Quad building (Building F) shall not exceed 33.49 feet in height from the proposed grade or 198.33 feet above MSL.
- V. The Eagle Dome temporary tent structure shall be removed and replaced with Parking Lot D, as shown on the SFCS Master Plan Update site plan upon completion of Phase 1c, or July 1, 2023, whichever occurs first.
- VI. Prior to demolition of existing structures and associated infrastructure, the Applicant will perform a Lead-Based Paint (LBP) survey of the buildings. Additionally, surface soil samples will be collected around the drip line of buildings where the exterior paint is identified as

positive for LBP. Soil samples will be analyzed for organochlorine pesticides to evaluate impacts from termicide application. The results will be compared with RWQCB Environmental Screening Levels and EPA Regional Screening Levels for unrestricted use. Samples with lead or OCP results exceeding the screening levels will be further investigated with step-out and deeper analysis to determine if removal action is necessary.

- VII. All applicable development impact fees shall be paid at time of building permit issuance, including, but not limited to, traffic impact fees, park development fees, and sewer fees.
- VIII. All of the conditions of this Conditional Use Permit are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time may result in the revocation of the permit granted for the use of the property.
- IX. The Applicant shall obtain required California Coastal Commission (CCC) approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of a grading or building permit.
- X. 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.
- XI. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC 17.60.060.
- XII. 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.
- XIII. Construction vehicles shall be parked on the subject property at all times when feasible. If construction activity prohibits parking on the subject property, the Applicant shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on Academy Drive and Ida Avenue and minimize impact to the surrounding neighbors.

B. Engineering Department Conditions:

- I. The Applicant is required to obtain an Encroachment Permit in accordance with SBMC Section 11.20 prior to any work being done in the public right-of-way. These include, but are not limited to:
  - a) Construction of the proposed 18-inch storm drain pipe.
  - b) Construction and grading of the fire access lane.

- c) Construction for the replacement of any damaged sidewalk panels.
- II. The Applicant 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 improvements in the Public Right-Of-Way including but not limited to:
    - a) 18-inch storm drain pipe.
  - III. All of the conditions of this Conditional Use Permit are continuing conditions from Phase 1A and approved Master Plan. Failure of the Applicant to comply with any or all of said conditions at any time may result in the revocation of the permit granted for the use of the property.
  - IV. The Applicant shall complete to the satisfaction of the City Engineer all grading, paving, public improvements, landscaping, and drainage improvements.
  - V. The Applicant shall underground all new utility services including, but not limited to, electrical and telephone.
  - VI. 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.
  - VII. Construction fencing shall be located on the subject property unless the Applicant has obtained an Encroachment Permit in accordance with chapter 11.20 of the SBMC which allows otherwise.

**GRADING:**

- VIII. Obtain a Grading Permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a grading permit shall include, but not be limited to, the following:
  - a) The Applicant shall obtain a grading plan prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.
  - b) The Applicant shall obtain a Soils Report prepared by a Registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The grading plan shall incorporate all recommendations contained in the soils report.
  - c) The Applicant shall provide a Drainage Report prepared by a Registered Civil Engineer. This report shall address the design for detention basin and corresponding outflow system to ensure the rate of runoff for the proposed development is at or below that of pre-existing condition. All recommendations of this report

shall be incorporated into the Preliminary Grading Plan. A detention basin easement(s) shall be recorded for maintenance of the detention basins by the property owner(s) in perpetuity, prior to Final Inspection of the Building Permit.

- d) The Applicant shall show all retaining walls and drainage structures. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code. Contact the Community Development department for further information.
- e) The Applicant is responsible to protect the adjacent properties during construction. If any grading, construction activity, access or potential construction-related impacts are anticipated beyond the property lines, as determined by the City Engineer, the Applicant shall obtain a letter of permission from the adjoining property owners. All required letters of permission shall be submitted to the City Engineer prior to the issuance of the grading permit.
- f) Cut and fill slopes shall be set back from site boundaries and buildings shall be set back from cut or fill slopes in accordance with SBMC 15.40.140 and to the satisfaction of the City Engineer.
- g) The Applicant shall pay a grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.
- h) The Applicant shall obtain and submit grading security in a form prescribed by the City Engineer.
- i) The Applicant shall obtain haul permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.
- j) The Applicant shall submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by the Engineer of Record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and the Soils Engineer certifying the as-built conditions.

- k) An Erosion Prevention and Sediment Control Plan shall be prepared by the Applicant. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.
- l) The Applicant shall show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.
- m) Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.
- n) Prior to obtaining a building permit, submit a building pad certification statement from a soils engineer and an engineer or land surveyor licensed in Land Surveying per SBMC 15.40.230E.
- o) The building permit shall be issued concurrently with the grading permit.
- p) No increased cross lot drainage shall be allowed.

### C. 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. DEAD ENDS: All dead-end fire access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than four (4) structures. The



minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet in residential areas with no parking.

- III. **GRADE:** The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).
- IV. **GATES:** All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Solana Beach Fire Department standards.
- V. **CONSTRUCTION MATERIALS:** Prior to delivery of combustible building construction materials to the project site all of the following conditions shall be completed to the satisfaction of the Fire Department:
  - a) All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency;
  - b) As a minimum the first lift of asphalt paving shall be in place to provide a permanent all weather surface for emergency vehicles; and
  - c) Water supply for fire protection (fire hydrants and standpipes) shall be installed, in service and accepted by the Fire Department and applicable water district.
- VI. **POSTING OR STRIPING ROADWAYS "NO PARKING FIRE LANE":** Fire Department access roadways, when required, shall be properly identified as per Solana Beach Fire Department standards. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
- VII. **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.
- VIII. **FIRE HYDRANTS AND FIRE FLOWS:** The Applicant shall provide fire hydrants of a type, number, and location satisfactory to the Solana

Beach Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Multi-family residential or industrial fire hydrants shall have two (2) 4" inch and two (2) 2 ½" inch NST outlets. Residential fire hydrants shall have one (1) 4" inch NST outlet, and one (1) 2 ½" inch NST outlets.

- IX. ADDRESS NUMBERS: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.
  - X. AUTOMATIC FIRE SPRINKLER SYSTEM: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department.
  - XI. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.
  - XII. FIRE ALARM SYSTEM: A California State Fire Marshal listed fire alarm system is required and shall be designed and installed per NFPA 72, California Fire Code and Solana Beach Fire Department requirements.
  - XIII. SOLAR PHOTOVOLTAIC INSTALLATIONS (Solar Panels): Solar Photovoltaic systems shall be installed per the California Fire Code and Solana Beach Fire Department requirements.
6. **ENFORCEMENT:** Pursuant to SBMC Section 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.16 and 1.18 in addition to any applicable revocation proceedings.
7. **EXPIRATION:** The DRP and SDP for the project will 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, subject to SBMC Section 17.72.110.

8. **INDEMNIFICATION AGREEMENT:** The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.
9. **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 27<sup>th</sup> day of May 2020, by the following vote:

AYES: Councilmembers –

NOES: Councilmembers –

ABSENT: Councilmembers –

ABSTAIN: Councilmembers –

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

## **Project Plans**

Viewing Link

[https://www.dropbox.com/sh/d0nnn3fe4wiug3j/AADNB\\_LxEL3AyXbMHBD5jH2za?dl=0](https://www.dropbox.com/sh/d0nnn3fe4wiug3j/AADNB_LxEL3AyXbMHBD5jH2za?dl=0)



## PHASE 1B & 1C - QUAD + MULTIPURPOSE BUILDINGS

MAY 13, 2020

*SAFDIE RABINES*  
ARCHITECTS

**Attachment 5**





**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**AERIAL VIEW FROM WEST**  
MAY 13, 2020

**SAFDIE RABINES**  
**ARCHITECTS**





**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**VIEW FROM CENTRAL QUAD**  
MAY 13, 2020

**SAFDIE RABINES**  
**ARCHITECTS**





SAFDIE RABINES ARCHITECTS



**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**VIEW FROM SOUTH LOOKING INTO QUAD**  
MAY 13, 2020

**SAFDIE RABINES**  
**ARCHITECTS**









SAFDIE RABINES ARCHITECTS



**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**VIEW TOWARDS SOUTH**  
MAY 13, 2020

**SAFDIE RABINES  
ARCHITECTS**





**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**VIEW FROM SOUTHEAST**  
MAY 13, 2020

**SAFDIE RABINES**  
**ARCHITECTS**





**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**VIEW FROM SOUTHEAST WITH FIRE ACCESS ROAD**  
MAY 13, 2020

**SAFDIE RABINES**  
**ARCHITECTS**





SAFDIE RABINES ARCHITECTS



**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**AERIAL VIEW FROM EAST**  
MAY 13, 2020

**SAFDIE RABINES**  
**ARCHITECTS**





**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**VIEW OF EAST ENTRY**  
MAY 13, 2020

**SAFDIE RABINES**  
**ARCHITECTS**





SAFDIE RABINES ARCHITECTS



**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**EXISTING CAMPUS PLAN**  
MAY 13, 2020

**SAFDIE RABINES**  
**ARCHITECTS**





SAFDIE RABINES ARCHITECTS



**SANTA FE CHRISTIAN SCHOOLS**  
838 ACADEMY DRIVE, SOLANA BEACH, CA 92075

**EXISTING CAMPUS PLAN**  
MAY 13, 2020

**SAFDIE RABINES**  
ARCHITECTS





April 8, 2020

Joseph Lim  
Community Development Director  
City of Solana Beach  
635 S. Highway 101  
Solana Beach, CA 92075

Dear Joseph,

**Thank you for the opportunity to present an overview of Santa Fe Christian Schools' building project.** The following outlines the scope of the project, extension to the Eagle Dome, improvements to the previous master plan, benefits of the project, project timeline, and community outreach. It is important to note that SFC is not asking for any changes to the enrollment of students or faculty previously approved in our CUP.

#### Benefits of Project

- Increased on-site parking
- Reduced traffic in the neighborhood
- Aesthetically pleasing facility
- Improved state-of-the-art teaching facilities
- Community use of multi-purpose building
- Improved relationships with neighbors

#### Scope of Work

SFC is proposing to construct a 43,927 square foot quad building and a 25,820 square foot multi-purpose building. These buildings will be the heart of the campus, replacing **current classrooms that were originally constructed in the 1940's as a motel and the numerous portable structures.** Construction of the two new 3-story buildings will be developed with beautiful landscaping and an increased number of surface parking spaces.

#### Quad Building (43,927 SF)

The quad building is an educational building with classrooms, offices, support spaces, trellis/canopy, and site retaining walls.



Level 1 = 21,440 SF (Building = 6,952 SF, Basement = 5,552 SF, Parking Garage = 8,936 SF)

Level 2 = 16,475 SF

Level 3 = 6,012 SF

Total GSF = 43,927 SF

#### Multi-Purpose Building (25,820 SF)

The multi-purpose building will include a basketball court, stage for educational use, support spaces, trellis/canopy, and site retaining walls.

Level 1 = 4,831 SF (Building = 1,367 SF, basement = 3,464 SF)

Level 2 = 17,287 SF

Level 3 = 3,702 SF

Total GSF = 25,820 SF

#### Development Total (Quad + Multi-Purpose)

Total GSF = 69,747 SF (Building = 51,795 SF, Basement/Garage = 17,952 SF)

These two facilities will include:

- Increased on-site parking by 25% (291 to 364 spaces)
- 22-25 innovative and flexible classrooms
- 17 permanent classrooms
- Maker Space/ STEM room
- Prestigious art lab
- 2 art-specific classrooms
- Conference spaces
- Administrative offices for Upper and Middle School
- Teacher resource space
- A café and serving kitchen for use by students, teachers, and the greater community
- Multi-purpose building will house a full regulation basketball court that can double as a theatre, a stage and telescopic seating (500 seats), and concessions.
- Drama classroom
- Band classroom
- Choir classroom

#### Eagle Dome Extension

Currently, the Eagle Dome is a multi-purpose space for the Lower School students, used for indoor play, sports, and extracurricular activities. During the three to four-year approval and construction process for phases 1B and 1C, we plan to utilize this space as an overflow for other student activities. Once Phase 1C construction commences on July 1, 2023 or sooner if possible, the Eagle Dome can be removed.

### Minor Improvements to Master Plan

The most significant improvement to the current master plan is the proposed traffic management plan that, once complete, should take a considerable amount of traffic off of Academy Drive along with the addition of 73 on-site parking spaces. Other minor changes made: eliminated and moved buildings and in exchange, added square footage to the proposed quad and multi-purpose buildings.

### Project Schedule

The project could commence as soon as the summer of 2020 or 2021 which would depend on approval from the City Council and the Coastal Commission. We are anticipating, conservatively, an 18-month build-out, furnishing and move-in of the Quad Building.

### Outreach to the Community

All neighbors from the list provided to us from the City of Solana Beach, have been mailed information about the pending project and our contact information. Our **outreach has extended beyond the 300' radius of our campus, as required by the city.** SFC is actively reaching out to our neighbors in the Eden Gardens and Mola Vistas areas along with the commercial tenants on Academy Drive in order to build relationships. We have hosted dinners on our campus, shared project plans, and listened to their concerns and made adjustments for the benefit of our neighbors. As a result, we now have a strong relationship with them and are able to communicate freely. It is our intent to be good neighbors and continue to support Eden Gardens financially through the City of Solana Beach.

Thank you again for the opportunity to present our project overview as well as demonstrate how the project mutually benefits the City of Solana Beach and SFC. We look forward to the city council's support of this project at the meeting in May.

Best regards,



Rod Gilbert  
Head of Schools

cc: Keith Francis  
Kurt DeFyfer  
Lauren Grizzle

May 12, 2020

Joseph Lim  
Community Development Director  
City of Solana Beach

Dear Mr. Lim,

I am writing to let you know that my family and I are in full support of Santa Fe Christian Schools' (SFCS) building project. I have lived in Solana Beach since 1990 and my wife and I have 5 kids that all attend SFCS. We have watched as the other schools in Solana Beach have gone through complete remodels and we are excited to see the future improvements at SFCS.

The SFCS building project will provide a huge benefit to our family and the community. This project will reduce the traffic in the neighborhood and significantly increasing the on-site parking. This project will also enable the school to have state of the art teaching facilities and a multi-purpose building that both the school and the community will be able to use.

This plan has been in the works for years and has the support of both the SFCS community and the neighboring community in Solana Beach.

My family and I encourage you and the Solana Beach City Council to support this project and allow SFCS to improve our school and the City of Solana Beach.

Sincerely,

Patrick Lenihan  
The Lenihan Family  
[REDACTED]  
Solana Beach, CA 92075  
[REDACTED]  
[REDACTED]



**From:** [Sonia Sturgeon](#)  
**To:** [Joseph Lim](#)  
**Subject:** Letter of support for SFCS  
**Date:** Wednesday, May 20, 2020 10:17:46 AM

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May 20, 2020

Joseph Lim  
Community Development Director  
City of Solana Beach

Dear Mr. Lim,

I am writing to let you know that my family and I are in full support of Santa Fe Christian Schools' (SFCS) building project. We moved to Solana Beach two years ago, specifically so that our children could attend SFCS. Having been born and raised in San Diego, we have seen schools around the county receive many improvements and upgrades, and we are looking forward to the same for SFCS.

The SFCS building project will provide a huge benefit to our family and the community. This project will reduce the traffic in the neighborhood and significantly increasing the on-site parking. This project will also enable the school to have state of the art teaching facilities and a multi-purpose building that both the school and the community will be able to use.

This plan has been in the works for years and has the support of both the SFCS community and the neighboring community in Solana Beach.

My family and I encourage you and the Solana Beach City Council to support this project and allow SFCS to improve our school and the City of Solana Beach.

Sincerely,

Paige Sturgeon  
The Sturgeon Family  
[REDACTED]  
Solana Beach, CA 92075  
[REDACTED]

**CAUTION:** External e-mail. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**Attachment 8**



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** Community Development Department  
**SUBJECT:** **Public Hearing: Request for DRP, VAR, and SDP to Construct a Detached ADU and an Attached Deck as well as Perform Associated Site Improvements Including a Fire Access Hammerhead Turnaround at 318 South Nardo Avenue. (17-17-40 Applicant: McHale; APN: 298-084-48; Resolution 2020-034)**

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## **BACKGROUND:**

The Applicants, Richard and Rachel McHale, are requesting City Council approval of a Development Review Permit (DRP), Variance (VAR), and Structure Development Permit (SDP) to construct a detached Accessory Dwelling Unit (ADU) and a deck attached to the Principal Residence as well as perform associated site improvements including a hammerhead turnaround in the driveway for required fire access at 318 South Nardo Avenue. The 32,969 square-foot lot is located within the Low Residential (LR) Zone, Scaled Residential Overlay Zone (SROZ), and Hillside Overlay Zone (HOZ).

The project proposes grading in the amounts of approximately 350 cubic yards of cut, 100 cubic yards of fill, and 250 cubic yards of export. The project requires a DRP for development in the HOZ, grading in excess of 100 cubic yards, and new construction in excess of 60 percent of the maximum allowable floor area. A SDP is required for new construction in excess of 16 feet in height measured from the pre-existing grade. The Applicants are requesting a VAR to exceed maximum allowable fence and wall height in the front-yard setback to construct a walkway to the proposed ADU.

The issue before the Council is whether to approve, approve with conditions, or deny the Applicants' request as contained in Resolution 2020-034 (Attachment 1).

## **DISCUSSION:**

The property is flag lot located on the east side of South Nardo Avenue south of the intersection with Corto Street. The main portion of the lot is relatively rectangular in shape

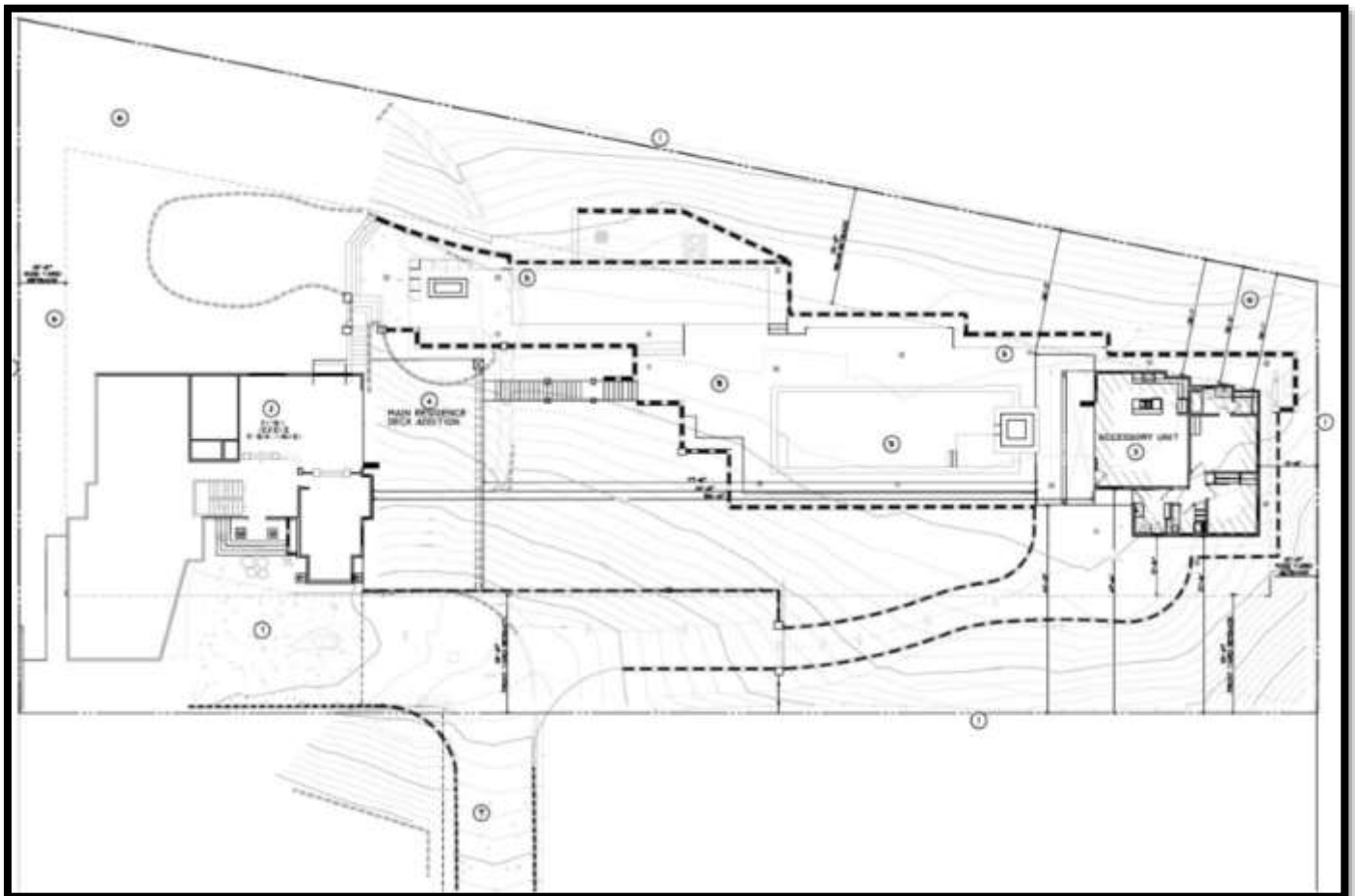
CITY COUNCIL ACTION:

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with longer lot lines at the east and west property lines. The west property line is considered the front where the flag portion of the lot provides access from South Nardo Avenue. The side property lines are perpendicular to the front property line, and the northern side property line is longer than the southern side property line. The driveway provides access to the main portion of the lot just north of the center of the west (front) property line.

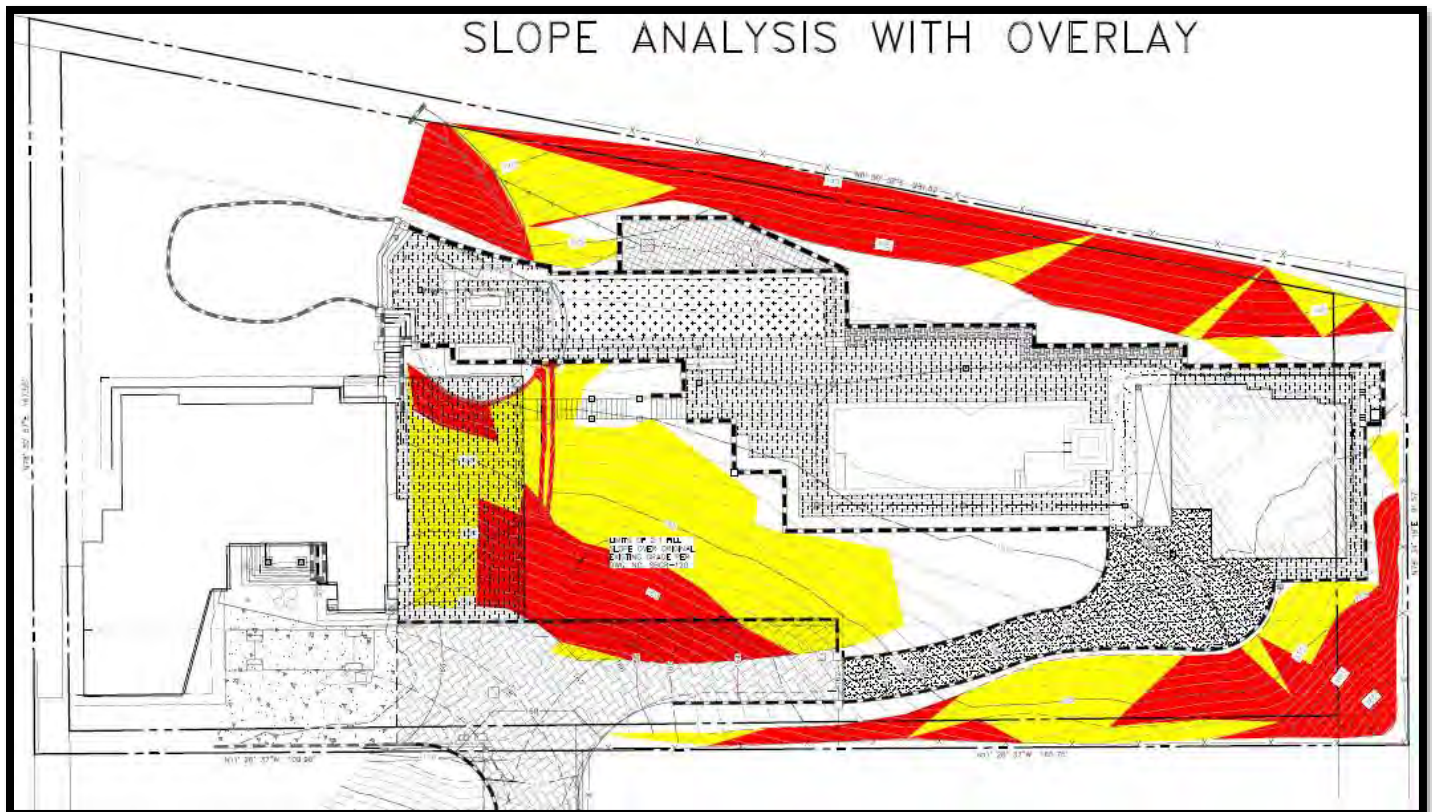
The Applicants are requesting approval to construct a 1,090 square-foot detached ADU and an approximately 1,262 square-foot uncovered deck attached to the existing principal residence as well as associated site improvements including an expanded driveway to accommodate fire access and combination fences and retaining walls to accommodate a pedestrian walkway to access the proposed ADU. The project plans are provided in Attachment 2. The architectural site plan is below.



The property is developed with a single-family residence located in the northwest corner of the main portion of the lot. The property is located in the HOZ and there are steep slopes that exceed 25 percent throughout the site. The driveway slopes down from South Nardo Avenue and turns north to access a relatively flat pad for the residence and garage. The grade continues to slope down significantly toward the east through the main portion of the property with an overall grade elevation change of approximately 30 feet (from the



front to rear property lines). The Applicants provided two slope analyses, which delineate between slopes that are less than 25 percent (no color), between 25-40 percent (yellow), and in excess of 40 percent (red). The areas in yellow and red are subject to the development regulations of the HOZ. The first Slope Analysis is drawn over the existing site survey/existing improvements on Sheet C-3 of the project plans. The Applicants also provided a slope analysis that includes the proposed improvements, which is provided below and included on Sheet C-4 of the project plans.



The existing development was previously permitted by the Council under two separate projects. In 2000, the Council approved a DRP/SDP (17-00-10, "Rhe Residence") under Resolution 2000-54, for construction of a single-family residence on a vacant lot. The Council found the project to be consistent with the HOZ, which allows "minor grading for the construction of one single-family dwelling unit and driveway for up to 20 percent of a legal lot consisting entirely of slopes of 25 percent or greater may be permitted if other nongrading approaches to development are not feasible" (SBMC Section 17.68.020(F)(2)). The City Council allowed the former Applicant to construct a single-family residence and driveway in compliance with the HOZ regulations.

After Council approval, a Grading Permit (SBGR 120) was issued and completed to construct the driveway and building pad. The grading work included placing backfill on top of the existing steep slope to the east of the curved driveway retaining wall. The area of the 2:1 fill slope is delineated on both slope analyses provided in the project plans

(Sheets C-3 and C-4). This work raised the elevation of the top of slope in that portion of the lot.

The Building Permit for the Rhe Residence was never issued. It is Staff's understanding that after the grading was completed, the property sold, the original DRP expired, and the new owners pursued Council approval of a different single-family home design. Council approved a DRP/SDP (17-04-23, "Hock Residence") under Resolution 2004-167 for construction of a two-story, 4,342 square-foot residence and a 580 square-foot garage, which is the development that exists on site today.

It should also be noted that in 2004, the southern property line was contiguous with the southern boundary of the driveway and another vacant flag lot was located to the south. Then in 2007, a lot consolidation was approved combining the two flag lots into one and expanding the subject property to include the vacant land south of the driveway entrance.

The current driveway configuration does not meet the required fire access standards. Any fire access in excess of 100 feet requires a hammerhead turnaround in order to accommodate ingress and egress for emergency vehicles. When the current application was submitted, Staff determined that the required fire access improvements to the driveway would qualify for the allowance to develop on slopes in excess of 25 percent for the construction of one single-family dwelling unit and a driveway pursuant to SBMC Section 17.68.020(F)(2). Therefore, the grading necessary to construct the hammerhead turnaround that is partially located in slopes greater than 25 percent would be compliant with the provisions of the HOZ. As a condition of approval, an open space deed restriction to protect the remaining areas of steep slopes on the lot shall be recorded pursuant to the provisions of the HOZ.

Since the improvements to the driveway in slopes over 25 percent were found to be permissible, the Applicants requested that the proposed deck be permitted to utilize the new retaining wall required for the driveway improvements to also support the west end of the proposed deck. The proposed deck would span from the new driveway retaining wall, above the remainder of the steep slope, and the eastern support column would be located outside of the steep slope. The HOZ is silent on whether structures can be located above a steep slope while not directly impacting the slope. As with the overall project, the Council will need to consider whether this aspect of the project is consistent with the HOZ.

Construction of the deck would also include excavation of the 2:1 fill slope immediately adjacent to (east of) the existing curved driveway retaining wall. This "fill slope" was added under City-issued grading permit (SBGR 120). The top of this steep slope is considered to be a manufactured slope, and therefore, not subject to the limits of the HOZ and could be removed to match the grade prior to the work completed under SBGR120 (the pre-existing grade as of July 1, 1985). The Applicants propose to excavate the manufactured fill slope in order to construct the proposed deck.

The hammerhead turnaround is required to be fairly flat in order to meet fire access requirements. Therefore, the finished grade at the southernmost end of the turnaround would be raised approximately seven feet and would be supported by retaining walls with

safety guardrails. The Applicants are proposing a pedestrian walkway to extend from the raised driveway down to the southeast portion of the lot, where the proposed ADU would be located. The walkway would be hardscape over a raised grade supported by retaining walls on either side, consistent with the driveway. The Applicants are requesting a VAR for the proposed retaining walls with guardrails to exceed the maximum allowable fence and wall height in the front-yard setback. The Applicants' request and justification for the Variance is included in Attachment 3. Additional analysis on the VAR is provided later in this report.

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

<b>Table 1</b>			
<b>LOT INFORMATION</b>			
<b>Property Address:</b>	318 S. Nardo Ave.	<b>Zoning Designation:</b>	LR (3 du/ac)
<b>Lot Size (Gross):</b>	32,969 ft <sup>2</sup>	<b># of Units Allowed:</b>	1 Dwelling Unit, 1 ADU
<b>Max. Allowable Floor Area:</b>	5,723 ft <sup>2</sup>	<b># of Units Requested:</b>	1 Dwelling Unit, 1 ADU
<b>Proposed Floor Area:</b>	5,612 ft <sup>2</sup>	<b>Setbacks:</b>	<b>Required</b> <b>Proposed</b>
<b>Below Max. Floor Area by:</b>	111 ft <sup>2</sup>	Front (W)	25 ft.      10 ft.*
<b>Max. Allowable Height:</b>	25 ft.	Interior Side (N)	10 ft.      10 ft.
<b>Max. Height ADU:</b>	17.52 ft.	Interior Side (S)	10 ft.      12 ft.
<b>Highest Point/Ridge ADU:</b>	165.58 MSL	Rear (E)	25 ft.      25 ft.
<b>Max. Height Deck:</b>	20.38 ft.		
<b>Highest Point/Ridge Deck:</b>	167.5 MSL	*Existing house is in the required front-yard setback	
<b>PROPOSED PROJECT INFORMATION</b>			
<b>Floor Area Breakdown:</b>		<b>Required Permits:</b>	
Existing Residence	4,342 ft <sup>2</sup>	<b>DRP:</b> Development in the HOZ, Grading in excess of 100 yd <sup>3</sup> , Construction in excess of 60% of maximum allowable Floor Area	
Existing Garage	580 ft <sup>2</sup>		
Proposed ADU	1,090 ft <sup>2</sup>		
Subtotal	6,012 ft <sup>2</sup>	<b>VAR:</b> Develop in steep slopes in HOZ, exceed maximum allowable fence height in front-yard	
Off-Street Parking Exemption	- 400 ft <sup>2</sup>		
<b>Total Floor Area:</b>	<b>5,612 ft<sup>2</sup></b>	<b>SDP:</b> Construction in excess of 16' in height measured above the pre-existing grade	
<b>Proposed Parking:</b> 2 Spaces Attached Garage		<b>Proposed Grading:</b>	
<b>Proposed Fences and Walls:</b> Yes		Cut: 350 yd <sup>3</sup>	
<b>Proposed Accessory Dwelling Unit:</b> Yes		Fill: 100 yd <sup>3</sup>	
<b>Proposed Accessory Structure:</b> Yes		Export: 250 yd <sup>3</sup>	
<b>Existing Development:</b> Single-Family Residence and Attached Garage		Aggregate 450 yd <sup>3</sup>	

It should be noted that the application was submitted in 2017 and, therefore, subject to Ordinance 470, which were the ADU regulations in place at that time (Attachment 4). Also, the interpretation for setbacks on flag lots has changed since the existing single-family residence was approved in 2004. Therefore, the existing residence is considered legal nonconforming as the western portion is located in the front-yard setback. The proposed project would not modify the existing residence and, therefore, would comply



with the nonconforming regulations set forth in SBMC Chapter 17.16. The proposed deck and ADU would comply with all required setbacks.

Staff has prepared draft findings for approval of the project in the attached Resolution 2020-034 for Council's consideration based upon the information in this report. The applicable SBMC sections are provided in italicized text and conditions from the Community Development, Engineering, and Fire Departments are incorporated in the Resolution of Approval. The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the public hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

The following is a discussion of the findings for a DRP as each applies to the proposed project as well as references to recommended conditions of approval contained in Resolution 2020-034.

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

A DRP is required because the proposal includes development in the HOZ, grading in excess of 100 cubic yards, and construction in excess of 60 percent of the maximum allowable floor area for the property. 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 2020-034 provides the full discussion of the findings.

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

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

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

#### Relationship with Adjacent Land Uses:

The property is located within the LR Zone. Properties to the north, south and west are also located within the LR Zone and developed with a mixture of one- and two-story single-family residences. Properties to the east are located in the Light Industrial (LI) Zone and are developed with personal storage and warehousing uses. The project, as designed, is consistent with the permitted uses for the LR Zone as described in SBMC Sections 17.20.010 and 17.12.020. With the approval of the VAR for fence and wall height, the project could also be found to be consistent with the development regulations described in SBMC Section 17.20.040.

The property is designated Low Residential in the General Plan and intended for single-family residences developed at a maximum density of three dwelling units per acre. The proposed development could be found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is located within the SROZ and HOZ. The project is consistent with the SROZ and, as conditioned, could be found consistent with the HOZ. The development is located in natural steep slopes associated with the required improvements/expansion to the driveway to accommodate a fire access hammerhead turnaround would comply with the provisions of the HOZ, pursuant to SBMC Section 17.68.020(F)(2), which allows for development in slopes greater than 25 percent for the construction of a single-family residence and driveway. The proposed deck attached to the principle residence would comply with the provisions of the HOZ as the construction would not impact natural steep slopes or degrade the scenic qualities of the steep slopes located on site. As a condition of approval, the Applicants shall record an open space deed restriction to preserve the remaining natural steep slopes on site.

The subject property is also located within the Coastal Zone. As a condition of project approval, the Applicants would be required to obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of Building or Grading Permits.

#### Building and Structure Placement:

The Applicants propose to construct a 1,090 square-foot ADU in the lower southeast corner of the lot and an approximately 1,262 square-foot uncovered deck on the south side of the existing Principal Residence. Other associated site improvements include an expansion of the existing driveway to the south in order to accommodate a hammerhead turn-around required for fire access as well as grading and construction of combination retaining walls and guard rails to create a pedestrian and fire access walkway from the driveway down to the proposed ADU.

The location and design of the expanded driveway, hammerhead turnaround, and pedestrian walkway are limited to the constraints of the existing topography and emergency access regulations. However, with approval of the requested VAR from fence and wall regulations, the proposed improvements would otherwise comply with applicable regulations.

The SBMC parking regulations require two off-street parking spaces per single-family residence. The property is within one-half mile from a transit stop and, therefore, an off-street parking space is not required for the ADU. The Code indicates that when required spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. The site is required to provide two parking spaces; therefore, the project is afforded a 400 square-foot exemption. With the exemption, the total proposed floor area would be 5,612 square feet, which is 111 square feet below the maximum allowable floor area for the 32,969 square-foot lot.

The maximum floor area calculation for this project is as follows:

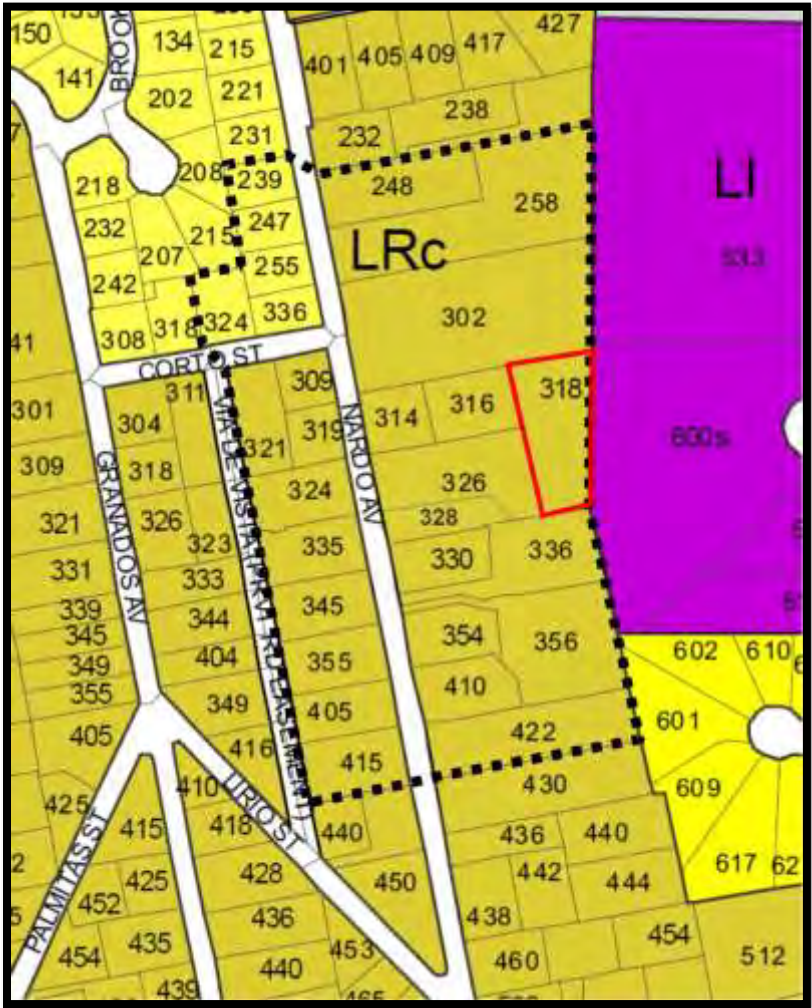
0.50 for first 6,000 ft <sup>2</sup>	3,000 ft <sup>2</sup>
0.175 for 6,001 to 15,000 ft <sup>2</sup>	1,575 ft <sup>2</sup>
0.10 for 15,001 to 20,000 ft <sup>2</sup>	500 ft <sup>2</sup>
0.05 for anything over 20,001 ft <sup>2</sup>	648 ft <sup>2</sup>
<u>Maximum Allowable Floor Area:</u>	<u>5,723 ft<sup>2</sup></u>

The improvements included in the proposed project, as designed, meet the minimum required setbacks and the overall development is below the maximum allowable floor area for the property.

Neighborhood Comparison:

Staff compared the proposed project to 27 other properties within the surrounding area. This area includes properties along both sides of South Nardo Avenue and Corto Street as well as properties along the east side of Via de Vista, 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 1,348 square feet to 5,736 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:

Project Gross Building Area:	6,012 ft <sup>2</sup>
Delete Attached Garage:	- 580 ft <sup>2</sup>
<hr/>	
Project Area for Comparison to Assessor's Data:	5,432 ft <sup>2</sup>

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

<b>Table 2</b>						
#	Property Address	Lot Size in ft2 (GIS)	Existing ft2 Onsite (Assessor's)	Proposed / Recently Approved ft <sup>2</sup>	Max. Allowable ft <sup>2</sup>	Zone
1	248 S Nardo Ave	27,007			5,425	LR
2	258 S Nardo Ave	68,825	1,681		7,516	LR
3	302 S Nardo Ave	87,991	5,419		8,475	LR
4	314 S Nardo Ave	12,766	3,483		4,184	LR
5	316 S Nardo Ave	17,243	4,092		4,968	LR
6	<b>318 S Nardo Ave</b>	<b>32,969</b>	<b>4,342</b>	<b>5,432</b>	5,723	<b>LR</b>
7	326 S Nardo Ave	29,185	4,976		5,534	LR
8	328 S Nardo Ave	14,190	5,208		4,433	LR
9	330 S Nardo Ave	15,796	3,826		4,714	LR
10	336 S Nardo Ave	28,750	1,348		5,513	LR
11	356 S Nardo Ave	42,689	4,116		6,209	LR
12	360 S Nardo Ave	15,836	3,541		4,721	LR
13	410 S Nardo Ave	17,626	3,768		5,035	LR
14	422 S Nardo Ave	37,026	5,736		5,926	LR
15	321 Corto St	20,985	3,592		5,622	LR
16	309 S Nardo Ave	10,000	3,695		3,700	LR
17	319 S Nardo Ave	10,000	3,249		3,700	LR
18	324 Via de Vista	20,500	3,231		5,100	LR
19	336 Via de Vista	20,500	2,000		5,100	LR
20	345 S Nardo Ave	20,500	2,335		5,100	LR
21	355 S Nardo Ave	20,500	3,830		5,100	LR
22	434 Via de Vista	18,500	4,277		5,188	LR
23	436 Via de Vista	22,651	2,107		5,208	LR
24	239 S Nardo Ave	10,000	3,881		3,700	LMR
25	247 S Nardo Ave	10,000	2,702		3,700	LMR
26	255 S Nardo Ave	10,000	2,824		3,700	LMR
27	336 Corto St	10,000	2,677		3,700	LMR
28	324 Corto St	11,700	2,726		3,998	LMR

Fences, Walls and Retaining Walls:

Within the front yard setback area, the SBMC Section 17.20.040(O) allows fences and walls, or any combination thereof, to be no higher than 42 inches in height as measured from existing grade, except for an additional two feet of fence that is at least 80% open to light. Fences, walls and retaining walls located within the rear and interior side yards are allowed to be up to six feet in height with an additional 24 inches that is 50% open to light and air.

The Applicants propose to construct retaining walls along the southern portion of the front yard to create a raised pedestrian walkway for access from the hammerhead turnaround in the driveway to the proposed ADU. The grade would drop significantly on either side of the walkway, which requires a 42-inch guard rail to be installed above the retaining walls for life/safety. The maximum proposed height of the solid retaining walls would be 5.5 feet measured from the existing and proposed grade and would include a 3.5-foot guard rail above. The maximum proposed combination of fence and wall height would be 9 feet measured from the existing grade where a maximum total height of 5.5 feet would otherwise be permitted. The Applicants have requested a VAR from the fence and wall height regulations in order to construct the access to the ADU from the driveway within the front yard setback. If the Council can make the findings to approve the VAR, a condition would be included to require that the guardrail be constructed of materials that are at least 80 percent open to light.

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

#### Landscape:

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

The Applicants will be required to submit detailed construction landscape drawings that will be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect will perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

#### Parking:

SBMC Section 17.52.040 and the Off-Street Parking Design Manual (OSPDM) require two (2) parking spaces for a single-family residence. The proposed ADU would not require an off-street parking space because it is within one-half mile from a public transit stop on Lomas Santa Fe. SBMC Section 17.08.030 indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the floor area calculation. The existing garage can accommodate two unobstructed off-street parking



spaces. Two spaces are required, therefore, 400 square feet of garage area is exempt from the project's total floor area calculation.

#### Grading:

The project proposes grading in the amounts of 350 cubic yards of cut, 100 cubic yards of fill, and 250 cubic yards of export. Grading is proposed to expand the existing driveway to provide adequate fire access to the property from South Nardo Avenue and to create a pedestrian walkway from the driveway down to the proposed ADU. Other proposed improvements include minor grading in the lower yard area to create hardscape outdoor areas as well as lowering the highest portion of the existing manufactured steep slope that is located east of the existing driveway and south of the existing residence to accommodate construction of the proposed deck.

#### Lighting:

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

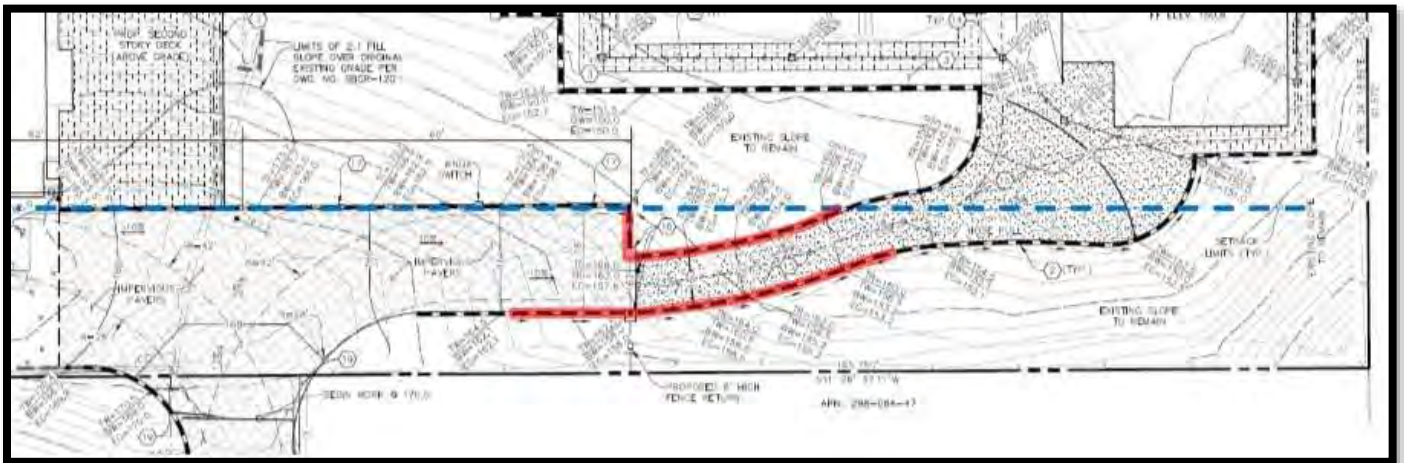
#### Usable Open Space:

The project consists of the construction of an ADU, deck, and associated site improvements on a developed residential single-family lot, therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. However, the property is located in the HOZ, which allows for "minor grading for the construction of one single-family dwelling unit and driveway". As a condition of approval, the Applicants will be required record an open space easement to protect the remainder of the steep slopes on the property. An additional condition of approval is included to require the Applicants to pay the City's Park Impact Fee.

#### Variance (SBMC Chapter 17.68.020)

The Applicants are requesting a VAR for relief from the fence and wall height regulations on residentially zoned properties (SBMC Section 17.20.040(O)), which limits fence (including combination fence and walls) height to a maximum of 3.5 feet (measured from the existing grade) in the front-yard setback with the allowance for an additional 2 feet that is constructed of materials that are at least 80 percent open to light and air. The Applicants are requesting to construct a raised walkway that would have combination fence and walls on either side with a maximum height of 9 feet, which would consist of a 5.5-foot solid retaining wall and 3.5-foot guard rail.

A portion of the Preliminary Grading Plan is provided on the following page and has been marked up to delineate the segments of the combination retaining wall and guardrail that would exceed the maximum allowable fence height in the front yard setback and require a VAR (shown in red). For reference, front yard setback line is shown in blue.



The finished grade of the southernmost end of the hammerhead turnaround would be raised approximately 4.5 feet in order to create a relatively flat surface that meets the safety requirements for fire access. The existing grade beyond the required turnaround continues to drop off to the southeast and otherwise limits access to the flat area in the southeast corner of the lot, which is suitable for the construction of a detached accessory structure, such as the proposed ADU. In order to provide access from the driveway to the proposed ADU, the Applicants are proposing construction of an on-grade hardscape walkway supported by retaining walls on either side. In order to meet life/safety requirements, the retaining walls would need to have 42-inch guard rails on either side. The combined height of the retaining walls and guardrails would exceed the maximum allowable height for fences and walls in the front-yard setback.

As mentioned previously, the site is constrained by steep slopes that are prohibited for development pursuant to the provisions of the HOZ. The proposed walkway would follow a natural break in the steep slopes on the lot. Alternative designs could have been located within the buildable area and in compliance with associated fence height limitations; however, those would likely have impacted the steep slopes, requiring a VAR for relief from the HOZ provisions. The ADU is required to have Fire access within 150 feet of the proposed hammerhead. The proposed walkway design is the most direct access and has no impact to slopes greater than 25%, therefore, it may be considered the preferred option if the Council can make the findings for a VAR. The Applicants provided a narrative outlining their request and justification for the VAR, which is included in Attachment 3.

According to SBMC 17.68.020(B)(3), a VAR may be approved, provided the following required findings can be made:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the general plan and intent of this title.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to other properties in the same zone.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the Applicants of privileges enjoyed by the owners of other properties in the same zone.
4. That the granting of the variance will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

If the above findings can be made by Council, Staff shall incorporate the findings into the draft Resolution included in Attachment 1. If the above findings cannot be made, the Council shall deny the VAR.

#### Structure Development Permit Compliance:

The proposed structure exceeds 16 feet in height above the pre-existing grade; therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63 and the Applicant was required to complete the SDP process. The Applicant had story poles erected onsite. A final Story Pole Height Certification was issued by a licensed land surveyor on October 15, 2019, which showed the proposed ADU as having a maximum building height of 17.52 feet above the pre-existing grade and the highest story pole (SP #1) certified at 165.58 feet above the Mean Sea Level (MSL). The Story Pole Height Certificate showed the proposed deck railing as having a maximum height of 20.38 feet above the pre-existing grade and the tallest story pole (SP #17) certified at 167.5 feet above MSL.

Notices to apply for View Assessment were mailed to property owners and occupants within 300 feet of the project site, which established a deadline to file for View Assessment on February 13, 2020. No applications for View Assessment were received. Therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively.

As a condition of approval, a height certificate prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum building height of the proposed ADU is at a maximum 17.52 feet above the pre-existing grade and 165.58 feet above Mean Sea Level (MSL) and the maximum height of the proposed deck is a maximum of 20.38 feet above the pre-existing grade and 167.5 feet above MSL.

#### 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 May 14, 2020. As of the date of preparation of this Staff Report, Staff has not received any official correspondence in opposition or support of the project.



Conditions from the Planning, Engineering, and Fire Departments have been incorporated into the Resolution of Approval.

In conclusion, the proposed project, as conditioned, could be found to be consistent with the Zoning regulations and the General Plan.

**CEQA COMPLIANCE STATEMENT:**

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

**FISCAL IMPACT:** N/A

**WORK PLAN:** N/A

**OPTIONS:**

- Approve the project subject to conditions by adopting the attached Resolution 2020-034.
- Approve the project subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a DRP and VAR.
- Continue the project for a redesign if all required findings for the DRP and VAR cannot be made.
- Deny the project if all required findings for the DRP and VAR 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 and VAR. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2020-034 conditionally approving a DRP, VAR and SDP to construct a detached Accessory Dwelling Unit (ADU) and a deck attached to the Principal Residence as well as perform associated site improvements including a

hammerhead turnaround in the driveway for required fire access at 318 South Nardo Avenue, Solana Beach.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

Attachments:

1. Resolution 2020-034
2. Project Plans
3. Variance Request Letter
4. Ordinance 470 – Accessory Dwelling Units

**RESOLUTION 2020-034**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT AND VARIANCE TO CONSTRUCT A DETACHED ACCESSORY DWELLING UNIT AND A DECK ATTACHED TO THE PRINCIPAL RESIDENCE AND PERFORM ASSOCIATED IMPROVEMENTS AT 318 SOUTH NARDO AVENUE, SOLANA BEACH**

**APPLICANTS: RICHARD AND RACHEL MCHALE**

**CASE NO.: 17-17-40 DRP/SDP/VAR**

**APN: 298-084-48**

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

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

**WHEREAS**, at the public hearing on May 27, 2020, the City Council received and considered evidence concerning the proposed application; and

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

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

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

- I. That the foregoing recitations are true and correct.
- II. That the request for a DRP, SDP and VAR to construct a detached Accessory Dwelling Unit (ADU) and a deck attached to the Principal Residence as well as perform associated site improvements including a hammerhead turnaround in the driveway for required fire access at 318 South Nardo 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 Low Density Residential, which allows for a maximum of three dwelling units per acre. The development is also consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

Zoning Ordinance Consistency: The project is consistent with all applicable requirements of the Zoning Ordinance (Title 17) (SBMC 17.20.030 and 17.48.040), which delineates maximum allowable Floor Area Ratio (FAR), Permitted Uses and Structures (SBMC Section 17.20.020) which provides for uses of the property for a single-family residence. Further, the project adheres to all property development regulations established for the LR Zone and cited by SBMC Section 17.020.030 with the approval of the VAR for relief from the maximum fence and wall height limit in the front-yard setback.

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

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

- a. *Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and where feasible, complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects, as well as protection of the property from adverse surrounding influences.*

The property is designated Low Residential in the General Plan and intended for single-family residences developed at a maximum density of three dwelling units per acre. The proposed development is found to be consistent with the objectives of the General Plan as it encourages the development and maintenance of healthy residential neighborhoods, the stability

of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

The property is located within the SROZ and HOZ. The project is consistent with the SROZ and, as conditioned, is found consistent with the HOZ. The development is located in natural steep slopes associated with the required improvements/expansion to the driveway to accommodate a fire access hammerhead turnaround would comply with the provisions of the HOZ, pursuant to SBMC Section 17.68.020(F)(2), which allows for development in slopes greater than 25 percent for the construction of a single-family residence and driveway. The proposed deck attached to the principle residence complies with the provisions of the HOZ as the construction will not impact natural steep slopes or degrade the scenic qualities of the steep slopes located on site. As a condition of approval, the Applicants shall record an open space deed restriction to preserve the remaining natural steep slopes on site.

The project is also located within the Coastal Zone. As a condition of project approval, the Applicant shall obtain a Coastal Development Permit, Waiver or Exemption from the California Coastal Commission prior to the issuance of Building and Grading Permits.

- b. Building and Structure Placement: Buildings and structures shall be sited and designed in a manner which visually and functionally enhances their intended use.*

The Applicants propose to construct a 1,090 square-foot ADU in the lower southeast corner of the lot and an approximately 1,262 square-foot uncovered deck on the south side of the existing Principal Residence. Other associated site improvements include an expansion of the existing driveway to the south in order to accommodate a hammerhead turn-around required for fire access as well as grading and construction of combination retaining walls and guard rails to create a pedestrian and fire access walkway from the driveway down to the proposed ADU.

The location and design of the expanded driveway, hammerhead turnaround, and pedestrian walkway are limited to the constraints of the existing topography and emergency access regulations. However, with approval of the requested VAR from fence and wall regulations, the proposed improvements will otherwise comply with applicable regulations.

The SBMC parking regulations require two off-street parking spaces per single-family residence. The property is within one-

half mile from a transit stop and, therefore, an off-street parking space is not required for the ADU. The Code indicates that when required spaces are provided in a garage, 200 square feet of floor area is exempted for each required space. The site is required to provide two parking spaces; therefore, the project is afforded a 400 square-foot exemption. With the exemption, the total proposed floor area would be 5,612 square feet, which is 111 square feet below the maximum allowable floor area for the 32,969 square-foot lot.

The maximum floor area calculation for this project is as follows:

0.50 for first 6,000 ft <sup>2</sup>	3,000 ft <sup>2</sup>
0.175 for 6,001 to 15,000 ft <sup>2</sup>	1,575 ft <sup>2</sup>
0.10 for 15,001 to 20,000 ft <sup>2</sup>	500 ft <sup>2</sup>
0.05 for anything over 20,001 ft <sup>2</sup>	648 ft <sup>2</sup>
Maximum Allowable Floor Area:	5,723 ft <sup>2</sup>

The improvements included in the proposed project, as designed, meet the minimum required setbacks and the overall development is below the maximum allowable floor area for the property.

- c. *Landscaping: The removal of significant native vegetation shall be minimized. Replacement vegetation and landscaping shall be compatible with the vegetation of the surrounding area. Trees and other large plantings shall not obstruct significant views when installed or at maturity.*

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

The Applicants will be required to submit detailed construction landscape drawings that will be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect will perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.



- 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 proposed ADU would not require an off-street parking space because it is within one-half mile from a public transit stop on Lomas Santa Fe. SBMC Section 17.08.030 indicates that required parking up to 200 square feet per parking space provided in a garage is exempt from the floor area calculation. The existing garage can accommodate two unobstructed off-street parking spaces. Two spaces are required, therefore, 400 square feet of garage area is exempt from the project's total floor area calculation.

The Applicants will construct retaining walls along the southern portion of the front yard to create a raised pedestrian walkway for access from the hammerhead turnaround in the driveway to the proposed ADU. The grade will drop significantly on either side of the walkway, which requires a 42-inch guard rail to be installed above the retaining walls for life/safety. The maximum proposed height of the solid retaining walls will be 5.5 feet measured from the existing and proposed grade and will include a 3.5-foot guard rail above. The maximum proposed combination of fence and wall height will be 9 feet measured from the existing grade.

Within the front yard setback area, the SBMC Section 17.20.040(O) allows fences and walls, or any combination thereof, to be no higher than 42 inches in height as measured from existing grade, except for an additional two feet of fence that is at least 80% open to light. Fences, walls and retaining walls located within the rear and interior side yards are allowed to be up to six feet in height with an additional 24 inches that is 50% open to light and air.

The Applicants have requested a VAR from the fence and wall height regulations in order to construct the access to the ADU from the driveway. A condition has been included to require that the guardrail be constructed of materials that are at least 80 percent open to light.

The plans otherwise 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.

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

The project includes grading in the amounts of 350 cubic yards of cut, 100 cubic yards of fill, and 250 cubic yards of export. Grading is proposed to expand the existing driveway to provide adequate fire access to the property from South Nardo Avenue and to create a pedestrian walkway from the driveway down to the proposed ADU. Other proposed improvements include minor grading in the lower yard area to create hardscape outdoor areas as well as lowering the highest portion of the existing manufactured steep slope that is located east of the existing driveway and south of the existing residence to accommodate construction of the proposed deck.

- 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).*

Conditions of project approval include that all new exterior lighting fixtures comply with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060); that 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 an ADU, deck, and associated site improvements on a developed residential single-family lot, therefore, usable open space and recreational facilities are neither proposed nor required according to SBMC Section 17.20.040. However, the property is located in the HOZ, which allows for “minor grading for the construction of one single-family dwelling unit and driveway”. As a condition of approval, the Applicants will be required record an open space easement to protect the remainder of the steep slopes on the property. An additional condition of approval is included to require the Applicants to pay the City’s Park Impact Fee.

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

All required permits, including a Variance, are being processed concurrently with the Development Review Permit.

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

The Applicant is required to obtain approval from the California Coastal Commission prior to issuance of Building and Grading Permits.

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

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

(To be updated with Council Findings.)

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

(To be updated with Council Findings.)

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



(To be updated with Council Findings.)

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

(To be updated with Council Findings.)

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

The proposed structure exceeds 16 feet in height above the existing grade and, therefore, the project must comply with all of the View Assessment requirements of SBMC Chapter 17.63, and the Applicant was required to complete the SDP process. A final Story Pole Height Certification was issued by a licensed land surveyor on October 15, 2019, which showed the proposed ADU as having a maximum building height of 17.52 feet above the pre-existing grade and the highest story pole (SP #1) certified at 165.58 feet above the Mean Sea Level (MSL). The Story Pole Height Certificate showed the proposed deck railing as having a maximum height of 20.38 feet above the pre-existing grade and the tallest story pole (SP #17) certified at 167.5 feet above MSL.

Notices to apply for View Assessment were mailed to property owners and occupants within 300 feet of the project site which established a deadline to file for View Assessment on February 13, 2020. No applications for View Assessment were received by the City, therefore, if the Council is able to make the required findings to approve the DRP, the SDP would be approved administratively.

As a condition of approval, a height certificate prepared by a licensed land surveyor will be required prior to the framing inspection certifying that the maximum height of the proposed ADU is at a maximum 17.52 feet above the pre-existing grade and 165.58 feet above Mean Sea Level (MSL) and the maximum height of the proposed deck is a maximum of 20.38 feet above the pre-existing grade and 167.5 feet above MSL.

#### IV. CONDITIONS

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

- A. Community Development Department Conditions:

- I. The Applicant shall pay required Fire Mitigation, Park Development, Public Use Facilities, and Public Facilities Impact Fees.
- II. Building Permit plans must be in substantial conformance with the

architectural plans presented to the City Council on May 27, 2020, and located in the project file with a submittal date of May 18, 2020.

- III. Prior to requesting a framing inspection, the Applicant shall submit a height certification, signed by a licensed land surveyor, certifying that the building envelope (which is represented by the story poles) is in conformance with the plans as approved by the City Council on May 27, 2020 and the certified story pole plot plan, and that the ADU will not exceed 17.52 feet above the pre-existing grade or 165.58 feet above MSL and the deck will not exceed 20.38 feet above the existing grade or 167.5 feet above MSL.
- IV. Any proposed onsite fences, walls and retaining walls and any proposed railing located on top, or any combination thereof, shall comply with applicable regulations of SBMC Section 17.20.040 and 17.60.070 (Fences and Walls).
- V. The Applicants shall obtain required California Coastal Commission (CCC) approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of Building and Grading Permits.
- VI. The Applicants shall submit detailed construction landscape drawings that will be reviewed by the City's third-party landscape architect and shall be in substantial conformance with the conceptual plan presented to the City Council on May 27, 2020. In addition, the City's third-party landscape architect will perform a final inspection to verify substantial conformance onsite prior to final inspection of the Grading Permit.
- VII. Native or drought tolerant and non-invasive plant materials and water conserving irrigation systems shall be incorporated into any proposed landscaping and compatible with the surrounding area to the extent feasible.
- VIII. All new exterior lighting fixtures shall be in conformance with the City-wide lighting regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area.
- IX. Construction vehicles shall be parked on the subject property at all times feasible. If construction activity prohibits parking on the subject property, the Applicants shall ensure construction vehicles are parked in such a way to allow sufficient vehicular access on the street and minimize impact to the surrounding neighbors.
- X. The Applicants shall connect to temporary electrical service as soon

as feasible to the satisfaction of the City.

- XI. The Applicants shall record an open space deed restriction to protect the remainder of the steep slopes on site from future development in compliance with the provisions of the HOZ prior to final occupancy and to the satisfaction of the Community Development Director.

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.
  - a. The fire apparatus access road shall comply with the requirements of CFC Section 503 with local amendments and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building.
  - b. A minimum 16 feet fire access required serving no more than two dwellings and then 20 feet serving more than two dwellings.
- II. DEAD ENDS: All dead-end fire access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than four (4) structures. The minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet in residential areas with no parking.
- III. GRADE: The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).
- IV. GATES: All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are



prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Solana Beach Fire Department standards.

- V. 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.
- VI. ADDRESS NUMBERS: STREET NUMBERS: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.
- VII. AUTOMATIC FIRE SPRINKLER SYSTEM-ONE AND TWO FAMILY DWELLINGS: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.
- VIII. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.

C. Engineering Department Conditions:

- I. 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.
- II. This Accessory Dwelling Unit development shall be assessed Traffic Impact Fees (TIF) consistent with the council approved ordinance prior to Building permit Issuance

Grading:

- III. Obtain a Grading Permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a Grading Permit shall include, but not be limited to, the following:

- a. The grading plan shall be prepared by a Registered Civil Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.
- b. A Soils Report shall be prepared by a Registered Soils Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The grading plan shall incorporate all recommendations contained in the soils report.
- c. 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.
- d. An easement shall be recorded for maintenance of the detention basins by the property owner(s) in perpetuity, prior to occupancy of this project.
- e. All retaining walls and drainage structures shall be shown. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code. Contact the Community Development Department for further information.
- f. The Applicants are responsible to protect the adjacent properties during construction. If any grading, 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.
- g. Pay grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.
- h. Obtain and submit grading security in a form prescribed by the City Engineer.

- i. Obtain haul permit for import / export of soil. The Applicants shall transport all excavated material to a legal disposal site.
- j. Submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by the Engineer of Record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and the Soils Engineer certifying the as-built conditions.
- k. An Erosion Prevention and Sediment Control Plan shall be prepared. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities. Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.
- l. Show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.
- m. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.
- n. No increased cross lot drainage shall be allowed

## IX. 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.

## X. EXPIRATION

The Development Review Permit, Variance, and Structure Development Permit for the project will 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.

#### XI. 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 27<sup>th</sup> day of May 2020, by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, MAYOR

APPROVED AS TO FORM:

ATTEST:

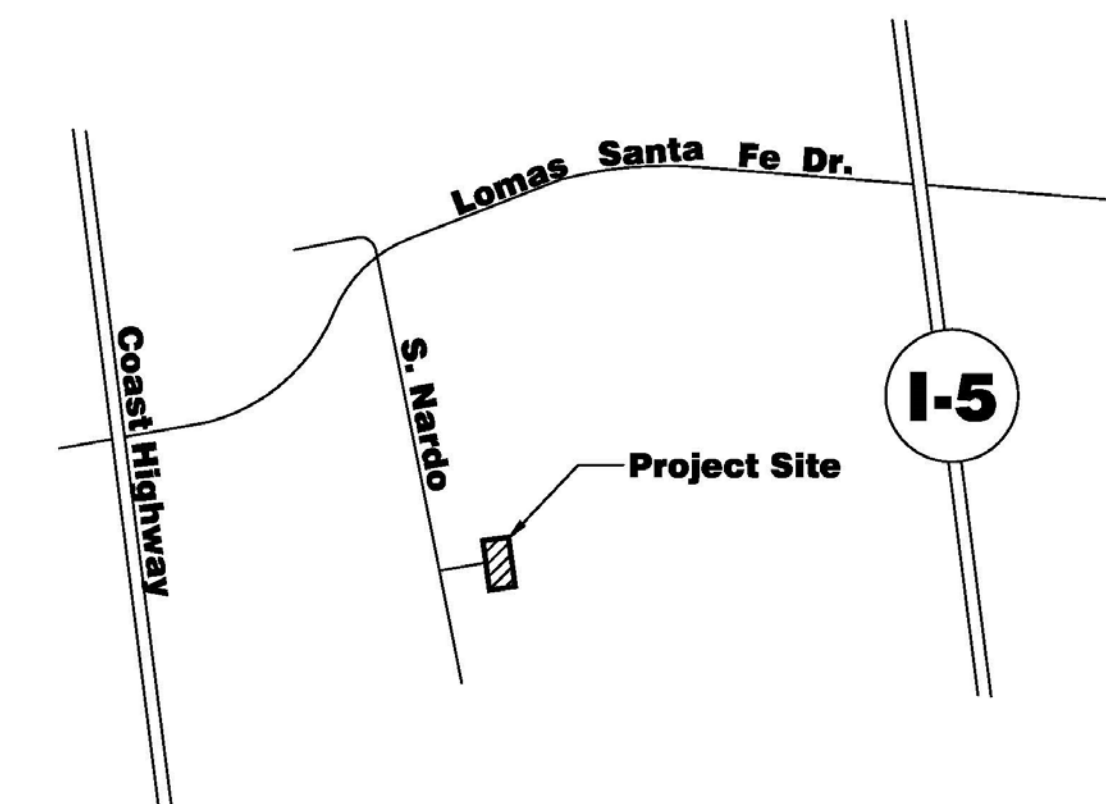
\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

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

**EXISTING RESIDENTIAL ADDITION PLAN PACKAGE FOR:**  
**McHALE RESIDENCE**

**318 S. NARDO AVE. SOLANA BEACH, CA 92075**

**APN# 298-084-48**



**VICINITY MAP**

**Zone and Overlay Zones for this property are: LR/SROZ/HOZ**

**Total Number of Parking Spaces required = 2**

**Total Number of Parking Spaces provided = 2**

**Gross Lot Size = 32,969.34 SF / .75687 Acres**

**Net Lot Size = 32,969.34 SF / .75687 Acres**

<b>Maximum Allowable Floor Area Ratio (FAR) Calculations</b>	
0.500 for the first 6,000 SF	3,000 SF
0.175 for 6,001 to 15,000 SF	1,575 SF
0.100 for 15,001 to 20,000 SF	500 SF
0.050 for portion greater than 20,000 SF	648 SF
<b>Maximum Floor Area Allowed</b>	<b>5,723 SF</b>

<b>Proposed Floor Area Breakdown:</b>	
Existing Residence :	4,342 SF
Existing Garage:	580 SF
Proposed Accessory Dwelling Unit:	1,090 SF
<b>Subtotal:</b>	<b>6,012 SF</b>
Off-Street Parking Exemption (2 spaces):	- 400 SF
<b>Total Proposed Floor Area:</b>	<b>5,612 SF</b>

**Grading Quantities:**

**Cut = 350 C.Y.**

**Fill = 100 C.Y.**

**Export = 250 C.Y.**

**Sheet Index**

Title Sheet	1
A-1 - Architectural Site Plan	2
A-2 - Accessory Unit Floor Plan/Roof Plan	3
A-3a - Accessory Unit Elevations	4
A-3b - Accessory Unit Elevations	5
A-4 - Main Residence - Main Floor Deck Addition	6
A-5 - Main Residence - Lower Floor Deck Addition	7
A-6 - Main Residence - Elevations	8
SP-1 - Story Pole - ADU Roof Plan	9
SP-2 - Story Pole - ADU North + East Elevation	10
SP-3 - Story Pole - ADU South + West Elevation	11
SP-4 - Story Pole - Main House	12
SP-5 - Story Pole - Main House	13
C-1 - Engineering - Existing Topography & Demo Plan	14
C-2 - Engineering - Preliminary Grading & Drainage Plan	15
C-3 - Engineering - Slope Analysis	16
C-4 - Engineering - Slope Analysis with Overlay	17
L-1 - Hardscape Plan	18
L-2 - Planting Plan	19
L-3 - Water Conservation Plan + ETWU worksheet	20

**OWNERS**

**Richie & Rachel McHale**  
**318 S. Nardo Ave.**  
**Solana Beach, CA 92075**  
**858-414-1082 / 858-505-5676**

**Civil Engineer**

**Rancho Coastal Engineering & Surveying**  
**310 Via Vera Cruz #205**  
**San Marcos, CA 92078**  
**760-510-3152**  
**Contact: Doug Logan**

**Building Design**

**Moonlight Designs**  
**P.O. Box 460103**  
**Escondido, CA 92046**  
**760-525-2541**  
**Contact: Robert Talamantes**

**Landscape Architect**

**The Design Build Company**  
**P.O. Box 231447**  
**Encinitas, CA 92023**  
**760-722-9306**  
**Contact: Rob Hill**

**Attachment 2**

**TITLE SHEET**

REVISIONS	BY
5/18/18 2nd Submittal	
3/19/19 3rd Submittal	
10/16/19 4th Submittal	
12/9/19 5th Submittal	

The Design Build Company  
 Robert Hill, Landscape Architect RLA #2604  
 PO Box 231447  
 Encinitas, Calif. 92023  
 Phone 760-722-9306  
 Fax 760-722-9307  
 www.thedesignbuildcompany.com

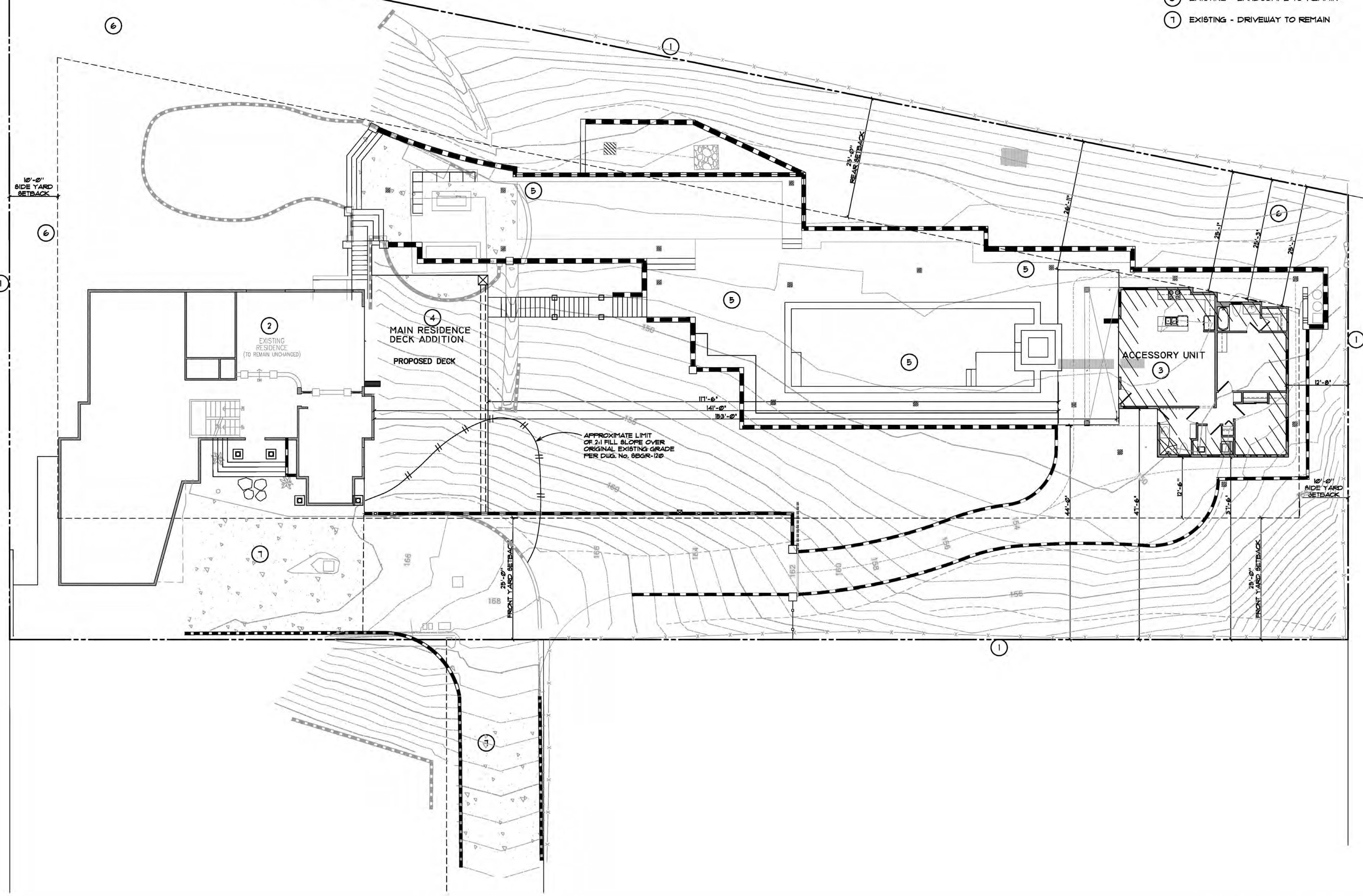
**MCHALE RESIDENCE**  
**318 S. NARDO AVE.**  
**SOLANA BEACH, CA 92075**

Date 10/1/17
Scale
Drawn SH
Job
Sheet 1
Of 20 Sheets



**SITE PLAN KEYNOTES**

- ① PROPERTY LINE
- ② EXISTING - RESIDENCE TO REMAIN
- ③ PROPOSED - ACCESSORY UNIT
- ④ PROPOSED - DECK
- ⑤ PROPOSED - HARDSCAPE (SEE LANDSCAPE DRAWINGS)
- ⑥ EXISTING - LANDSCAPE TO REMAIN
- ⑦ EXISTING - DRIVEWAY TO REMAIN



Revisions		Date
#	Description	
A	PLANNING REVIEW - No. 1	03-19-19
B	PLANNING REVIEW - No. 2	07-19-19
C	PLANNING REVIEW - No. 3	10-19-19
D	ORIGINAL GRADE TOPO REV.	03-24-20
E		

Project Data  
**MCHALE RESIDENCE**  
 318 S. Nardo Avenue  
 Solana Beach, CA 92075

**MOONLIGHT DESIGNS**  
 P.O. Box 460103  
 Escondido, California 92046  
 Phone 760.525.2541  
 e-mail: moonlightdesignsrr@gmail.com

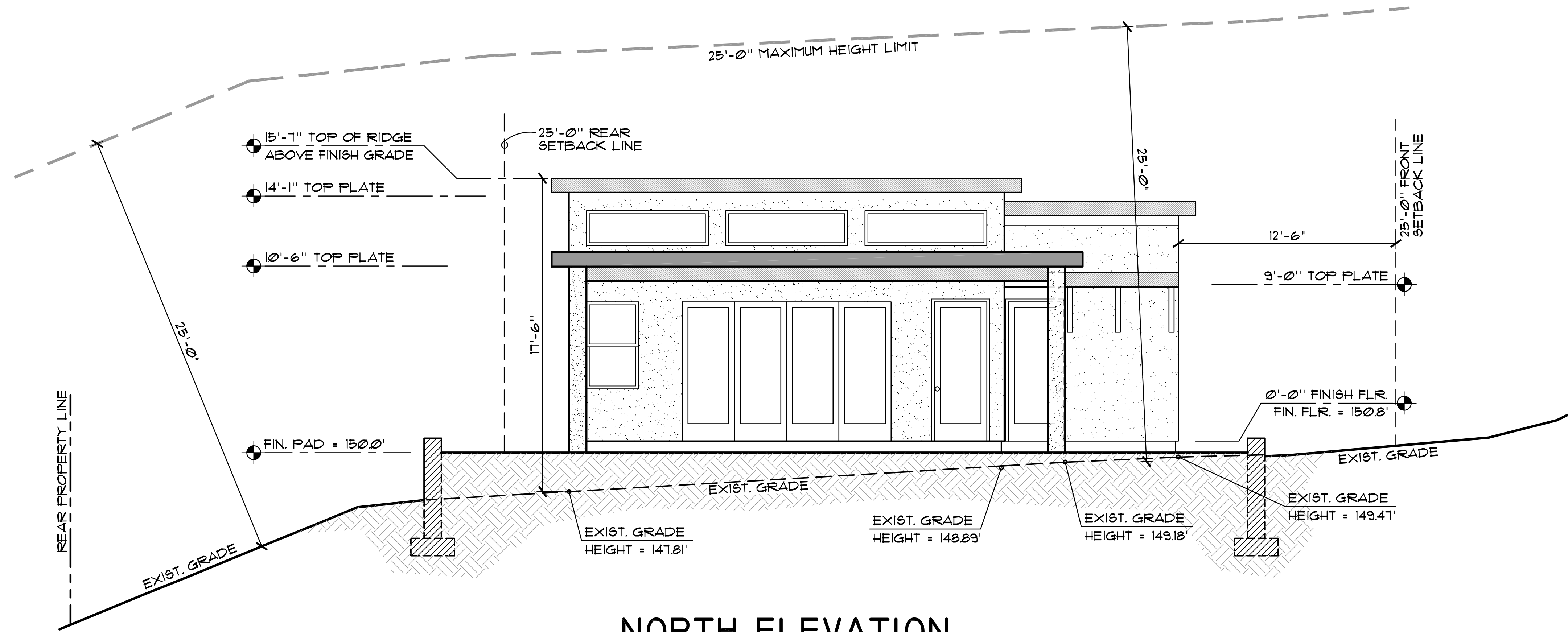
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**A-1**  
 ARCHITECTURAL SITE PLAN

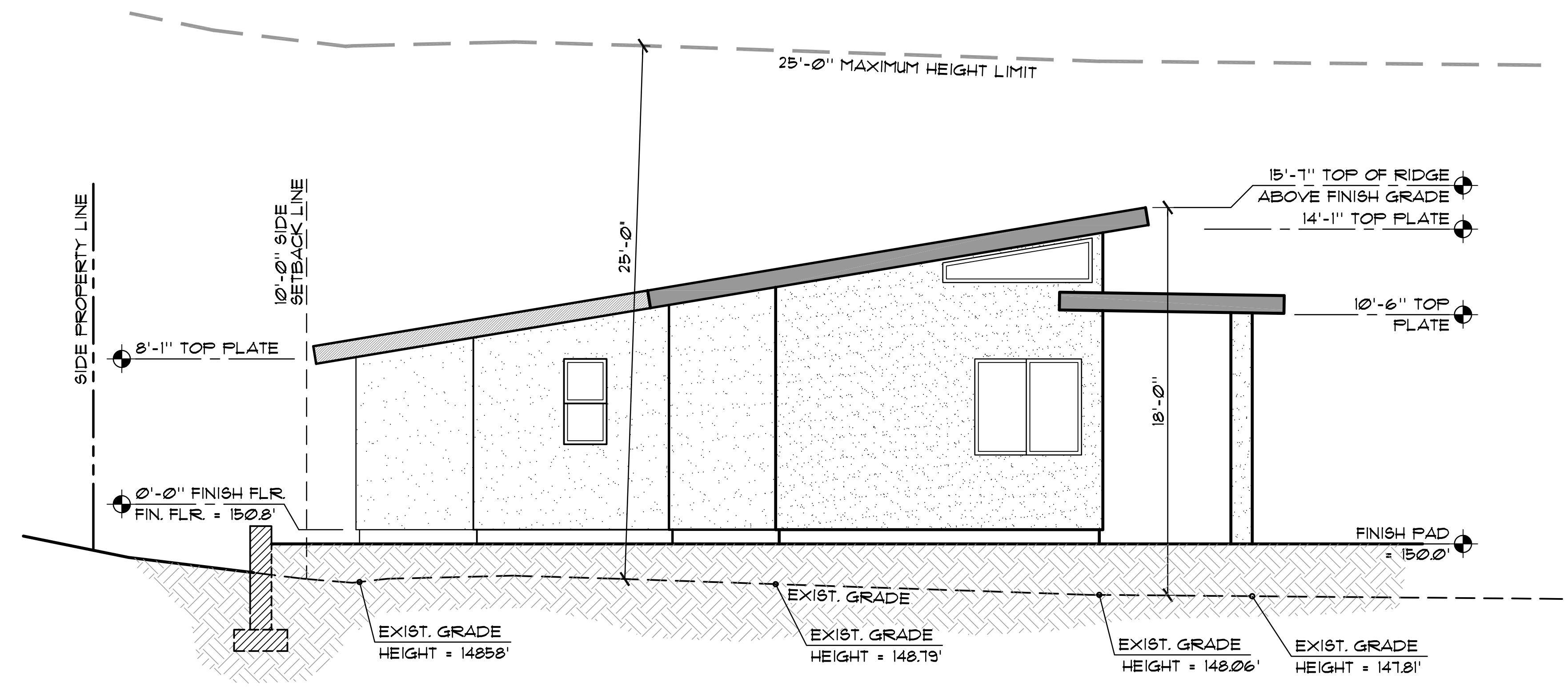
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NORTH ELEVATION



EAST ELEVATION

ACCESSORY UNIT:  
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SCALE: 1/4" = 1'-0"

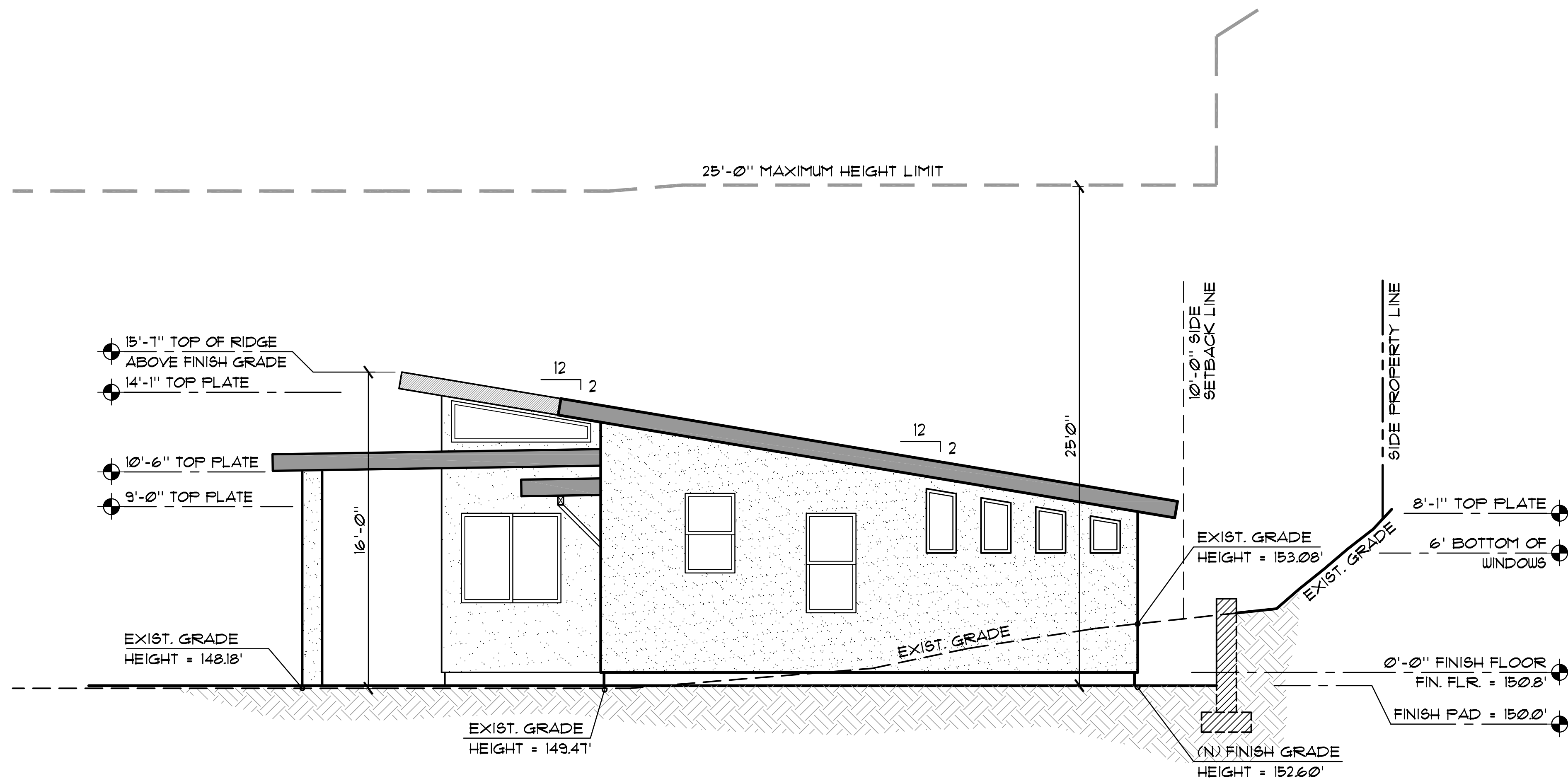
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C	PLANNING REVIEW - No. 3
D	
E	

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 318 S. Nardo Avenue  
 Solana Beach, CA 92075

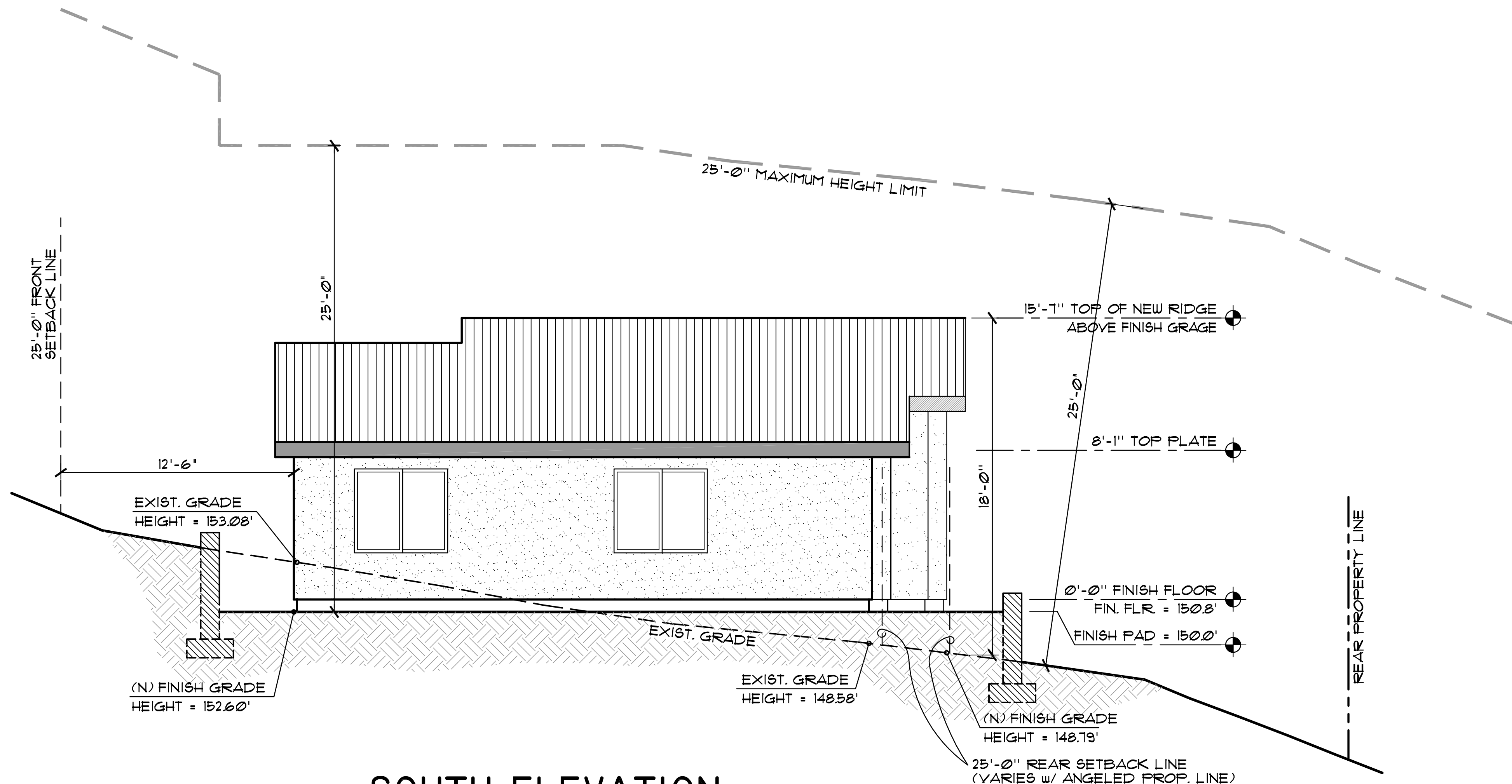
**MOONLIGHT DESIGNS**  
 P.O. Box 460103  
 Escondido, California 92046  
 Phone 760.525.2541  
 e-mail: moonlightdesignsrt@gmail.com

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Job Number:	
Cad File:	McHale-A3a

Sheet Number  
**A-3A**  
 EXTERIOR ELEVATIONS



WEST ELEVATION



SOUTH ELEVATION

ACCESSORY UNIT:  
EXTERIOR ELEVATIONS

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

Revisions		Date
#	Description	
A	PLANNING REVIEW - No. 1	03-19-19
B	PLANNING REVIEW - No. 2	07-18-19
C	PLANNING REVIEW - No. 3	10-15-19
D		
E		

Project Data

**MCHALE RESIDENCE**

318 S. Nardo Avenue  
Solana Beach, CA 92075

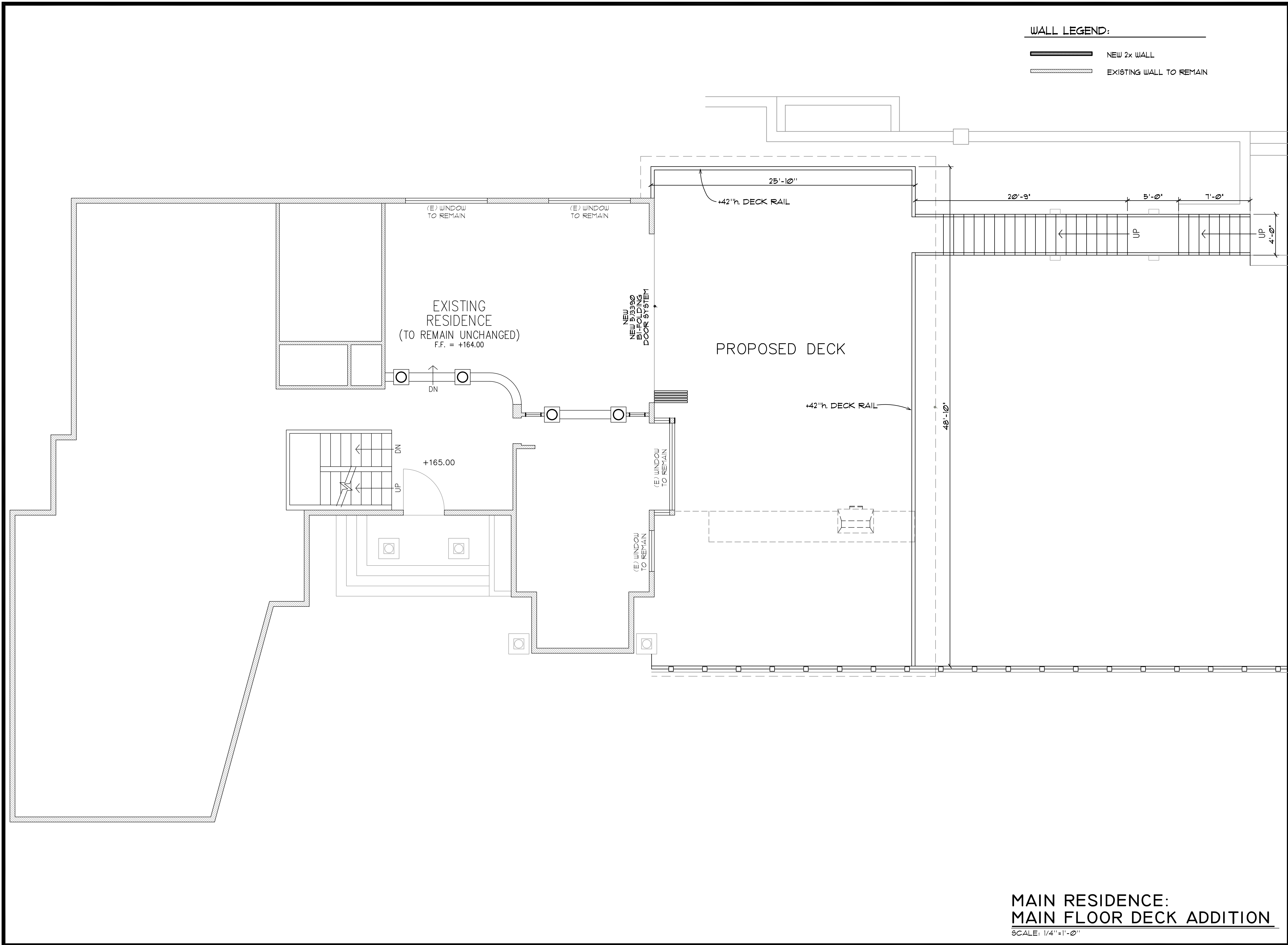
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Escondido, California 92046  
Phone 760.525.2541  
e-mail: moonlightdesignsrt@gmail.com

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Job Number:	Cad File: McHale-A3b

Sheet Number  
**A-3B**  
EXTERIOR ELEVATIONS





**WALL LEGEND:**

- NEW 2x WALL
- EXISTING WALL TO REMAIN

Revisions		Date
#	Description	
A	PLANNING REVIEW - No. 1	03-19-19
B	PLANNING REVIEW - No. 2	07-18-19
C	PLANNING REVIEW - No. 3	10-18-19
D		
E		

Project Data

**MCHALE RESIDENCE**  
318 S. Nardo Avenue  
Solana Beach, CA 92075

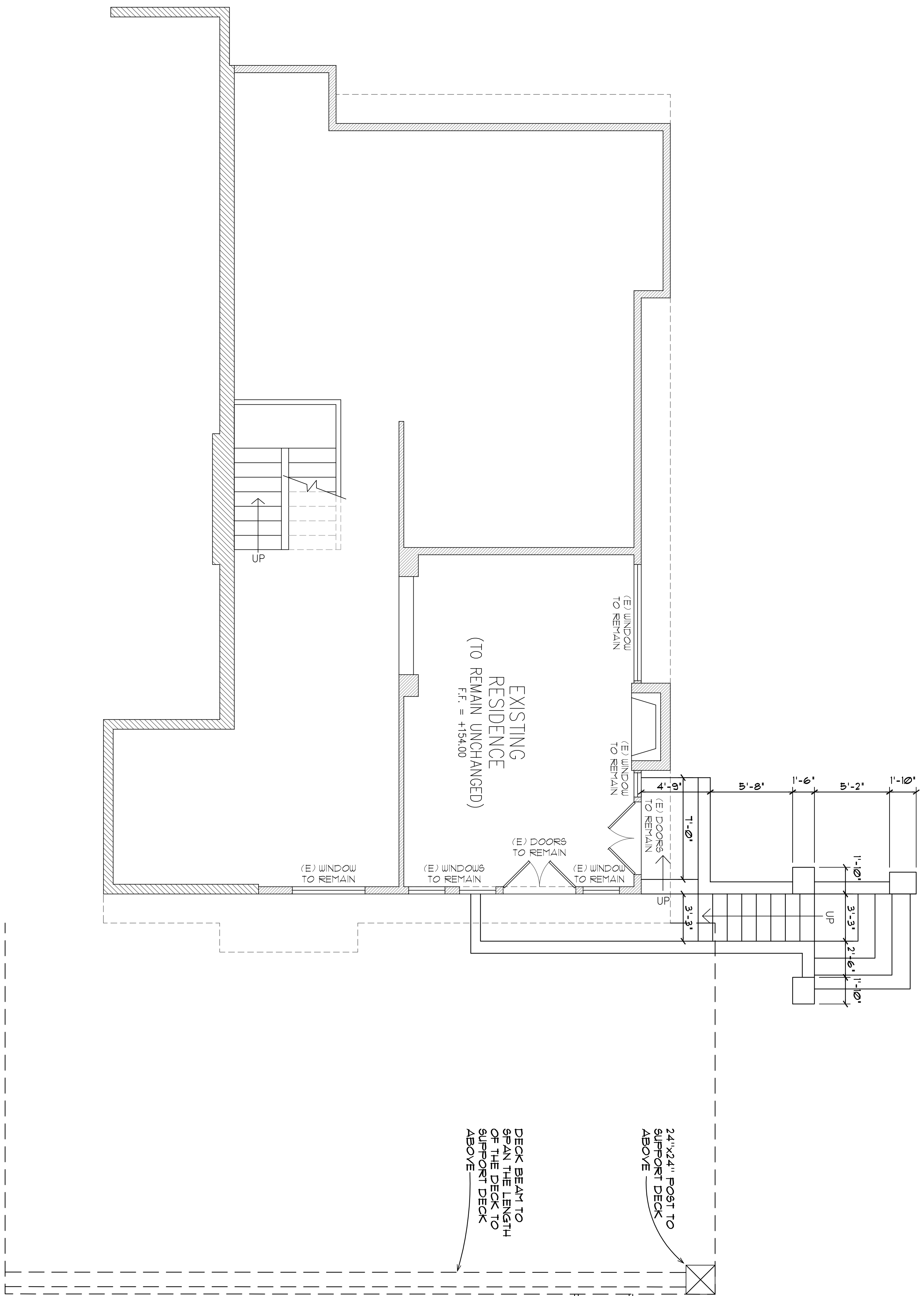
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DESIGNS**

P.O. Box 460103  
Escondido, California 92046  
Phone 760.525.2541  
e-mail: moonlightdesignsrt@gmail.com

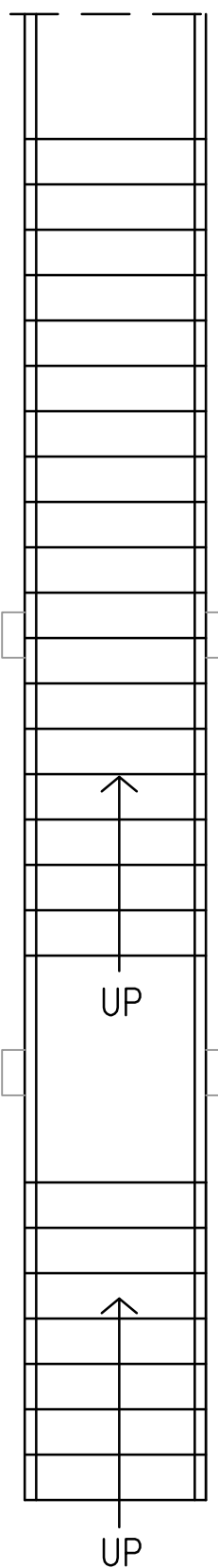
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Sheet Number  
**A-4**  
MAIN FLOOR DECK PLAN

**MAIN RESIDENCE:  
MAIN FLOOR DECK ADDITION**  
SCALE: 1/4"=1'-0"



**WALL LEGEND:**  
 \_\_\_\_\_ EXISTING WALL TO REMAIN



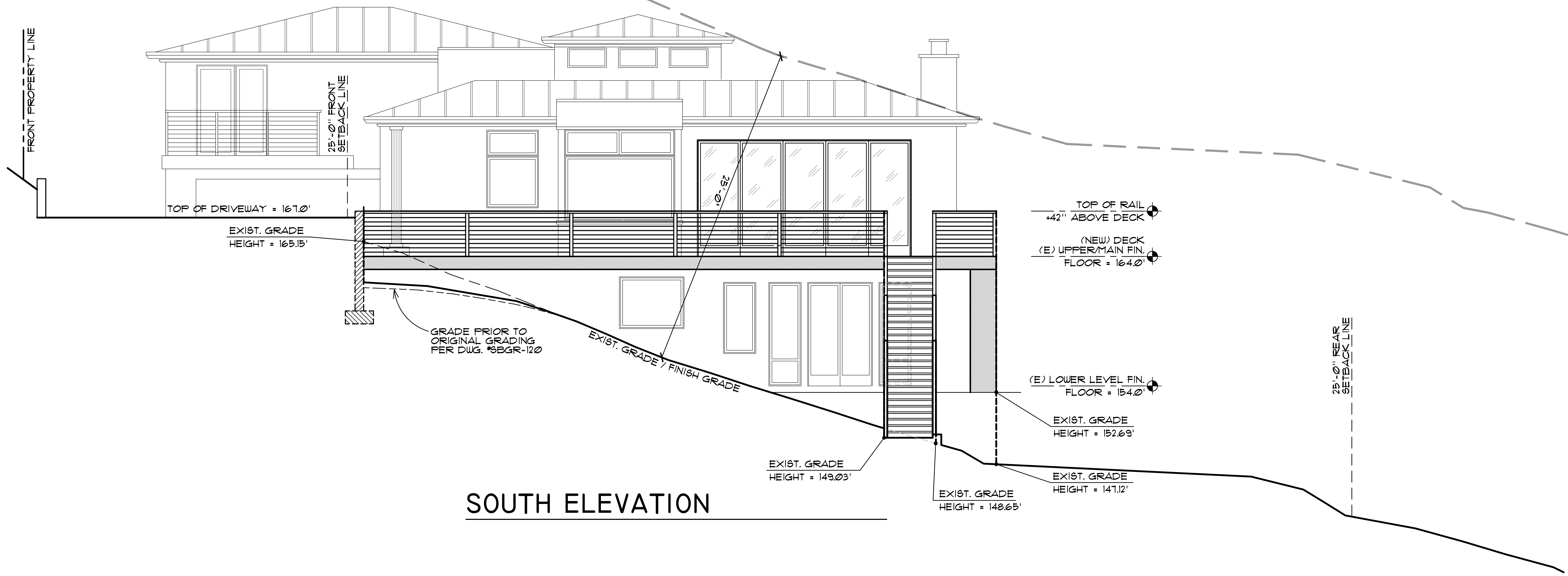
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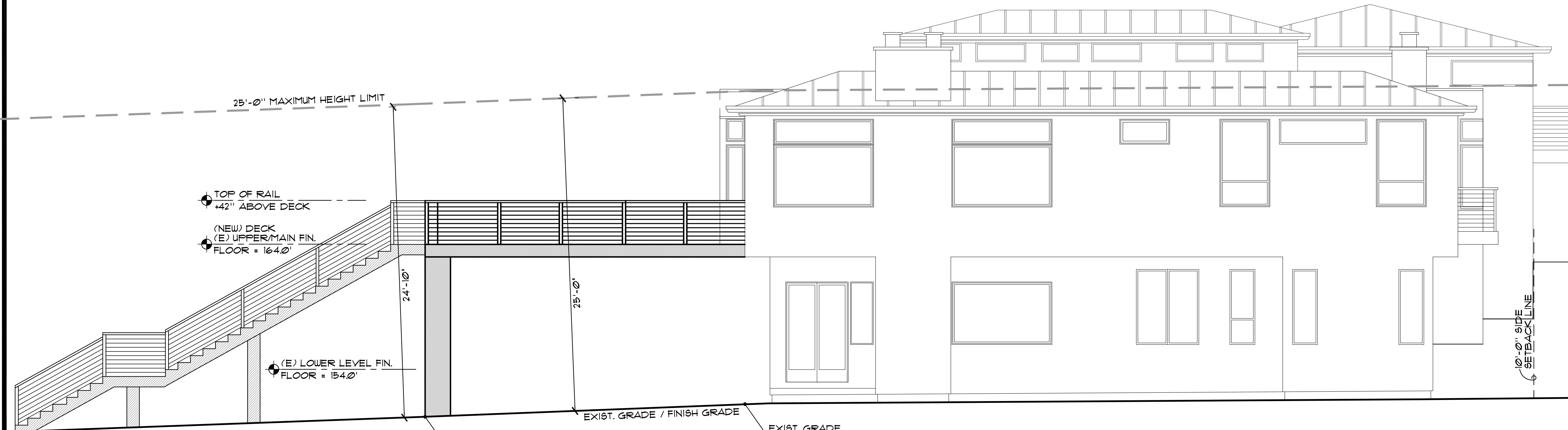
**MOONLIGHT  
 DESIGNS**  
 P.O. Box 460103  
 Escondido, California 92046  
 Phone 760.525.2541  
 e-mail: moonlightdesignsrt@gmail.com

Project Data  
**MCHALE RESIDENCE**  
 318 S. Nardo Avenue  
 Solana Beach, CA 92075

Revisions		
#	Description	Date
A	PLANNING REVIEW - No. 1	03-19-18
B	PLANNING REVIEW - No. 2	07-18-18
C	PLANNING REVIEW - No. 3	10-15-18
D		
E		



**SOUTH ELEVATION**



**EAST ELEVATION**

**MAIN RESIDENCE:  
EXTERIOR ELEVATIONS**

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

Revisions		Date
#	Description	
A	PLANNING REVIEW - No. 1	03-19-19
B	PLANNING REVIEW - No. 2	07-18-19
C	PLANNING REVIEW - No. 3	10-18-19
D	ORIGINAL GRADE TOPO REV.	03-24-20
E		

Project Data

**MCHALE RESIDENCE**

318 S. Nardo Avenue  
Solana Beach, CA 92075

**MOONLIGHT  
DESIGNS**

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Escondido, California 92046  
Phone 760.525.2541  
e-mail: moonlightdesignsrt@gmail.com

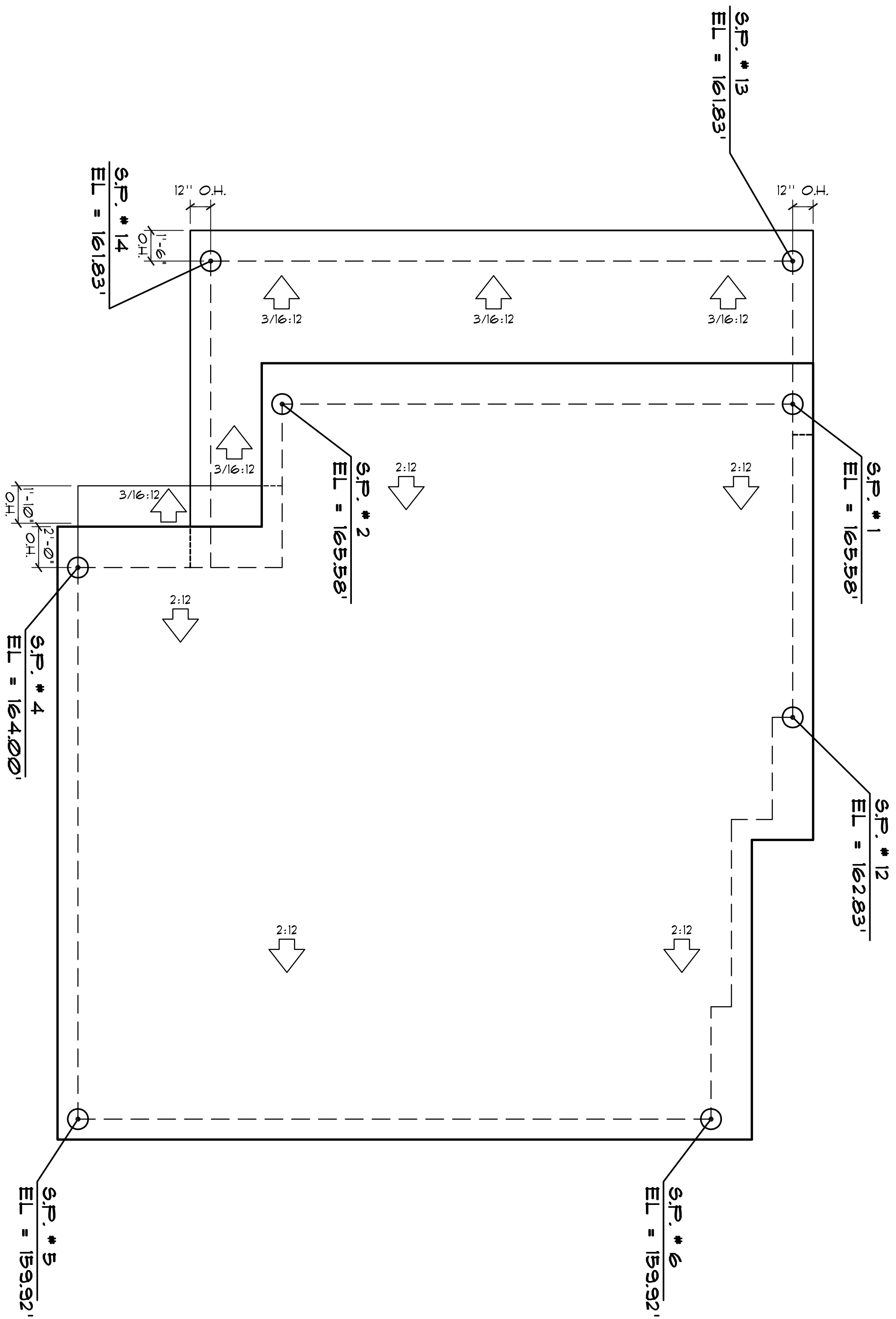
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Sheet Number

**A-6**

MAIN HOUSE ELEVATIONS





ACCESSORY UNIT:  
 STORY POLE ROOF PLAN  
 SCALE: 1/4" = 1'-0"

Sheet Information	
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Checked by:	RT
Date:	12-14-19
Scale:	1/4"=1'-0"
Job Number:	
Cad File:	McHale-ST1

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 DESIGNS**

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 Escondido, California 92046  
 Phone 760.525.2541  
 e-mail: moonlightdesignsrt@gmail.com

Project Data

**MCHALE RESIDENCE**

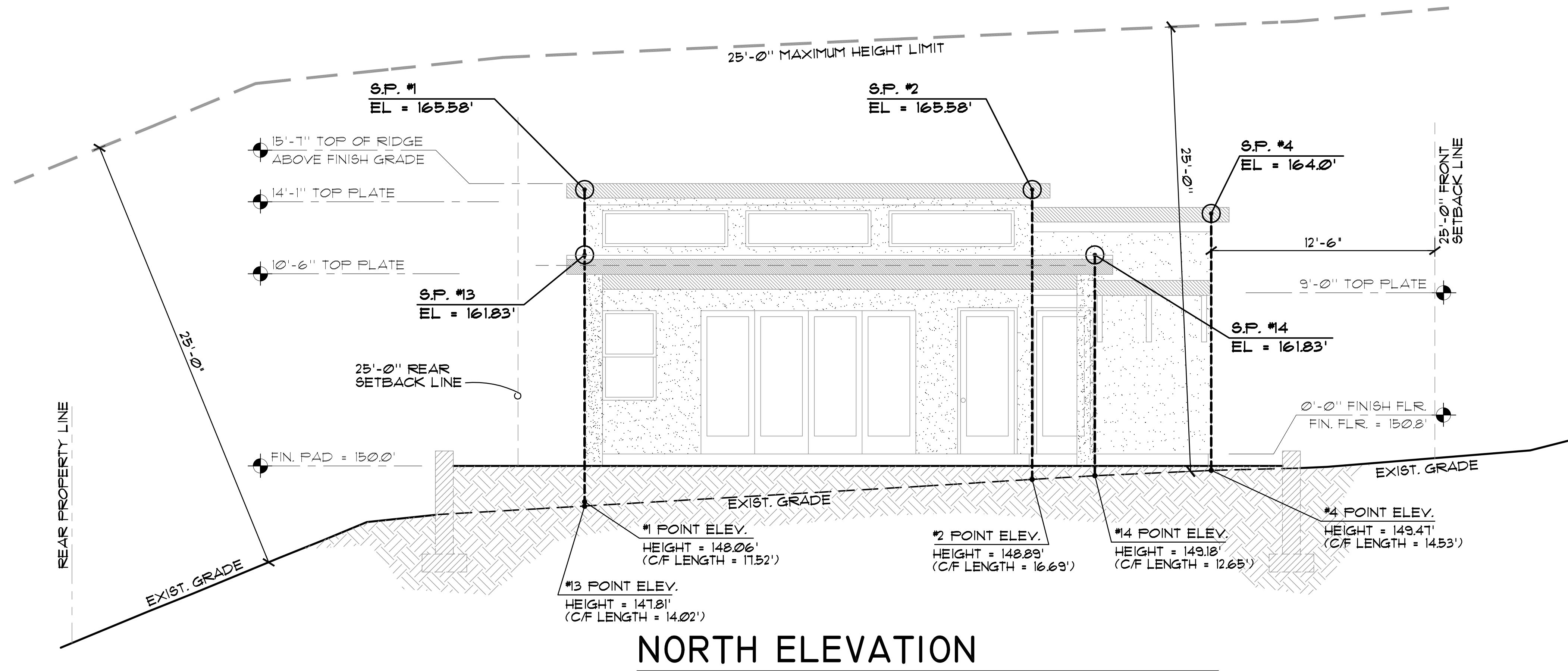
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Revisions

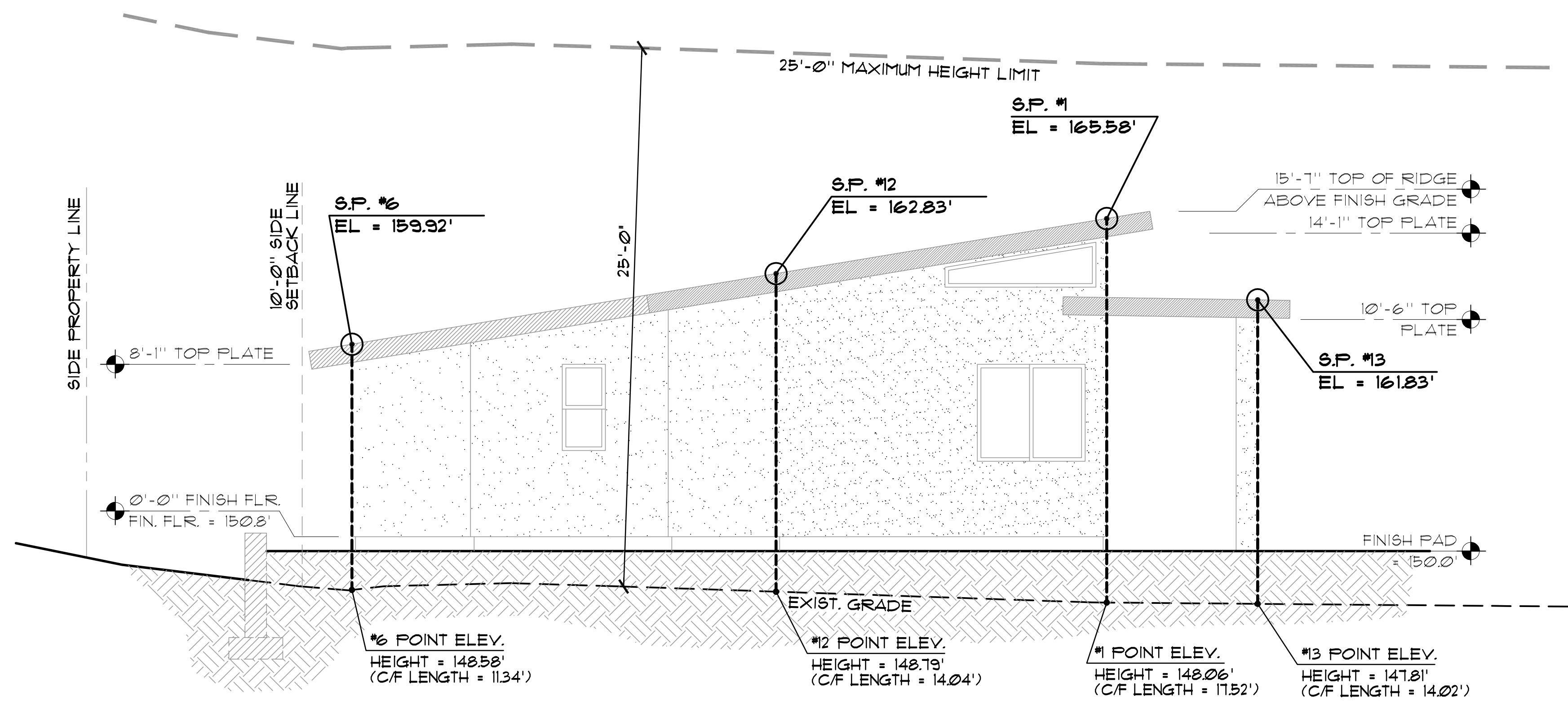
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A	PLANNING REVIEW	12-25-19
B		
C		
D		
E		

STORY POLE ROOF PLAN

Sheet Number  
**SP-1**



**NORTH ELEVATION**



**EAST ELEVATION**

**ACCESSORY UNIT:  
STORY POLE ELEVATIONS**  
SCALE: 1/4" = 1'-0"

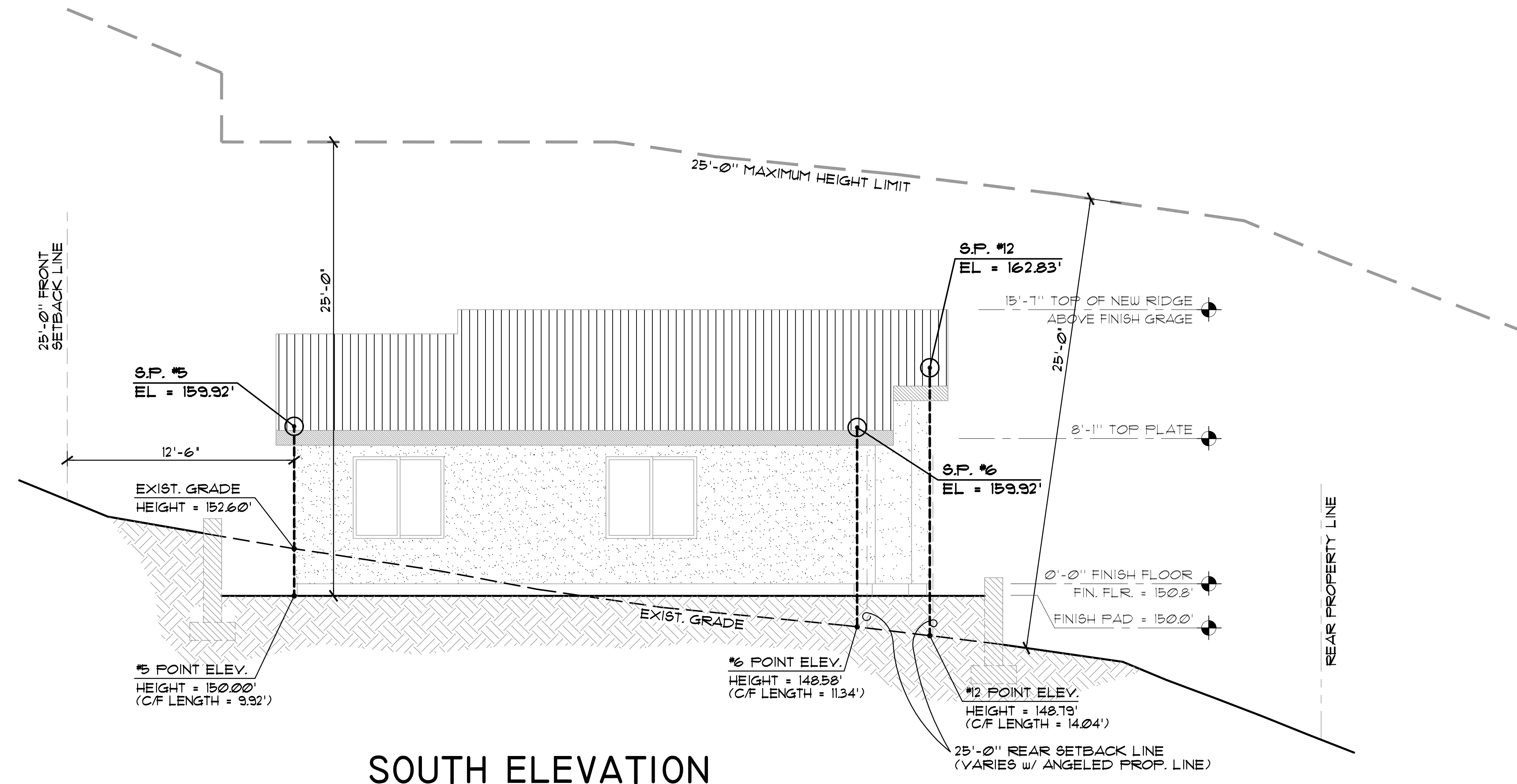
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B	
C	
D	
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Project Data  
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 318 S. Nardo Avenue  
 Solana Beach, CA 92075

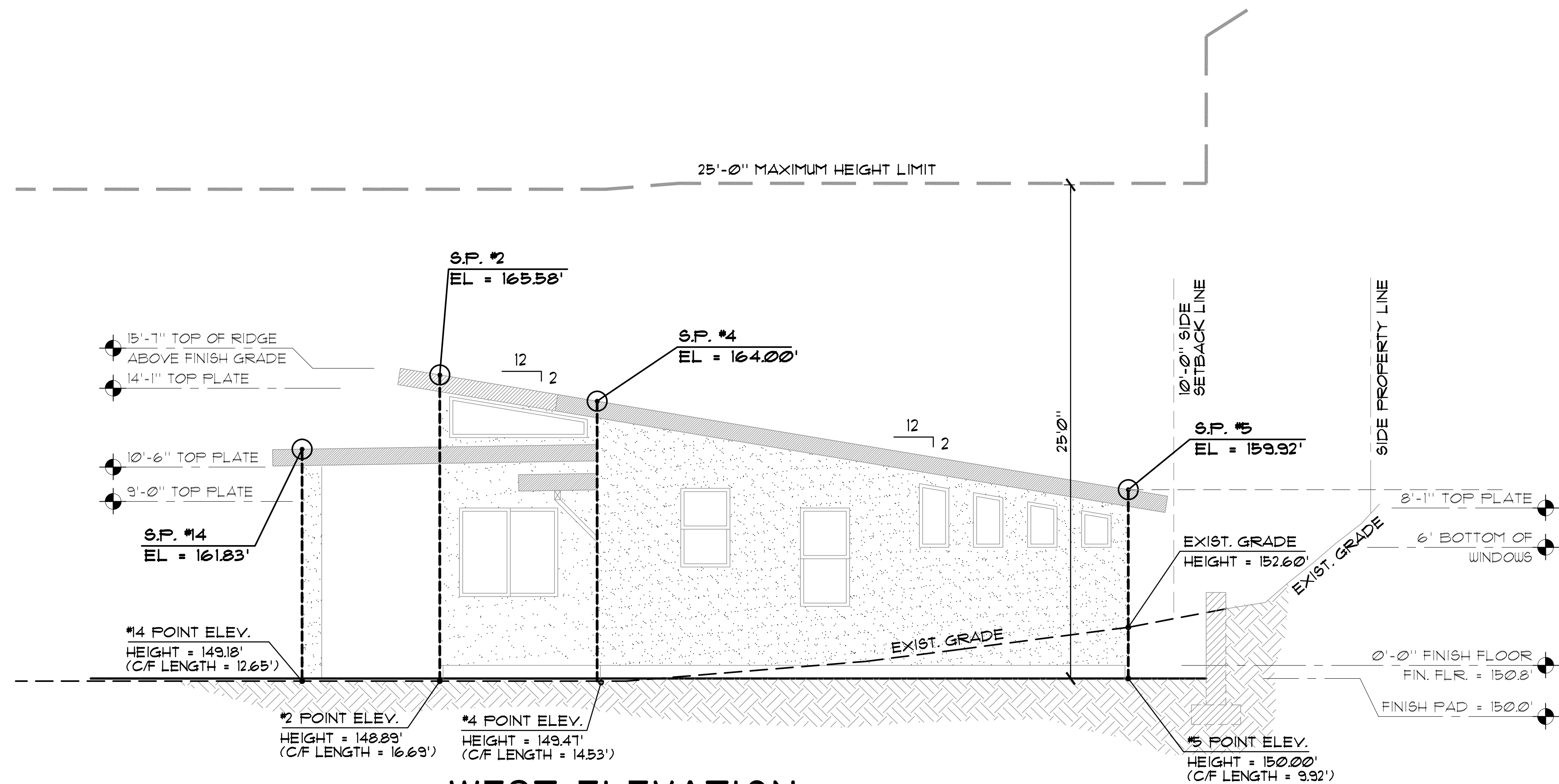
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 P.O. Box 460103  
 Escondido, California 92046  
 Phone 760.525.2541  
 e-mail: moonlightdesignsrt@gmail.com

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Sheet Number  
**SP-2**  
 STORY POLE ELEVATIONS



**SOUTH ELEVATION**



**WEST ELEVATION**

**ACCESSORY UNIT:  
STORY POLE ELEVATIONS**  
SCALE: 1/4" = 1'-0"

Revisions		Date
#	Description	
A	PLANNING REVIEW	12-05-19
B		
C		
D		
E		

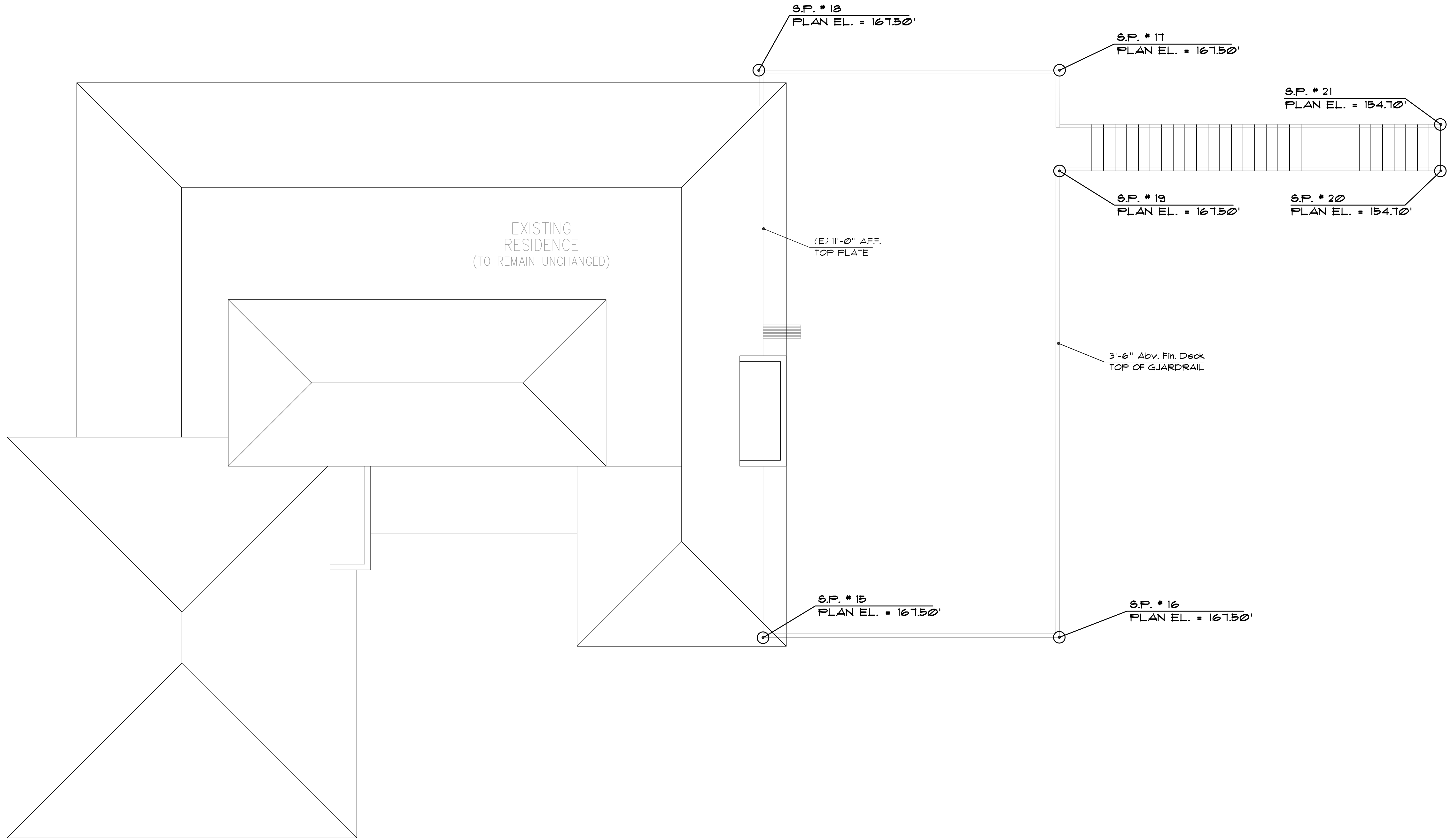
Project Data  
**MCHALE RESIDENCE**  
 318 S. Nardo Avenue  
 Solana Beach, CA 92075

**MOONLIGHT DESIGNS**  
 P.O. Box 460103  
 Escondido, California 92046  
 Phone 760.525.2541  
 e-mail: moonlightdesignsr@gmail.com

Sheet Information	
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Date: 10-14-19	Scale: 1/4" = 1'-0"
Job Number:	Cad File: Mchale-SP3

Sheet Number  
**SP-3**  
 STORY POLE ELEVATIONS





**MAIN HOUSE:  
DECK STORY POLE PLAN**

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

Revisions		Date
#	Description	
A	PLANNING REVIEW	12-05-19
B		
C		
D		
E		

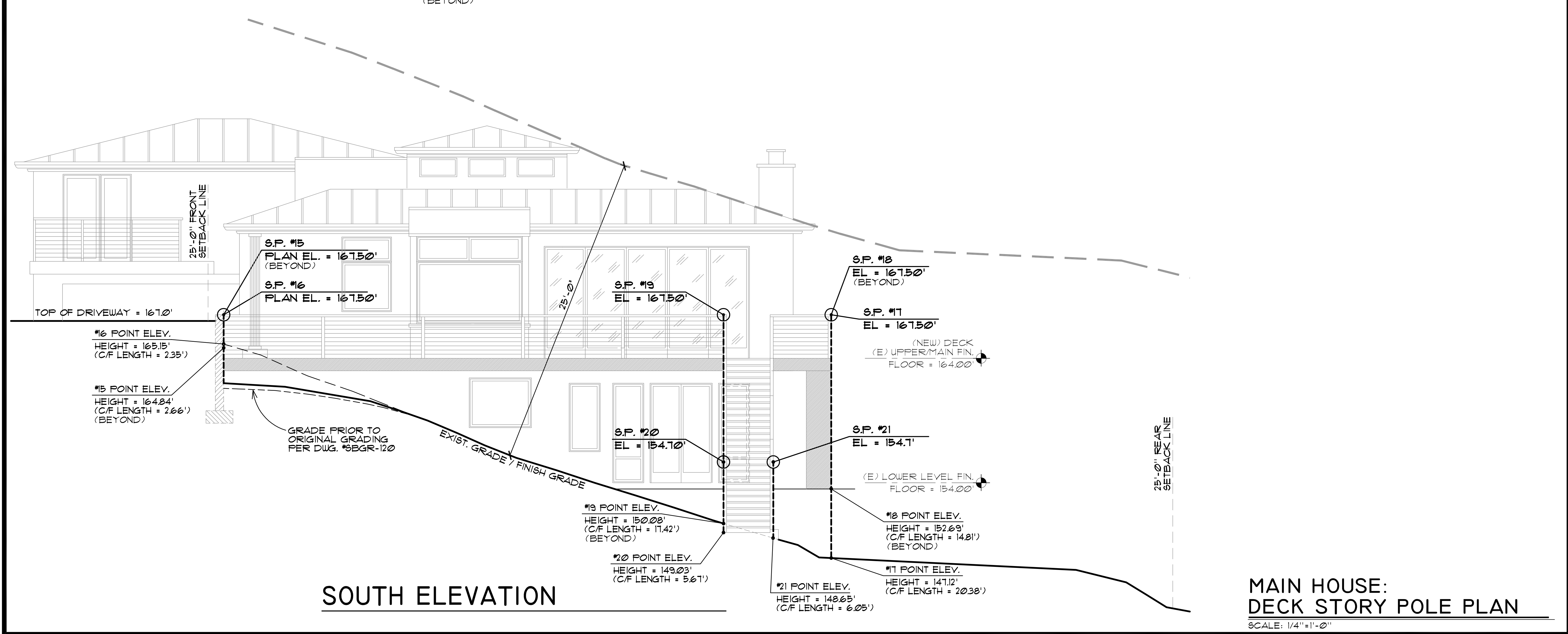
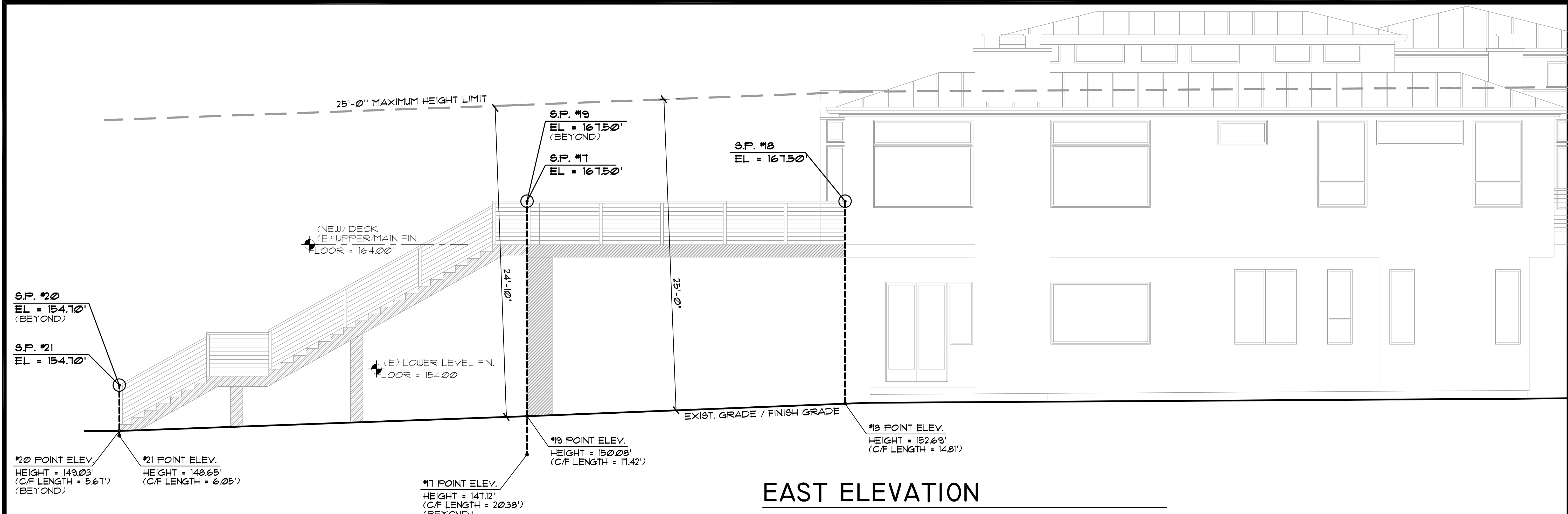
Project Data

**MCHALE RESIDENCE**  
318 S. Nardo Avenue  
Solana Beach, CA 92075

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DESIGNS**  
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Escondido, California 92046  
Phone 760.525.2541  
e-mail: moonlightdesignsrt@gmail.com

Sheet Information	
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Job Number:	Cad File: Mchale-SP4

Sheet Number  
**SP-4**  
DECK STORY POLE PLAN



**MAIN HOUSE:  
DECK STORY POLE PLAN**

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

Revisions		Date
#	Description	
A	PLANNING REVIEW	12-05-19
B	ORIGINAL GRADE TOPO REV.	03-24-20
C		
D		
E		

Project Data

**MCHALE RESIDENCE**

318 S. Nardo Avenue  
Solana Beach, CA 92075

**MOONLIGHT DESIGNS**

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Escondido, California 92046  
Phone 760.525.2541  
e-mail: moonlightdesignsrt@gmail.com

Sheet Information	
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Job Number:	Cad File: Mchale-SP5
Sheet Number	
<b>SP-5</b>	
DECK STORY POLE PLAN	

# EXISTING TOPOGRAPHIC & DEMO PLAN

## LEGAL DESCRIPTION

PARCEL 3 OF PARCEL MAP NO. 11564, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 6, 1981 AS FILE NO. 81-249990 OF OFFICIAL RECORDS. TOGETHER WITH THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 19061 RECORDED SEPTEMBER 12, 2002 AS FILE NO. 2002-782262 OF O.R. IN THE OFFICE OF SAID COUNTY RECORDER LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID PARCEL 3. SAID LAND IS SHOWN ON THE CERTIFICATE OF COMPLIANCE RECORDED: OCTOBER 09, 2006 AS INSTRUMENT NO. 2006-0717734, OF OFFICIAL RECORDS.

## BOUNDARY NOTE

- BOUNDARY PLOTTED PER RECORD INFORMATION PROVIDED IN PARCEL MAP NO. 11564.
- THIS IS NOT A PRECISE BOUNDARY SURVEY.**

## LEGEND

- CONCRETE
- CHAINLINK FENCE
- WIRE FENCE
- CONCRETE MASONRY UNIT WALL
- CONCRETE

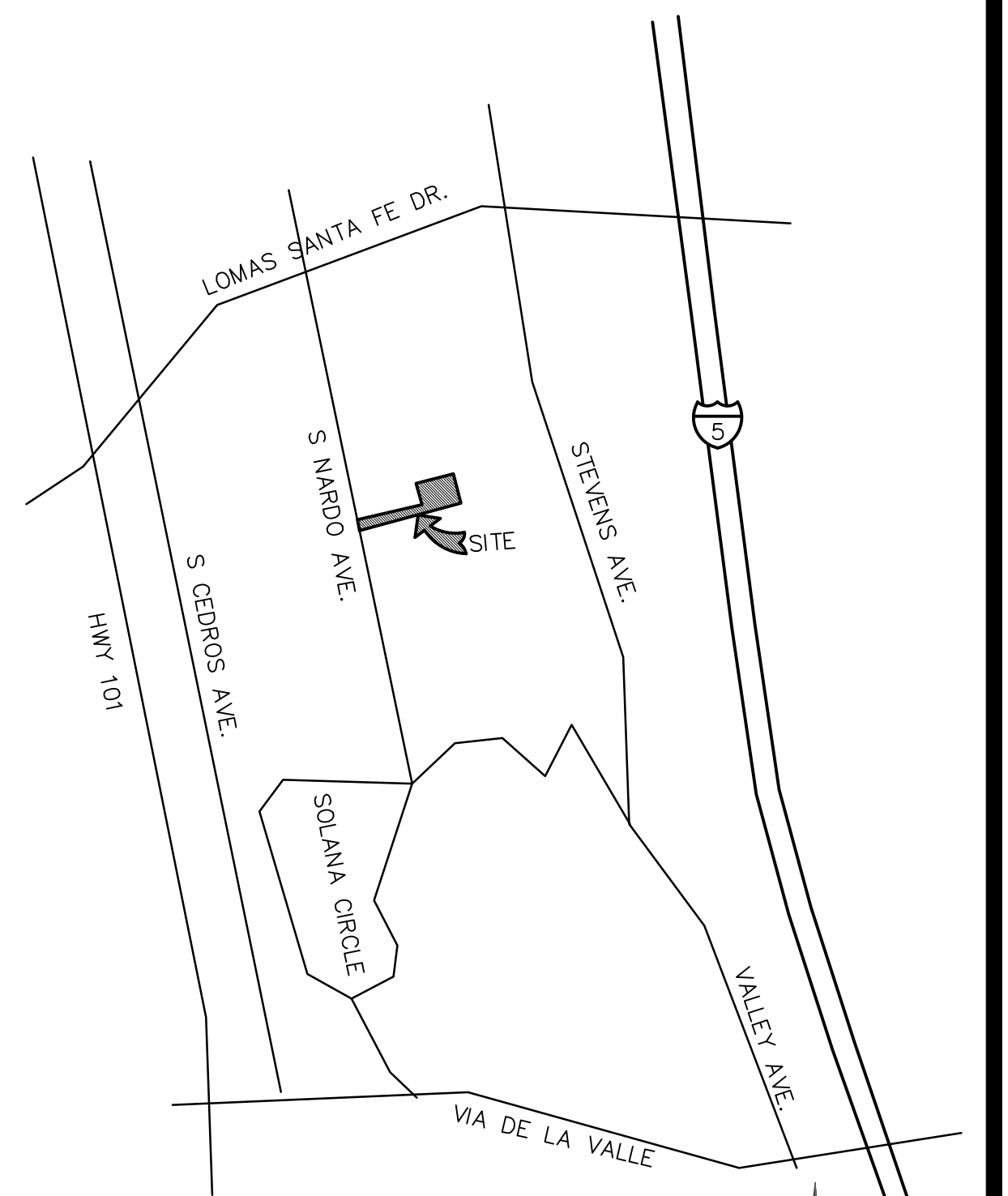
- 1 CATV VAULT
- 2 TELEPHONE VAULT
- 3 ELECTRIC VAULT
- 4 DRAIN
- 5 P.C.C. SWALE
- 6 ROOF, TO BE REMOVED
- 7 RAILROAD TIES, TO BE REMOVED
- 8 SHED, TO BE REMOVED
- 9 HEN HOUSE, TO BE REMOVED
- 10 STEPS

**NOTE:**

- ALL EXISTING DRAINAGE IMPROVEMENTS WERE INSTALLED PER SBGR-120 AND/OR PER THE HOCK RESIDENCE, CASE NO. 17-04-23

LIMITS OF 2:1 FILL SLOPE OVER ORIGINAL EXISTING GRADE PER DWG. NO. SBGR-120

20.00' WIDE ACCESS AND UTILITY EASEMENT.



**VICINITY MAP**  
NOT TO SCALE  
T.B. PAGE 1167-F7

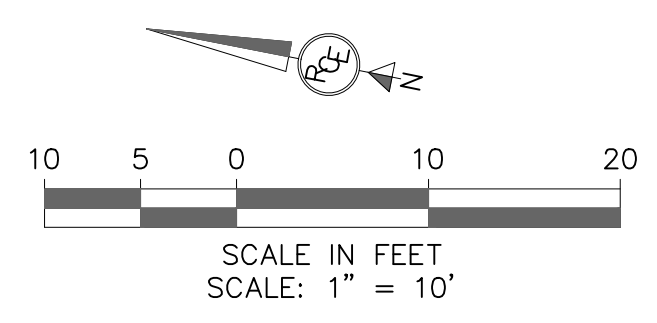


**RANCHO COASTAL ENGINEERING & SURVEYING**  
SINGLE SOURCE DEVELOPMENT CONSULTANT  
310 VIA VERA CRUZ, #205  
SAN MARCOS, CA. 92078  
(760) 510-3152 Ph / (760) 510-3153 Fax

### ENGINEER OF WORK

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT.

*Douglas E. Logan*  
DOUGLAS E. LOGAN DATE: 04/09/20  
C 39726 EXPIRES: 12/31/21



**BENCH MARK**  
CITY OF SOLANA BEACH VERTICAL CONTROL POINT ID NO. 2005 DESIGNATED AS "SOLB-5"  
2.5" BRASS DISC SET ON CONCRETE DRAINAGE INLET AT THE EAST END OF FRESCA COURT.  
CITY OF SOLANA BEACH CONTROL NETWORK  
ELEV: 107.12' NAVD: 88

<b>SOLANA BEACH FIRE DEPARTMENT</b>		<b>SANTA FE IRRIGATION DISTRICT</b>		<b>ENGINEER OF WORK</b>		<b>CITY APPROVED CHANGES</b>		<b>APP'D DATE</b>		<b>RECOMMENDED FOR APPROVAL</b>		<b>APPROVED FOR CONSTRUCTION</b>		<b>CITY OF SOLANA BEACH</b>		<b>ENGINEERING DEPARTMENT</b>		<b>DRAWING NO.</b>	
BY: _____ DATE: _____		BY: _____ DATE: _____		BY: DOUGLAS E. LOGAN DATE: _____						BY: _____ DATE: _____		BY: MOHAMMAD SAMMAK, CITY ENGINEER DATE: _____		EXISTING TOPOGRAPHIC & DEMO PLAN:		318 S. NARDO AVENUE		C-1	
FIRE CHIEF		DISTRICT REPRESENTATIVE		BMW DRAWN BY: _____ DATE: _____								R.C.E.: 37146 EXP: 06/30/20		318 S. NARDO AVENUE		SHEET 1 OF 4			

PRELIMINARY - NOT FOR CONSTRUCTION

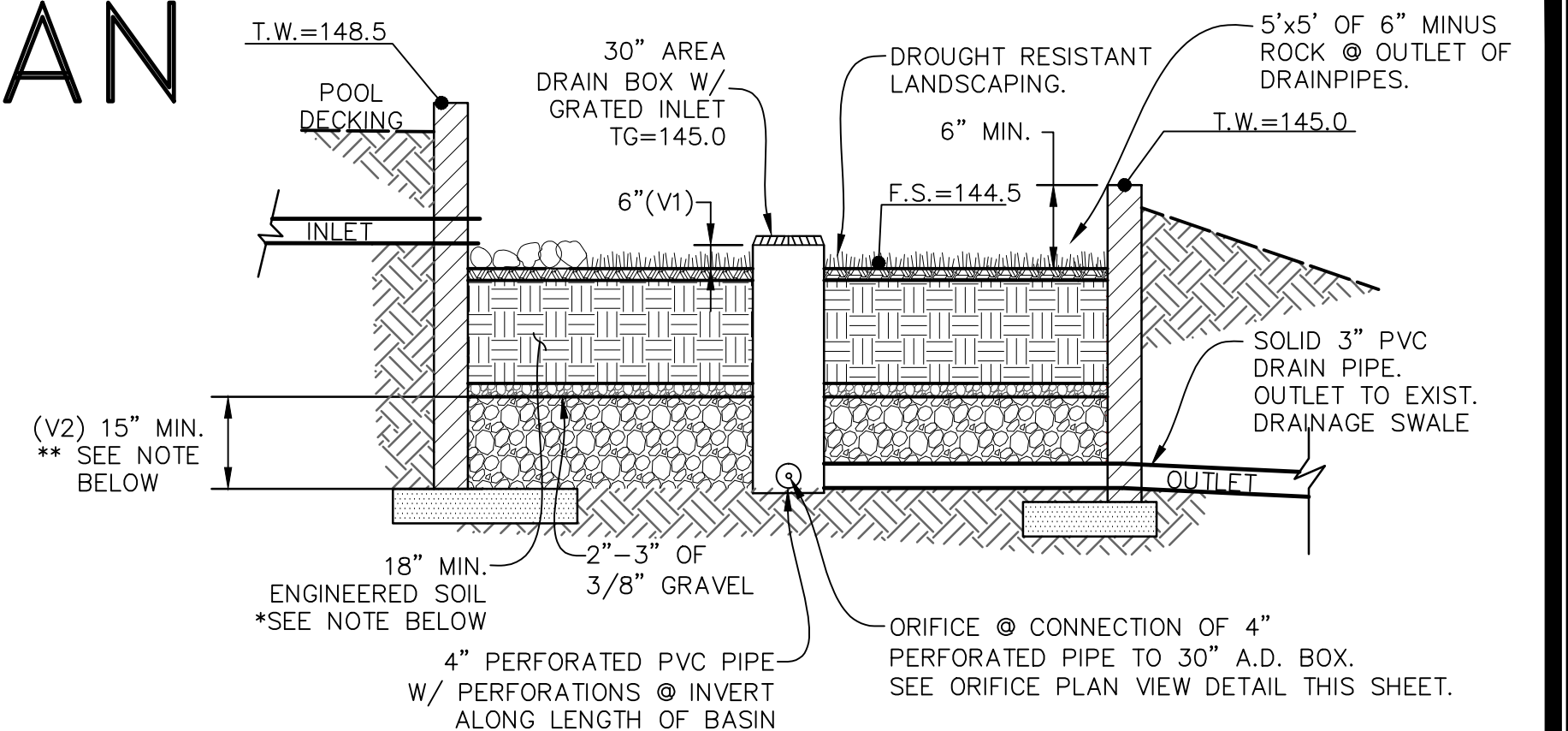
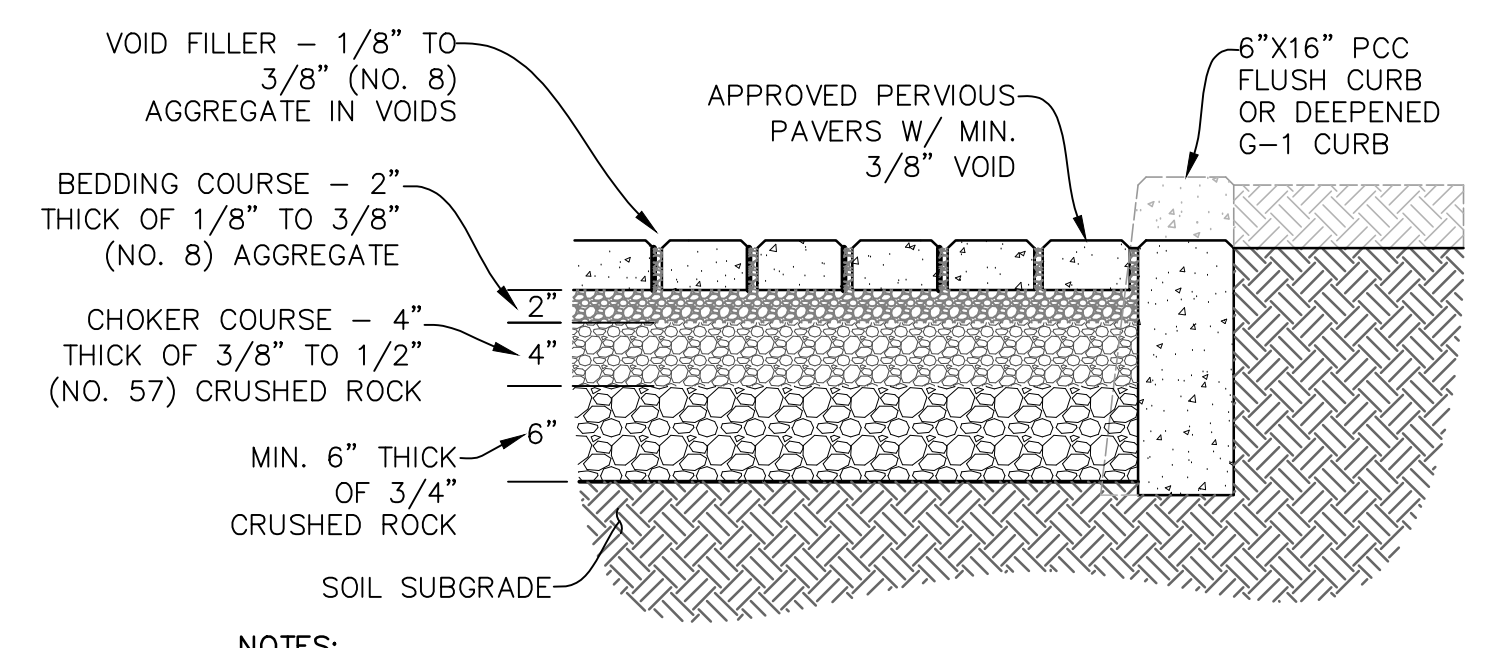
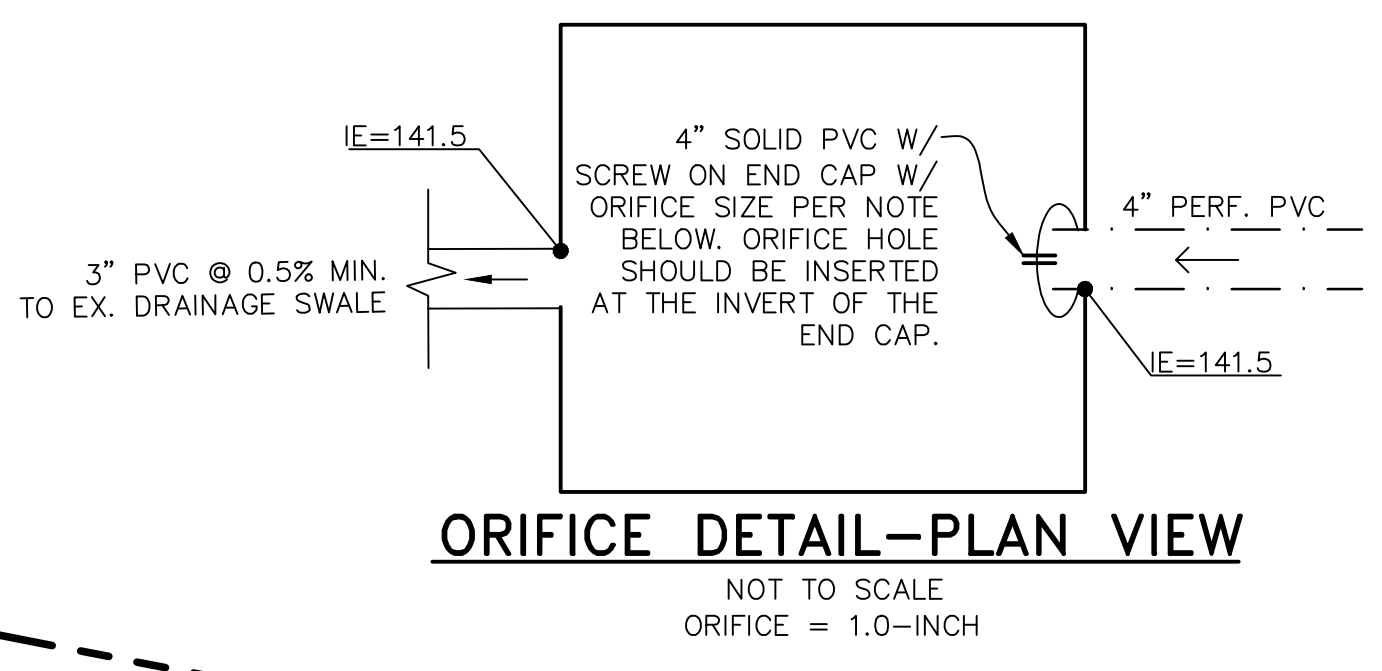
ENGINEER'S NAME: RANCHO COASTAL ENGINEERING PHONE NO. (760) 510-3152 // EMAIL: DOUG@RCESD.COM



# PRELIMINARY GRADING & DRAINAGE PLAN

**RETAINING WALL NOTE:**

- TR = TOP OF RAILING ON TOP OF WALL (NON-RETAINING PORTION).
- TF = TOP OF FENCE ON TOP OF WALL (NON-RETAINING PORTION).
- TW = TOP OF RETAINING WALL.
- BW = FINISH GRADE @ BOTTOM OF RETAINING PORTION. - NOT TOP OF FOOTING.
- TG = TOP OF GATE
- BG = BOTTOM OF GATE
- EG = EXISTING GRADE @ RETAINING WALL

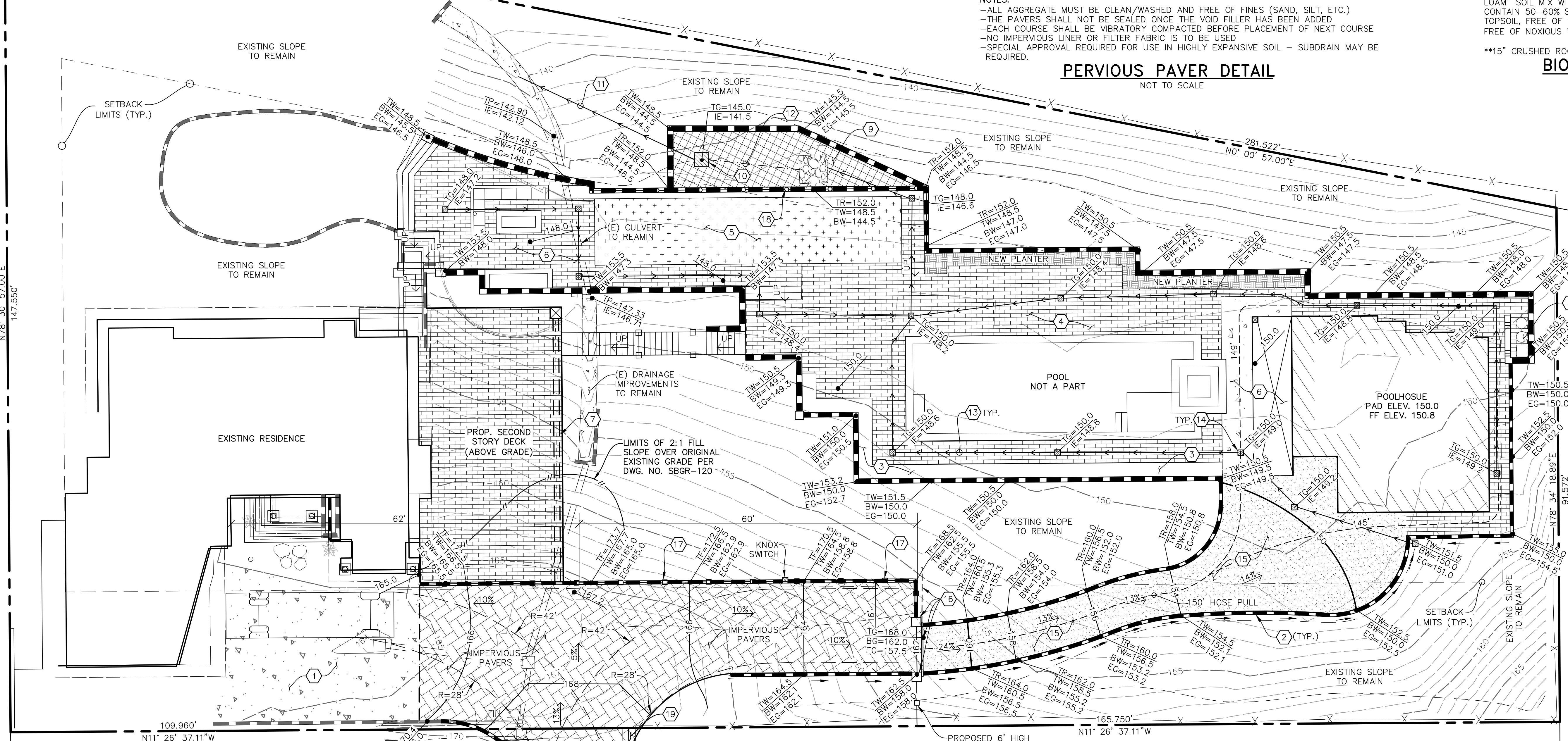


**NOTES:**

- ALL AGGREGATE MUST BE CLEAN/WASHED AND FREE OF FINES (SAND, SILT, ETC.)
- THE PAVERS SHALL NOT BE SEALED ONCE THE VOID FILLER HAS BEEN ADDED
- EACH COURSE SHALL BE VIBRATORY COMPACTED BEFORE PLACEMENT OF NEXT COURSE
- NO IMPERVIOUS LINER OR FILTER FABRIC IS TO BE USED
- SPECIAL APPROVAL REQUIRED FOR USE IN HIGHLY EXPANSIVE SOIL - SUBDRAIN MAY BE REQUIRED.

\*BIORETENTION "ENGINEERED SOIL" LAYER SHALL BE MINIMUM 18" DEEP "SANDY LOAM" SOIL MIX WITH NO MORE THAN 5% CLAY CONTENT. THE MIX SHALL CONTAIN 50-60% SAND, 20-30% COMPOST OR HARDWOOD MULCH, AND 20-30% TOPSOIL, FREE OF STONES, STUMPS, ROOTS, OR SIMILAR OBJECTS, AND ALSO FREE OF NOXIOUS WEEDS. MIN. PERK RATE = 5 IN./HR.

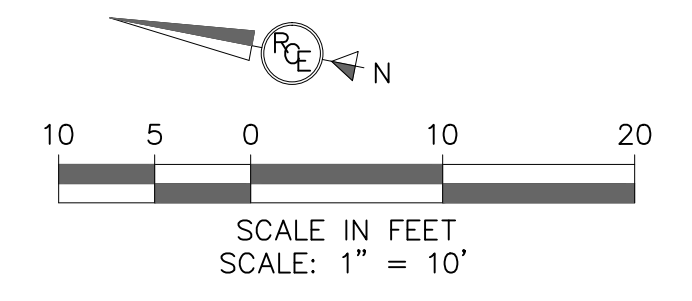
\*\*15" CRUSHED ROCK LAYER, CL. II PERMEABLE ROCK WITH MIN. 40% POROSITY.



**WORK TO BE DONE:**

- P.C.C. DRIVEWAY SURFACE.
- CONSTRUCT RETAINING WALL PER S.D.R.S.D. STANDARDS.
- PLANTER AREA.
- POOL DECKING.
- BOCCIE BALL COURT, F.S.=147.5.
- CONCRETE PATIO/WALKWAY.
- BEAM ABOVE GRADE SUPPORTING SECOND STORY DECK.
- POOL EQUIPMENT AREA.
- BIO RETENTION BASIN PER DETAIL THIS SHEET, F.S.=144.5.
- INSTALL 30" SQ. A.D. W/ ORIFICE PER DETAIL THIS SHEET.
- 6" PVC DRAIN PIPE @ 0.5% MIN. TO CONNECT TO EXISTING DRAINAGE SWALE.
- 4" PVC PERFORATED UNDER DRAIN PIPE.
- 4" PVC DRAIN PIPE @ 0.5% MIN.
- 6" SQ. AREA DRAIN.
- D.G. SURFACE.
- PROPOSED 6' HIGH COLUMNS AND SLIDING GATE.
- 6' FENCING ON TOP OF RETAINING WALL.
- 42" GUARD RAIL ON TOP OF RETAINING WALL.
- PROPOSED OFF-SITE GRADING & IMPROVEMENTS PER "STRUCTURE DEVELOPMENT PERMIT WAIVER REQUEST" DATED 05-02-2019.

**RANCHO COASTAL ENGINEERING & SURVEYING**  
SINGLE SOURCE DEVELOPMENT CONSULTANT  
310 VIA VERA CRUZ, #205  
SAN MARCOS, CA. 92078  
(760) 510-3152 Ph / (760) 510-3153 Fax



**ENGINEER OF WORK**

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT AND THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT.

DOUGLAS E. LOGAN DATE: 04/09/20  
C 39726 EXPIRES: 12/31/21

**STANDARD SPECIFICATIONS**

- STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION INCLUDING THE REGIONAL SUPPLEMENTAL AMENDMENTS.
- CALIFORNIA DEPARTMENT OF TRANSPORTATION "MANUAL OF TRAFFIC CONTROLS FOR CONSTRUCTION AND MAINTENANCE WORK ZONES"
- STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS

**STANDARD DRAWINGS**

- SAN DIEGO REGIONAL STANDARD DRAWINGS
- STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION STANDARD PLANS

**EARTHWORK QUANTITIES**

CUT = 350 C.Y.  
FILL = 100 C.Y.  
EXPORT = 250 C.Y.

**NOTE:**  
EARTHWORK QUANTITIES ARE CALCULATED ON A THEORETICAL BASIS ONLY AND DO NOT INCLUDE VOLUMES FOR CLEARING/GRUBBING, SHRINKAGE AND/OR SWELLING WHICH CAN/WILL INEVITABLY AFFECT THESE QUANTITIES.

**IMPERVIOUS AREA**

IMPERVIOUS AREA PRIOR TO CONSTRUCTION: 6,950 SQFT  
IMPERVIOUS AREA CREATED OR REPLACED: 7,725 SQFT

**WEEP SCREED NOTE:**

BOTTOM OF WEEP SCREED TO BE A MINIMUM OF 8" ABOVE FINISHED LANDSCAPE AREAS & 2" ABOVE HARDSCAPE AREAS. THIS NOTE TO SUPERCEDE ELEVATIONS SHOWN ON PLANS SHOULD THERE BE ANY CONFLICT.

**BENCH MARK**

CITY OF SOLANA BEACH VERTICAL CONTROL POINT ID NO. 2005 DESIGNATED AS "SOLB-5" 2.5" BRASS DISC SET ON CONCRETE DRAINAGE INLET AT THE EAST END OF FRESCA COURT. CITY OF SOLANA BEACH CONTROL NETWORK ELEV: 107.12' NAVD: 88

<b>SOLANA BEACH FIRE DEPARTMENT</b>	<b>SANTA FE IRRIGATION DISTRICT</b>	<b>ENGINEER OF WORK</b>	<b>CITY APPROVED CHANGES</b>	<b>APPR'D DATE</b>	<b>RECOMMENDED FOR APPROVAL</b>	<b>APPROVED FOR CONSTRUCTION</b>	<b>CITY OF SOLANA BEACH</b>	<b>ENGINEERING DEPARTMENT</b>	<b>DRAWING NO.</b>
BY: FIRE CHIEF DATE:	BY: DISTRICT REPRESENTATIVE DATE:	BY: DOUGLAS E. LOGAN DATE: RCE 39726, EXP. 12-31-21			BY: DATE:	BY: MOHAMMAD SAMMAK, CITY ENGINEER DATE: R.C.E.: 37146 EXP: 06/30/20	PRELIMINARY GRADING & DRAINAGE PLAN		C-2
							<b>318 S. NARDO AVENUE</b>		SHEET 2 OF 4

PRELIMINARY - NOT FOR CONSTRUCTION  
ENGINEER'S NAME: RANCHO COASTAL ENGINEERING  
PHONE NO: (760) 510-3152 // EMAIL: DOUG@RCESD.COM



# SLOPE ANALYSIS

N78° 30' 57"E 147.55'



**NOTE:**

- ALL EXISTING DRAINAGE IMPROVEMENTS WERE INSTALLED PER SBGR-120 AND/OR PER THE HOCK RESIDENCE, CASE NO. 17-04-23.
- ALL EXISTING DRAINAGE TO REMAIN.

LIMITS OF 2:1 FILL SLOPE OVER ORIGINAL EXISTING GRADE PER DWG. NO. SBGR-120

## SLOPE ANALYSIS

- SLOPE
- : 0-25%
  - : 25-40%
  - : 40%-<

N11° 26' 37"W 109.96'

N11° 26' 37"W 165.75'

N78° 34' 19"E 91.57'

298-084-19

298-084-47

20.00' WIDE ACCESS AND UTILITY EASEMENT.

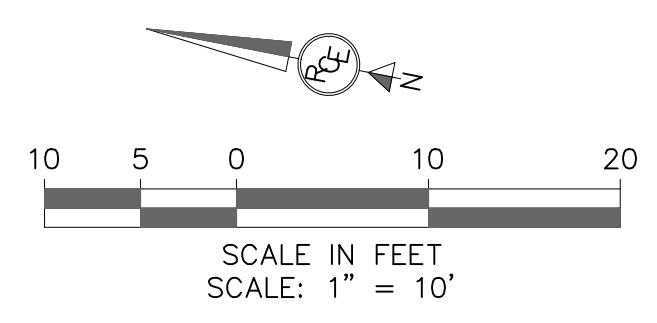


**RANCHO COASTAL ENGINEERING & SURVEYING**  
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 (760) 510-3152 Ph / (760) 510-3153 Fax

### ENGINEER OF WORK

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*Douglas E. Logan*  
 DOUGLAS E. LOGAN DATE: 04/09/20  
 C 39726 EXPIRES: 12/31/21



**BENCH MARK**  
 CITY OF SOLANA BEACH VERTICAL CONTROL POINT ID NO. 2005 DESIGNATED AS "SOLB-5"  
 2.5" BRASS DISC SET ON CONCRETE DRAINAGE INLET AT THE EAST END OF FRESCA COURT.  
 CITY OF SOLANA BEACH CONTROL NETWORK  
 ELEV: 107.12' NAVD: 88

COASTAL COMMISSION PERMIT NO. \_\_\_\_\_

<b>SOLANA BEACH FIRE DEPARTMENT</b>	<b>SANTA FE IRRIGATION DISTRICT</b>	<b>ENGINEER OF WORK</b>	<b>CITY APPROVED CHANGES</b>	<b>APPROVED FOR APPROVAL</b>	<b>APPROVED FOR CONSTRUCTION</b>	<b>CITY OF SOLANA BEACH</b>	<b>ENGINEERING DEPARTMENT</b>	<b>DRAWING NO.</b>
BY: _____ DATE: _____	BY: _____ DATE: _____	BY: DOUGLAS E. LOGAN DATE: 04/09/20 DRAWN BY: BMW DATE: _____ RCE 39726, EXP. 12-31-21		BY: _____ DATE: _____	BY: MOHAMMAD SAMMAK, CITY ENGINEER DATE: 06/30/20 R.C.E.: 37146 EXP: 06/30/20	<b>318 S. NARDO AVENUE</b>		<b>C-3</b>
								<b>SHEET 3 OF 4</b>

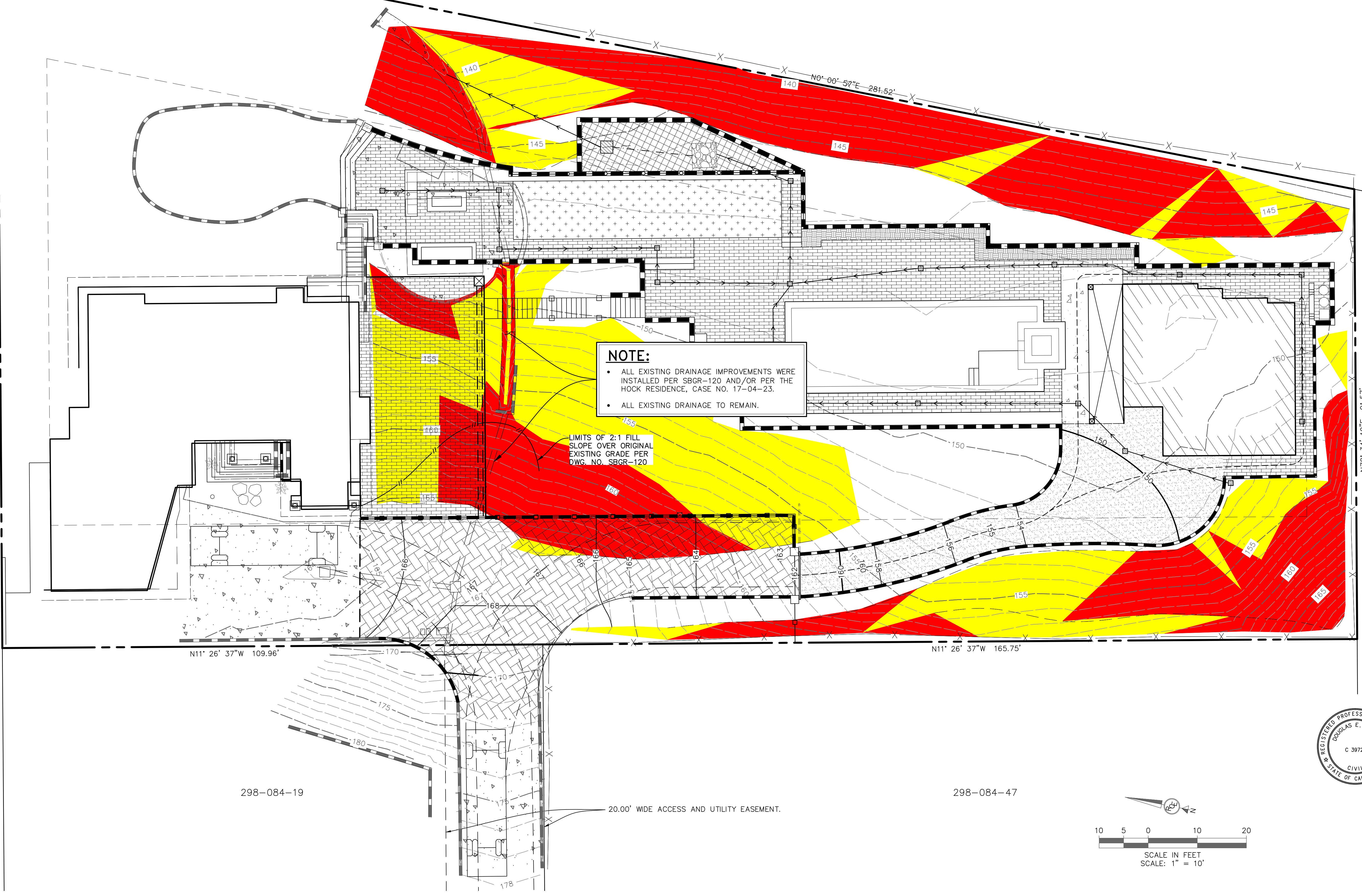
PRELIMINARY - NOT FOR CONSTRUCTION

ENGINEER'S NAME: RANCHO COASTAL ENGINEERING  
 PHONE NO: (760) 510-3152 // EMAIL: DOUG@RCESD.COM



# SLOPE ANALYSIS WITH OVERLAY

N78° 30' 57"E 147.55'



## SLOPE ANALYSIS

- SLOPE
- 0-25%
  - 25-40%
  - 40%-<

N11° 26' 37"W 109.96'

N11° 26' 37"W 165.75'

N78° 34' 19"E 91.57'

298-084-19

298-084-47

20.00' WIDE ACCESS AND UTILITY EASEMENT.

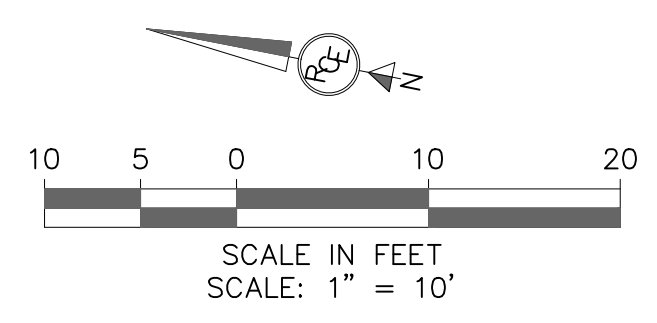


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*Douglas E. Logan*  
 DOUGLAS E. LOGAN DATE: 04/09/20  
 C 39726 EXPIRES: 12/31/21



**BENCH MARK**  
 CITY OF SOLANA BEACH VERTICAL CONTROL POINT ID NO. 2005 DESIGNATED AS "SOLB-5"  
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 CITY OF SOLANA BEACH CONTROL NETWORK  
 ELEV: 107.12' NAVD: 88

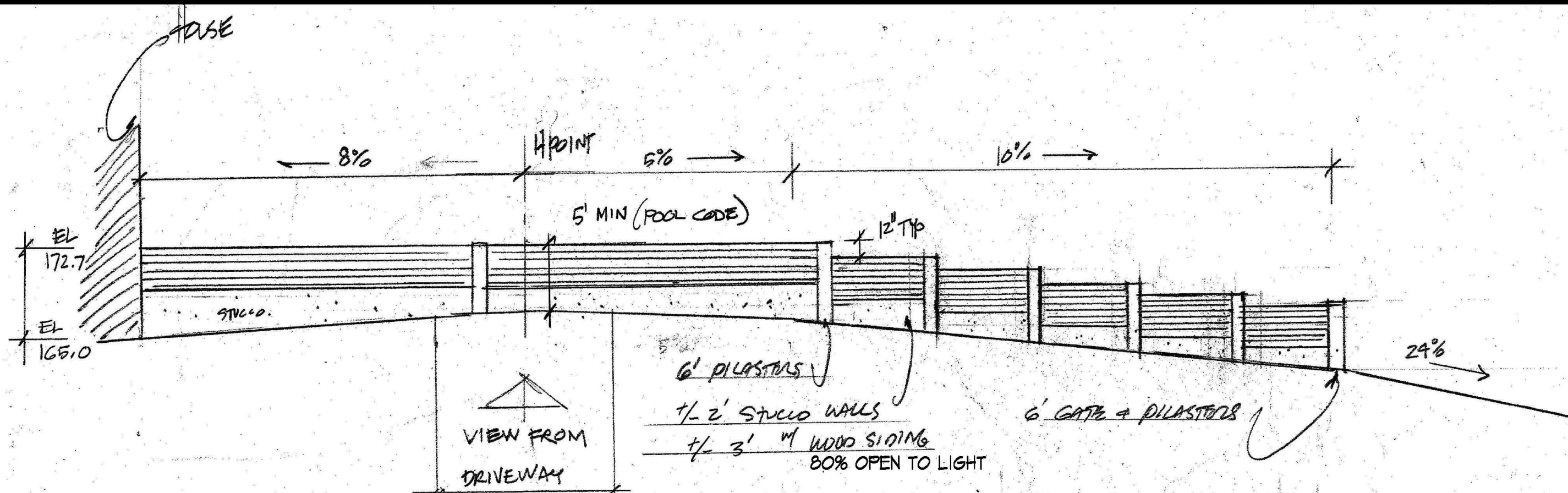
COASTAL COMMISSION PERMIT NO. \_\_\_\_\_

<b>SOLANA BEACH FIRE DEPARTMENT</b> BY: _____ DATE: _____ FIRE CHIEF		<b>SANTA FE IRRIGATION DISTRICT</b> BY: _____ DATE: _____ DISTRICT REPRESENTATIVE		<b>ENGINEER OF WORK</b> DRAWN BY: BMW BY: DOUGLAS E. LOGAN DATE: 04/09/20 R.C.E.: 39726 EXP: 12-31-21		<b>CITY APPROVED CHANGES</b> APP'D DATE:		<b>RECOMMENDED FOR APPROVAL</b> BY: _____ DATE: _____		<b>APPROVED FOR CONSTRUCTION</b> BY: MOHAMMAD SAMMAK, CITY ENGINEER DATE: 06/30/20 R.C.E.: 37146 EXP: 06/30/20		<b>CITY OF SOLANA BEACH</b> SLOPE ANALYSIS WITH OVERLAY 318 S. NARDO AVENUE ENGINEERING DEPARTMENT		DRAWING NO. <b>C-4</b> SHEET 4 OF 4	
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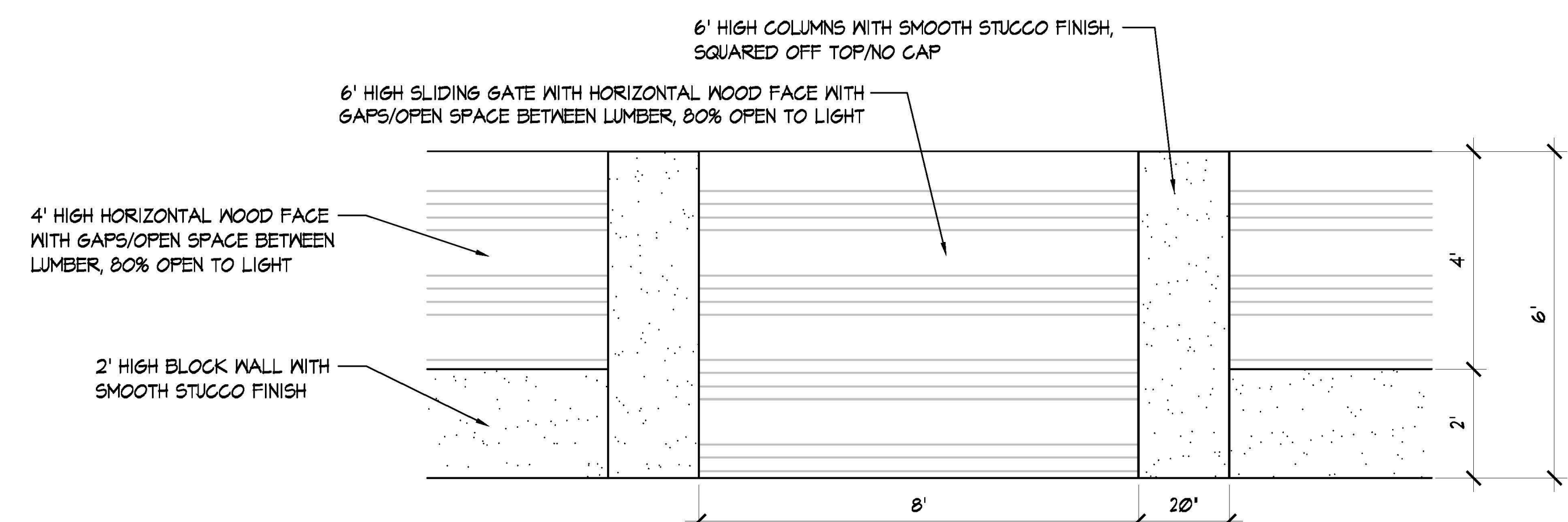
PRELIMINARY - NOT FOR CONSTRUCTION

ENGINEER'S NAME: RANCHO COASTAL ENGINEERING  
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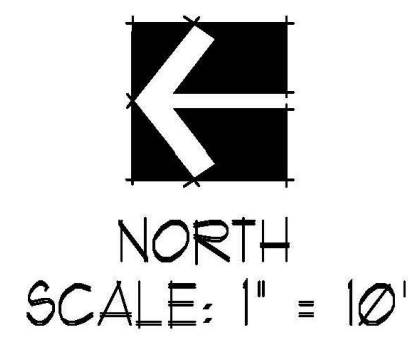
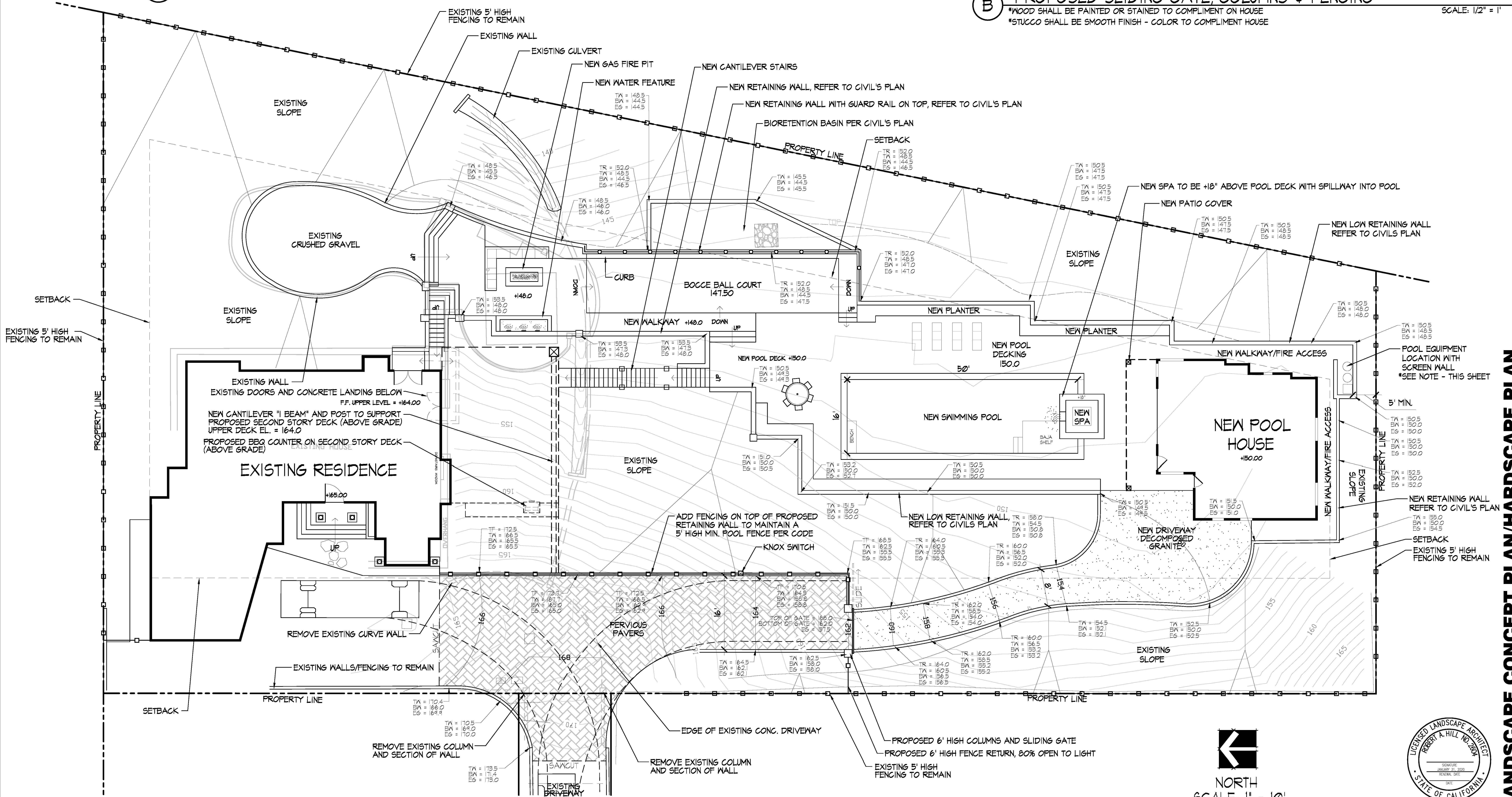


**(A) ELEVATION VIEW 'LOOKING EAST': RET. WALL AND FENCE**



**(B) PROPOSED SLIDING GATE, COLUMNS & FENCING**

SCALE: 1/2" = 1'



**LANDSCAPE CONCEPT PLAN/HARDSCAPE PLAN**

REVISIONS	BY
2.26.19	SH
3.19.19	SH
6.24.19	SH
7.16.19	SH

The Design Build Company  
 Phone 760-722-9306  
 PO Box 231447  
 Encinitas, Calif. 92023  
 www.thedesignbuildcompany.com

**MCHALE RESIDENCE**  
**318 S. NARDO AVE.**  
**SOLANA BEACH, CA 92075**

Date: 5/14/18  
 Scale: 1" = 10'  
 Drawn: SH  
 Job: McHale  
 Sheet: **L-1**  
 Of 3 Sheets



**PLANTING NOTES**

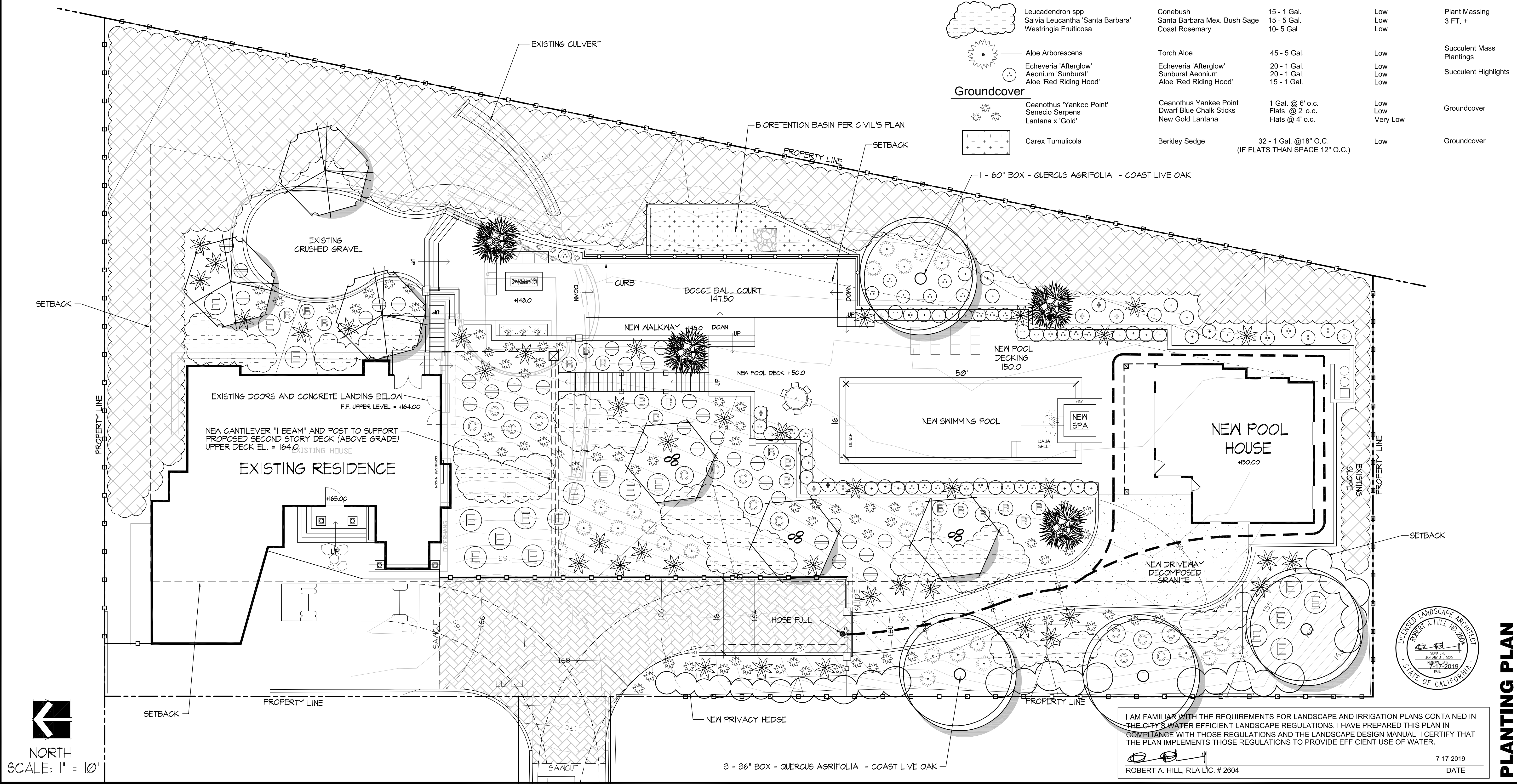
- ALL TREES, SHRUBS, AND GROUNDCOVER SHALL BE SHAPELY, HEALTHY, WELL ROOTED, AND FREE OF DISEASE.
- PLANTS ARE TO BE OF SIZE AND TYPE SPECIFIED ON THESE DRAWINGS. THE OWNER AND THE LANDSCAPE ARCHITECT RESERVE THE RIGHT TO REJECT ANY PLANT MATERIAL THAT DOES NOT COMPLY.
- ALL PLANTS SHALL BE CONTINUOUSLY MAINTAINED BY THE LANDSCAPE CONTRACTOR WHILE AWAITING PLANTING. ALL PLANTS SHALL BE STORED AND PROTECTED FROM DRYING AND ALL OTHER INJURY.
- EACH PLANT SHALL BE PLANTED IN THE CENTER OF THE PIT AND BACKFILLED WITH PREPARED SOIL. NO PLANTS SHALL BE PLANTED WITHOUT DRAINAGE FROM CROWN.
- PLANT PITS SHALL BE DUG WITH LEVEL BOTTOMS, TWICE THE WIDTH (2X) OF THE CONTAINER OR ROOTBALL.
- GROUNDCOVER SHALL BE AT THE SPACING INDICATED, IN A TRIANGULAR PATTERN, AND NOT BE PLANTED IN STRAIT ROWS.
- ALL PLANTING BEDS TO HAVE 2" LAYER OF AGRI SERVICE FOREST BARKMULCH UNLESS OTHERWISE NOTED.
- EXCLUDE MULCH AGAINST HOUSE FOR MINIMUM 12"

**CUT SLOPE NOTE**

- ANY CUT SLOPES MORE THAN FIVE FEET IN HEIGHT AND ANY FILL SLOPES MORE THAN THREE FEET IN HEIGHT (SHOWN OR NOT SHOWN ON THESE PLANS) MUST BE STABILIZED WITH REINFORCED STRAW MATTING AND PLANTED TO PREVENT EROSION.

Symbol	Botanical Name	Common Name	Quantity & Size	Water use (WUCOLS)	Remarks/ Location/ Use	Symbol	Botanical Name	Common Name	Quantity & Size	Water use (WUCOLS)	Remarks/ Location/ Use
<b>Trees</b>						<b>Shrubs</b>					
	Arbutus x 'Marina' (Multi Trunk Form)	Strawberry Tree	3 - 36" Box	Low	20' to 25' Mature Height		Heteromeles arbutifolia	California Toyon	20 - 15 Gal.	Low	Perimeter screening
	Quercus Agrifolia	Coast Live Oak	1 - 60" Box 3 - 36" Box	Low	30' to 50' Mature Height		Laurus Nobilis	Bay Laurel	45 - 5 Gal.	Low	
	Cercidium 'Desert Museum'	Desert Museum Palo Verde	3 - 60" Box	Low	20' to 25' Mature Height		Rhus Integrifolia	Lemonadeberry		Low	
	Aloe Bainesii	Tree Aloe	5 - 24" Box	Low	15' Mature Height		Diets Bicolor	Fortnight Lily	25 - 1 Gal.	Moderate	Accent Planting
							Hemerocallis Spp.	Daylily Varieties	25 - 1 Gal.	Moderate	
							Anigonanthos spp.	Kangaroo Paw Varieties	23 - 5 Gal.	Moderate	
							Acacia cognata 'Cousin It'	Cousin It Acacia	12 - 5 Gal.	Moderate	
							Agapanthus 'Storm Cloud'	Storm Cloud Agapanthus	10 - 1 Gal.	Moderate	
							Gardenia Jasminoides 'Veitchii'	Veitchii Gardenia	8 - 5 Gal.	Moderate	Accent Planting
							Limonium Perezii	Sea Lavender	16 - 1 Gal.	Moderate	
							Dianella spp. 'Sterling'	Variegated Flax Lily	16 - 1 Gal.	Moderate	
							Rosa 'Iceberg'	Iceberg Rose	20 - 5 Gal.	Moderate	
							Agave Attenuata	Foxtail Agave	13 - 5 Gal.	Low	Architectural Accent Plant
							Agave Americana Marginata	Variegated Agave	10 - 5 Gal.	Low	
							Bougainvillea 'La Jolla'	Red Bougainvillea	43 - 5 Gal.	Low	Accent Plant
							Cistus x Purpureus	Purple Rock Rose	25 - 5 Gal.	Low	Accent Plant
							Echium Candicans	Pride of Madiera	15 - 5 Gal.	Low	Accent Plant
							Leymus Condensatus 'Canyon Prince'	Canyon Prince Wild Rye	43 - 5 Gal.	Low	Ornamental grass
							Muhlenbergia Capillaris	Pink Muhly Grass	31 - 5 Gal.	Low	
							Leucadendron spp.	Conebush	15 - 1 Gal.	Low	Plant Massing
							Salvia Leucantha 'Santa Barbara'	Santa Barbara Mex. Bush Sage	15 - 5 Gal.	Low	3 FT. +
							Westringia Fruticosa	Coast Rosemary	10 - 5 Gal.	Low	
							Aloe Arborescens	Torch Aloe	45 - 5 Gal.	Low	Succulent Mass Plantings
							Echeveria 'Afterglow'	Echeveria 'Afterglow'	20 - 1 Gal.	Low	Succulent Highlights
							Aeonium 'Sunburst'	Sunburst Aeonium	20 - 1 Gal.	Low	
							Aloe 'Red Riding Hood'	Aloe 'Red Riding Hood'	15 - 1 Gal.	Low	
<b>Groundcover</b>						<b>Groundcover</b>					
							Ceanothus 'Yankee Point'	Ceanothus Yankee Point	1 Gal. @ 6" o.c.	Low	Groundcover
							Senecio Serpens	Dwarf Blue Chalk Sticks	Flats @ 2" o.c.	Low	
							Lantana x 'Gold'	New Gold Lantana	Flats @ 4" o.c.	Very Low	
							Carex Tumulicola	Berkley Sedge	32 - 1 Gal. @ 18" O.C. (IF FLATS THAN SPACE 12" O.C.)	Low	Groundcover

EXISTING MATURE VEGETATION TO REMAIN



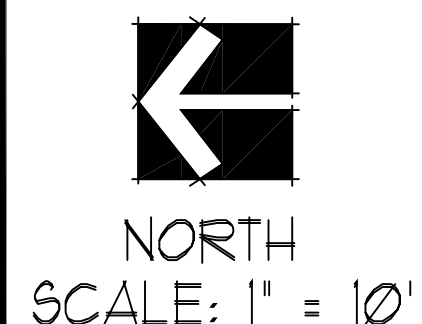
I AM FAMILIAR WITH THE REQUIREMENTS FOR LANDSCAPE AND IRRIGATION PLANS CONTAINED IN THE CITY'S WATER EFFICIENT LANDSCAPE REGULATIONS. I HAVE PREPARED THIS PLAN IN COMPLIANCE WITH THOSE REGULATIONS AND THE LANDSCAPE DESIGN MANUAL. I CERTIFY THAT THE PLAN IMPLEMENTS THOSE REGULATIONS TO PROVIDE EFFICIENT USE OF WATER.

ROBERT A. HILL, RLA LIC. # 2604 DATE 7-17-2019

REVISIONS BY  
 2.26.19 SH  
 3.19.19 SH  
 7.16.19 SH

The Design Build Company  
 Phone 760-729-9006  
 Robert Hill, Landscape Architect RLA #2604 Fax 760-729-9007  
 PO Box 231444 Irvine, CA 92614  
 www.thedesignbuildcompany.com

**MCHALE RESIDENCE**  
**318 S. NARDO AVE.**  
**SOLANA BEACH, CA 92075**



**PLANTING PLAN**

Date: 5/14/18  
 Scale: 1" = 10'  
 Drawn: SH  
 Job: McHale  
 Sheet: L-2  
 Of 3 Sheets





### ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET

McHALE RESIDENCE      DRP/SDP      318 S. NARDO AVE.  
 17-17-20      Project Plan Check Number      SOLANA BEACH, CA 92075

The project's Estimated Total Water Use is calculated using the following formula:  $ETWU = (ETo)(0.62) \left( \frac{PF \times HA}{IE} + SLA \right)$

ETWU = Estimated total water use per year (gallons per year)  
 ETo = Evapotranspiration rate (inches per year)  
 PF = Plant Factor from WUCOLS (see Definitions)  
 HA = Hydro-zone Area (square feet): Define hydro-zones by water use: very low, low, moderate and high  
 SLA = Special Landscape Area (square feet): Edible plants, irrigated with recycled water, & turf used for active play  
 0.62 = Conversion Factor (to gallons per square foot)  
 IE = Irrigation Efficiency

CITY OF SOLANA BEACH ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET									
Line	Hydro-zone Number (1-4 Below - use as many tables as necessary to complete all hydrozones)								
	1	2	3	4	5	6	7	8	SLA
Evapotranspiration Rate (ETo) See "A" below	41								
Conversion Factor - 0.62	0.62								
(Line 1 x Line 2)	25.42								
Plant Factor (PF) See "B" below	0.3	0.6	0.3	0.6	0.3	1.0			
Hydrozone Area (HA) - in square feet	7340	330	8608	1199	387	837			
(Line 4 x Line 5)	2202	198	2582	719	116	837			
Irrigation Efficiency (IE) See "C" below	0.75	0.81	0.81	0.81	0.81	0.75	1.0		
(Line 6 x Line 7)	2936	245	3188	888	155	837			
TOTAL of all Line 8 boxes + SLA	8249								
Line 3 x Line 9 Estimated Total Water Use - ETWU Total shall not exceed MAWA below	209690								

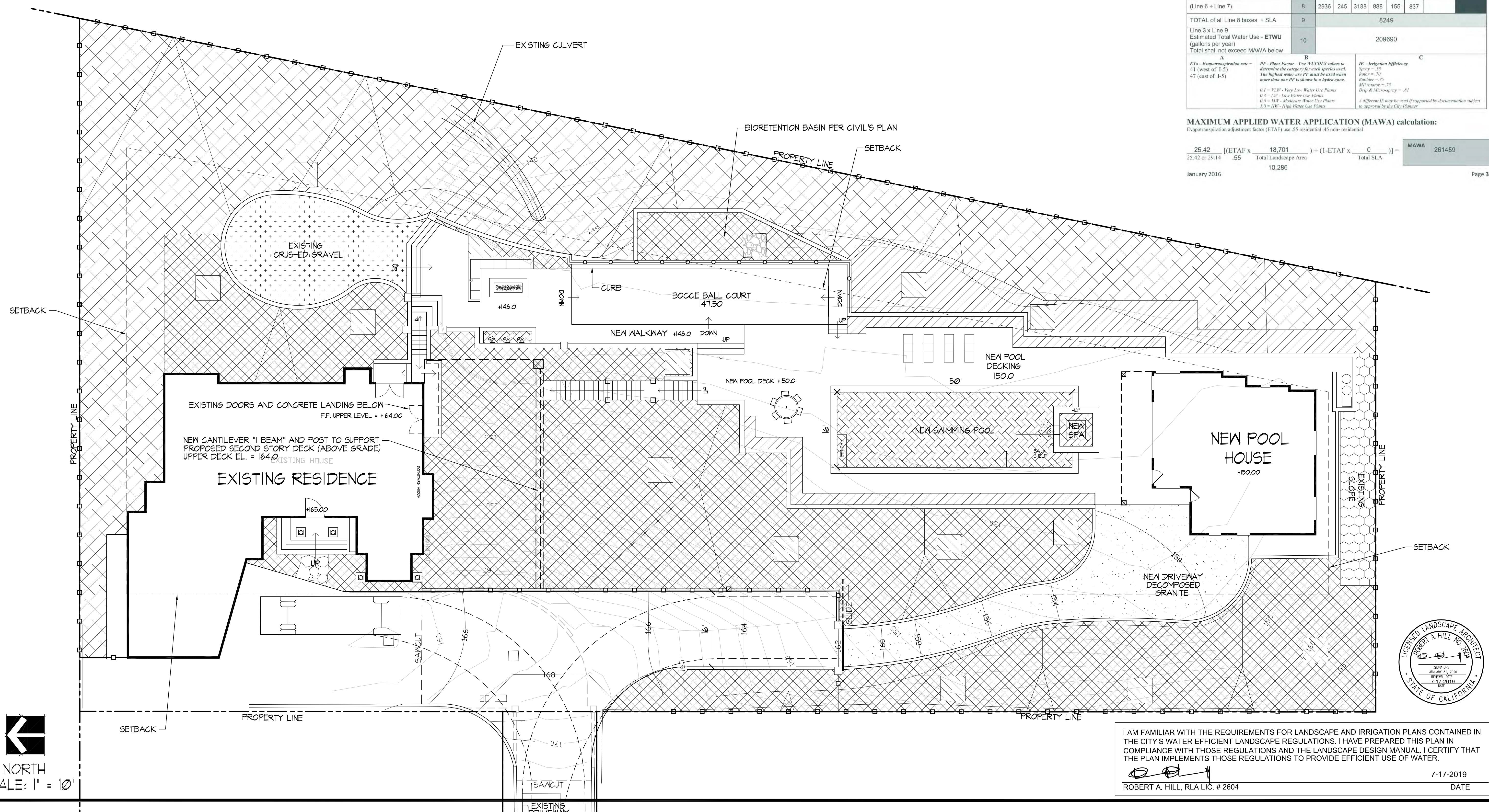
**MAXIMUM APPLIED WATER APPLICATION (MAWA) calculation:**  
 Evapotranspiration adjustment factor (ETAF) use .35 residential .45 non-residential

$\frac{25.42}{25.42 \text{ or } 29.14} [(ETAF \times 18,701) + (1-ETAF \times 0)] =$	MAWA	261450
10,286	Total Landscape Area	

January 2016 Page 3 of 9

### HYDROZONE LEGEND

SYMBOL	HYDROZONE	PLANT WATER USE (WUCOLS)	IRRIGATION METHOD / EFFICIENCY	AREA SF.
	HYDROZONE 1	LOW SHRUBS EXISTING / ESTABLISHED	ROTARY EXISTING	7340 SF
	HYDROZONE 2	LOW/MOD SHRUBS EXISTING / ESTABLISHED	DRIP EXISTING	330 SF
	HYDROZONE 3	LOW SHRUBS	DRIPLINE 18" O.C.	8608 SF
	HYDROZONE 4	LOW/MOD SHRUBS	DRIPLINE 18" O.C.	1199 SF
	HYDROZONE 5	LOW TREES	BUBBLER	387 SF
	HYDROZONE 6	POOL	-	837 SF



NORTH  
 SCALE: 1" = 10'

I AM FAMILIAR WITH THE REQUIREMENTS FOR LANDSCAPE AND IRRIGATION PLANS CONTAINED IN THE CITY'S WATER EFFICIENT LANDSCAPE REGULATIONS. I HAVE PREPARED THIS PLAN IN COMPLIANCE WITH THOSE REGULATIONS AND THE LANDSCAPE DESIGN MANUAL. I CERTIFY THAT THE PLAN IMPLEMENTS THOSE REGULATIONS TO PROVIDE EFFICIENT USE OF WATER.

ROBERT A. HILL, RLA LIC. # 2604 7-17-2019 DATE



**HYDROZONE PLAN**

REVISIONS	BY
2.26.19	SH
3.19.19	SH
7.16.19	SH

The Design Build Company  
 Phone 760-722-9306  
 Fax 760-722-9307  
 www.thedesignbuildcompany.com

**MCHALE RESIDENCE**  
**318 S. NARDO AVE.**  
**SOLANA BEACH, CA 92075**

Date: 5/14/18  
 Scale: 1" = 10'  
 Drawn: SH  
 Job: McHale  
 Sheet: **L-3**  
 Of 3 Sheets



Richard and Rachel  
McHale  
318 S. Nardo Avenue  
Solana Beach, CA 92075

May 12<sup>th</sup> 2020

Joseph Lim, Community Development Director

CC: Katie Benson, Senior Planner, City of Solana Beach

**RE: DRP/SDP Case No.: 17-17-40 - Application for Variance**

Dear Joseph

As part of the above development project submission and further to your comment letter dated November 14<sup>th</sup>, we request the granting of a variance to allow for the application to be considered complete. The variance application relates to retaining walls within the front yard setback exceeding the maximum allowable height.

As you will know through our various interactions, this project has been beset with complexities - in part due to the unique characteristics of this 'set-back' lot and further by the restrictions imposed through the HOZ regulations.

At the same time there is consensus that the existing condition is not safe as it relates to Fire access. Through 5 submissions over a period exceeding 3 years we have attempted to make best use of the lot whilst recognizing (i) the primary need to improve the Fire safety condition and (2) to act in a way that is consistent with the guidance and regulations provided by the City.

This project seeks to achieve both Improvement of the current safety condition of the existing residence whilst further proposing the development of an accessory unit to the South of the lot.

In considering this application, I have referenced below the criteria upon which this variance will be considered and provided justification.

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

Through the extensive discussions with the Planning and Fire departments we have reached a general consensus that the current condition is unsafe as it does not provide for Fire access.

This project has sought to improve of the current safety condition through the development of a turnaround for fire apparatus at the end of the existing driveway.

The proposed turnaround creates the need for a retaining wall - requiring us to build on slopes exceeding 25% on this section of land. This aspect of the plan has been approved by Fire.

The existing grade of the pathway providing access to the site of the proposed accessory dwelling necessitates that the new retaining wall must exceed the 42-inch limit that would otherwise be placed on walls or fences within the front setback.

Hence we assert that a strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty inconsistent with the objectives of the general plan and intent of this title. Moreover, it would lead to the continued risk presented by the lack of provision for Fire safety.

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

We would ask you to note that the lot is setback from Nardo Avenue and as such the proposals do not impact the view of any neighboring lot and are generally not visible from Nardo Avenue

We also ask you to note that the existing residence has been developed on a setback lot on slopes exceeding 25% and without appropriate provision of Fire access. Typically, residences are not developed on slopes exceeding 25% within the HOZ and would be required to provide for Fire access. These plans seek to mitigate risk and improve the Fire safety condition. Additionally, the current condition has a retaining wall to the West of the lot, within the front yard setback that exceeds 8 ½ foot. As such the maximum height regulations are already exceeded. We assert that these circumstances do not generally apply to other properties.

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

This variance application is required to enable the provision of appropriate fire access as specified above. A strict interpretation of the regulations would not enable the building of the Fire turnaround and as such the primary residence would remain in an unsafe and unsatisfactory condition. We ask you to consider that this would represent a significant deprivation of privilege enjoyed by owners of other properties in the area.

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

The property is a set-back lot to which there is no access other than via a shared driveway with 316 South Nardo Avenue. Hence this proposal will present no risk to any third party or otherwise impact on properties and improvements in the vicinity.

In fact, the wall height necessitated by the topology of the lot is critical to improving the current unsafe condition.

By way of further information, we have consulted on an ongoing basis with our neighbors. The primary concern of the occupiers of 326, South Nardo Avenue (overlooking and adjacent to the lot) relates to privacy - a concern we share and that this submission will enable through the granting of this variance.

Thank you for your consideration. Please do not hesitate to contact me if this requires further explanation or should you have any additional questions.

Yours sincerely

Richie McHale



## ORDINANCE 470

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA REPEALING SECTION 17.20.040(C) AND AMENDING SECTION 17.20.040(D) OF THE SOLANA BEACH MUNICIPAL CODE TO PROVIDE FOR REGULATIONS CONCERNING ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES**

**WHEREAS**, the City Council of the City of Solana Beach seeks to implement Senate Bill 1069 (SB 1069) (Chapter 720, Statutes 2016) and Assembly Bill 2299 (AB 2299) (Chapter 735, Statutes 2016) through the implementation of regulations concerning accessory dwelling units in residential zones; and

**WHEREAS**, accessory dwelling units are commonly referred to as "second units," and are additional living quarters on single-family lots that are independent of the primary dwelling unit. They are also known as accessory apartments, accessory dwellings, mother-in-law units, or granny flats. They may be either attached or detached to the primary dwelling unit, and they typically provide complete independent living facilities, including facilities for living, sleeping, eating, cooking, and sanitation; and

**WHEREAS**, state lawmakers are increasingly concerned about the unaffordability of housing in the State of California; and

**WHEREAS**, the State Legislature adopted SB 1069 and AB 2299 in order to eliminate barriers to accessory dwelling unit construction that the Legislature has determined is a common-sense, cost-effective approach to accommodate future growth and to encourage infill development in developed neighborhoods; and

**WHEREAS**, Section 65582.1 of the California Government Code provides that accessory dwelling units are one of the reforms and incentives adopted to facilitate and expedite the construction of affordable housing; and

**WHEREAS**, Section 65852.150(a) of the California Government Code provides that Accessory dwelling units are a valuable form of housing; that they may provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others at below market prices within existing neighborhoods; that they may add income and an increased sense of security to homeowners; that they will provide additional rental housing stock; that they offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character; and that they are an essential component of California's housing supply; and

**WHEREAS**, Section 65852.2(a)(4) of the California Government Code provides that any local ordinance that is inconsistent with Section 65852.2 shall be null and void and state law shall apply unless or until the local agency adopts an ordinance consistent with this new law; and

**WHEREAS**, Section 65852.150(b) of the California Government Code provides that the Legislature's intent with the adoption of SB 1069 was that local agencies adopt an ordinance relating to matters including unit size, parking, fees, and other requirements, that are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance; and

**WHEREAS**, the City of Solana Beach City Council regulates guest houses and accessory living units pursuant to subsections (C) and (D) of Section 17.20.040, which provisions, however, will not be consistent with the provisions SB 1069 and AB 2299 when they go into effect on January 17, 2017.

**NOW, THEREFORE**, the City Council of the City of Solana Beach hereby ordains as follows:

Section 1. All of the above statements are true; and

Section 2. Section 17.20.040(C) of the Solana Beach Municipal Code is hereby repealed.

Section 3. Section 17.20.040(D) of the Solana Beach Municipal Code is hereby amended to read as follows:

D. Accessory Dwelling Units. The purpose of this subsection is to provide regulations for the establishment of accessory dwelling units in residential zones and to define an approval process for such accessory dwelling units. The intent of this subsection is to provide opportunities for more affordable housing in areas where adequate public facilities and services are available, and impacts upon the residential neighborhoods directly affected would be minimized. It is the goal of the council that accessory dwelling units be equitably distributed throughout the city. The city council will review this subsection as necessary to determine that this goal is being carried out. If it is found that the development of accessory dwelling units is being unduly concentrated and resulting in deleterious impacts, the council may review this subsection and revise it as needed.

1. For purposes of this chapter, "accessory dwelling unit" shall have the meaning defined in Section 65852.2 of the California Government Code.
2. Accessory dwelling units are residential uses consistent with the uses permitted in (ER-1), (ER-2), (LR), (LMR), (MR), (MHR), and (HR) zones.
3. Accessory dwelling units developed pursuant to the requirements of this subsection shall not cause the lot upon which the accessory dwelling unit is located to exceed the allowable density otherwise permitted for the lot.
4. Accessory dwelling units shall be permitted in the (ER-1), (ER-2), (LR), (LMR), (MR), (MHR), and (HR) zones subject to the following standards:

- a. A detached primary single-family dwelling unit shall exist on the lot or premises.
- b. The accessory dwelling unit shall be attached to or contained within the primary dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.
- c. Any construction of an accessory dwelling unit shall conform to all property development regulations of the zone in which the property is located including, but not limited to, parking, height limits, setback, lot coverage, landscape, architectural review, and floor area ratio (FAR), as well as all fire, health, safety and building provisions of this title.
- d. No more than one accessory dwelling unit shall be permitted per single-family lot.
- e. For an accessory dwelling unit that is contained within the primary dwelling, there shall be an independent exterior access from the existing residence.
- f. The minimum allowed area of the accessory dwelling unit shall be 350 square feet.
- g. For attached accessory dwelling units, the increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.
- h. For detached accessory dwelling units, the maximum allowed area shall be 1,200 square feet.
- i. Construction of a new structure or an addition to an existing structure for an accessory dwelling unit shall not exceed sixteen (16) feet in height.
- j. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage; provided, however, that the accessory dwelling unit shall comply with all other existing setback requirements and height restrictions for the lot.
- k. The accessory dwelling unit shall not be sold separate from the primary residence.
- l. The owner of the property must continually occupy either the main dwelling unit or the accessory dwelling unit. For purposes of this section, "owner" includes a lessee if the leasehold includes both the main dwelling and accessory dwelling unit.



- m. The accessory dwelling unit shall only be used for rentals of terms longer than thirty (30) days.
  - n. One off-street parking space shall be provided for the accessory dwelling unit, which may be provided as tandem parking on an existing driveway and shall be permitted in setback areas unless the director of community development or the director's designee makes specific findings that parking in setback areas or tandem parking is not feasible based upon specific site topographical or fire and life safety conditions, or that tandem parking is not permitted anywhere else in the city. No off-street parking shall be required in any of the following instances:
    - i. The accessory dwelling unit is located within one-half mile of public transit stop.
    - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
    - iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
    - iv. The accessory dwelling unit is located in an area of the city that on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
    - v. The accessory dwelling unit is located within one block of a car share vehicle pick-up location, as established by the City.
  - o. Proposed accessory dwelling units shall provide a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system; provided, however, that this fee or charge shall not exceed the reasonable cost of providing this service.
  - p. For an accessory dwelling unit that is contained within the primary dwelling, the installation of a new or separate utility connection directly between the accessory dwelling unit and the utility shall not be required, and a related connection fee or capacity charge shall not be imposed.
  - q. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
5. Notwithstanding subsection 4, the City shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has

independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety.

6. Applications for accessory dwelling units conforming to the requirements of subsections 4 or 5 shall be considered ministerially without discretionary review or a hearing, and the director of community development shall approve or deny such applications within 120 days after receiving the application.
7. If an applicant for an accessory dwelling unit proposes new construction or an addition for an accessory dwelling unit that exceeds sixteen (16) feet in height above existing grade, the applicant shall apply for a structure development permit pursuant to Chapter 17.63.
8. If an applicant for an accessory dwelling unit proposes new construction or an addition for an accessory dwelling unit that exceeds the thresholds for the application of a development review permit under Section 17.68.040(B)(1), the applicant shall apply for a development review permit pursuant to Chapter 17.68.
9. The city may offer incentives to encourage development of accessory dwelling units. If owners of accessory units elect to file a 30-year deed restriction to rent the unit to lower income households, the city will consider waiving fees, reducing parking and development standards, or approving other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Receipt of such incentives shall require the owner to:
  - a. Rent the accessory dwelling unit to a lower income household, as defined annually by the State Department of Housing and Community Development at a rate that shall not exceed an amount which is equal to 30 percent of the gross monthly income of a low-income household, at 80 percent of the San Diego County median income, adjusted for household size.
  - b. File an annual agreement with the city's community development department documenting the household's eligibility to occupy the accessory unit.
  - c. Record a covenant specifying the property restrictions on the accessory dwelling unit for the 30-year term.
  - d. Assign the covenant using a form of assignment and assumption approved by the director of community development in the director's reasonable direction in the event that the property is transferred or sold.

Section 4. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts minor alterations in land use limitations which will not result in any changes in land use or density. The City Council further finds that there is no possibility that the activity may

have a significant effect on the environment and that therefore, pursuant to Section 15061(b)(3) of the CEQA Guidelines, the Ordinance is exempt from the provisions of CEQA.


Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Solana Beach, California, on the 26<sup>th</sup> day of October, 2016; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, on the 9<sup>th</sup> day of November, 2016, by the following vote:

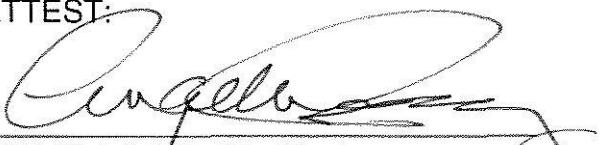
AYES: Councilmembers – Zito, Zahn, Nichols, Marshall, Heebner  
NOES: Councilmembers – None  
ABSENT: Councilmembers – None  
ABSTAIN: Councilmembers – None

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

APPROVED AS TO FORM:

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

ATTEST:

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

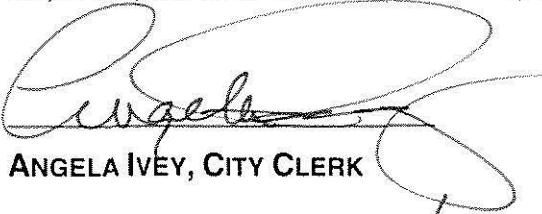




## ORDINANCE CERTIFICATION

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 **Ordinance 470** *repealing Section 17.20.040(c) and amending Section 17.20.040(d) of the Solana Beach Municipal Code to provide for regulations concerning accessory dwelling units in residential zones* as duly introduced on October 26, 2016 and adopted on November 9, 2016, a regular meeting, by the City Council of Solana Beach. This Ordinance has been published as required pursuant to law and the original is filed in the City Clerk's Office. (GC 40806).



ANGELA IVEY, CITY CLERK

CERTIFICATION DATE: November 4, 2016



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** City Manager  
**SUBJECT:** **Update on Statewide Organic Collection Mandates and Council Consideration of Automated Green Waste Collection Citywide**

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## **BACKGROUND:**

In 2014, Assembly Bill 1826 (AB 1826) mandated that local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Initially, cities met the diversion requirement because waste haulers were allowed to collect yard waste like grass and layer it on top of landfills and that would count as “diversion”. This layer of green waste is known as Alternative Daily Cover (ADC). However, in September 2014, Governor Brown signed Assembly Bill (AB) 1594 mandating that as of January 1, 2020, the use of green material as ADC will no longer constitute diversion through recycling and will instead be considered disposal in terms of measuring a jurisdiction’s annual 50 percent per capita disposal rate requirement.

In addition, in 2016, a more ambitious green waste diversion and recycling bill was passed known Senate Bill (SB) 1383. It set targets to achieve a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets.

EDCO, the City’s waste hauler, has a plan in place to meet these stricter mandates by offering curbside collection of not only yard waste, but all organic waste including food. In order for this program to run as designed, it is critical to establish automated green waste cart collection services in a manner similar to the current automated grey trash and blue recycling cart collection services offered in the City.

CITY COUNCIL ACTION:

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This item is before the City Council as an update regarding new statewide organic mandates and consideration of converting from manual to automated green waste pick-up service citywide.

## **DISCUSSION:**

Methane emissions resulting from the decomposition of organic waste in landfills are a significant source of greenhouse gas (GHG) emissions contributing to global climate change. Organic materials, including waste that can be readily prevented, recycled, or composted, account for a significant portion of California's overall waste stream. Food waste alone accounts for approximately 17-18 percent of total landfill disposal. Increasing food waste prevention, encouraging edible food rescue, and expanding the anaerobic digestion of organic waste can help reduce methane emissions from organic waste that traditionally goes to the landfill. Anaerobic digestion produces biogas that can be used to create electricity or renewable transportation fuels. Food rescue has the added benefit of assisting Californians who are unable to secure adequate, healthy food by diverting edible food to food banks and pantries.

### **California Waste and Recycling Legislation**

California law requires reducing, recycling, or composting 75% of solid waste generated by 2020. Below is some of the key legislation enacted over the last 6 years and the City's compliance efforts in meeting the Statewide requirements:

AB 1826: requires businesses and multi-family residential dwellings, with 5 units or more, to participate in an organic recycling program. This impacts entities producing 8 cubic yards of organic waste per week on April 1, 2016, 4 cubic yards of organic waste per week on January 1, 2017, and 4 cubic yards per week of solid waste on January 1, 2019. This law also requires jurisdictions to submit a plan to the state describing how it will implement an organics recycling collection program and conduct related educational and outreach. Annually, the City, in conjunction with EDCO, provides direct, written, and electronic education communication to businesses about the requirements of AB 1826 to comply with the regulations.

AB 1594: eliminates the diversion credit for green waste used as ADC at landfills by 2020. ADC will instead be considered disposal in terms of measuring a jurisdiction's compliance with the annual 50% diversion requirement. The City's green waste is diverted to a compost facility, which poses no issues in meeting the regulation in 2020.

SB 1383: establishes state targets to reduce the disposal of organic waste 50% below 2014 levels by 2020, and 75% by 2025. Additionally, the law has a requirement to recover 20% of edible food for human consumption that is currently landfilled by 2025. While the rulemaking for SB 1383 is being finalized, the following requirements for jurisdictions and waste haulers are anticipated to be in place and operational by January 1, 2022:



- Organic Waste Collection Services – Jurisdictions and waste haulers must provide residential and commercial organic waste collection services.
- Edible Food Recovery Programs and Services – Jurisdictions must implement and oversee food recovery programs.
- Procurement of Recovered Organic Waste Products – Jurisdictions must procure minimum levels of compost, renewable natural gas, or both.
- Reporting by Regulated Entities – Jurisdictions, haulers, and facilities must report annually or quarterly on compliance with regulations.
- Organic Waste Recovery and Processing Standards for Facilities – Facilities must achieve recovery rates for organic waste that is collected with non-organic waste.

The City of Solana Beach has been able thus far to comply with state mandates through programs such as green waste recycling and other educational outreach programs. However, the City's current programs will no longer satisfy the requirements of AB 1826 and SB 1383. To meet SB 1383 and AB 1826, the City must implement a program to recycle organic waste. The City has committed its organic waste to EDCO that will be processed in its state-of-the-art Anaerobic Digestion (AD) facility which digests organic waste in an oxygen-free environment.

#### Anaerobic Digestion (AD) Facility

In 2018, EDCO made the commitment to move forward in investing in a state-of-the-art advanced technology AD facility. EDCO's AD facility in Escondido is the first fully permitted facility in San Diego County and one of the first in Southern California. Facility construction started in 2018 and will be operational in 2021. Anaerobic digestion is an efficient and environmentally sustainable technology that can make a significant contribution to the management of organic waste in California. EDCO's AD facility will convert organic waste into renewable resources including biogas, which will be converted to natural gas used to power EDCO's collection trucks.

Anaerobic digestion is the natural process in which microorganisms break down organic materials such as food waste, green waste, fats, oils, and greases. Anaerobic digestion happens in closed spaces where there is no air.

Biogas is generated during anaerobic digestion. Biogas is mostly methane (CH<sub>4</sub>) and carbon dioxide (CO<sub>2</sub>) with very small amounts of water vapor and other gases. The carbon dioxide and other gases can be removed, leaving only the methane. Methane is the primary component of natural gas. The methane is then captured and upgraded into 100% Renewable Natural Gas (RNG).

The material that is left after anaerobic digestion occurs is called "digestate". Digestate is a wet mixture that is usually separated into a solid and a liquid. Digestate is rich in nutrients and can be used as fertilizer for crops.

In order to utilize the AD facility and participate in this organic waste collection service, all waste generators will incur a new charge in their trash service rates (residential customers will be charged \$3.02 per month) which was approved by the City Council in June of 2019. The new rate will be effective upon completion of the AD facility which is anticipated to be in the beginning of 2021.

### Automated Green Waste Collection

The City has achieved its recorded diversion levels primarily through the implementation of residential source-separated green waste and commingled recycling collection, source-reduction efforts, commercial recycling, mixed construction, demolition and inert (CDI) and resident participation in effective Household Hazardous Waste programs.

Much like the automation implementation in 2006, EDCO proposes to convert from the current manual collection of resident-provided cans and implement a source-separated automated green waste collection program for all single-family residential units. The addition of this program would not change the balance of the collection program parameters but would supplement current efforts.

If approved, each single-family residential customer would be provided a green wheeled container that has a hinged lid and approximately ninety-five gallons of capacity. Each cart lid is labeled with details on the type of materials that are eligible for collection, as well as providing EDCO's name and website on the body. The automated carts are waterproof and have covered lids, both of which assist the City in addressing stormwater issues. Also, the sealed carts typically further mitigate odors and vector issues over manually collected containers while presenting a uniform appearance on collection day. Eligible materials for collection would include, but not be limited to, grass clippings, brush, weeds, hedge trimmings, leaves, palms fronds, ice plant, ivy, floral decorations, etc.

The 95 gallons of capacity is the equivalent of approximately three standard rigid trash cans or the current standard gray and blue automated carts. When factored in with other source-separated collection, it should provide adequate capacity for the vast majority of residents. To encourage additional recycling, residents would be provided up to three 95-gallon carts at no extra charge. This capacity level is equal to the 9-container limit of the current manual program. Residents requiring a fourth 95-gallon cart (the equivalent of twelve cans) or more, would have a nominal monthly charge. Those residents who are unable to move the cart physically or have space constraints would be offered a smaller size, 65-gallon cart or in extreme situations, 35-gallon cart. For those physically disabled residents in true need, EDCO will provide a special courtesy movement service to and from the curb at no additional charge. EDCO's proven dedicated focus on customer service would be used to address any unforeseen issues individually.

On the designated collection day, residents would place the container curbside for service and a separate dedicated vehicle would collect the material and then take it to a designated recycling facility for processing. After collection, residents would wheel the

cart back to its designated area. Source-separated collection of automated green waste would continue to occur on the same day of the week as automated trash and recycling collection. There would be no day changes associated with the implementation of this program. EDCO has prepared a comprehensive green waste conversion implementation plan which includes a schedule for outreach and delivery of the new carts (Attachment 1).

### Public Education

As part of the program implementation, EDCO would provide a robust public education and outreach program. This includes:

- Direct Mail Piece – A four-panel color direct mail piece would be sent to all single-family residential homes in advance of cart delivery identifying program parameters, etc.
- Email Notifications – Residents with registered email addresses through the EDCO website will receive conversion information as well as other essential service notifications via email.
- Display Cart – EDCO will provide a display cart with a public education piece at City Hall and other locations as designated by the City.
- Community Meetings – EDCO will host community meetings in advance of program implementation to stimulate awareness.
- Web Page Information – A dedicated web page on the EDCO site would describe program parameters.
- Point-of-Delivery Cart Tags – As automated carts are delivered to each single-family resident; helpful information would adhere to each container providing program parameters for users.
- Follow-Up Postcards – After program implementation, a follow-up postcard would be mailed to all single-family residence.
- Environmental Times Newsletter – The Environmental Times newsletter would provide ongoing information on recycling programs. EDCO has found this is a critical component for sustainable success.

### **CEQA COMPLIANCE STATEMENT:**

This action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the State CEQA Guidelines.

### **FISCAL IMPACT:**

There is no fiscal impact if the Council approves the automated green waste program. There would also be no cost to the residential or commercial businesses, as they would receive up to three 95 gallon green waste containers free of charge.



**WORK PLAN:**

Item A.1 of the Environmental Sustainability Priorities of the FY 2019/20 Work Plan.

**OPTIONS:**

- Approve Staff recommendation.
- Do not approve Staff recommendation.
- Provide direction to Staff.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council receive the report on solid waste and recycling state legislation and consider the implementation of automated green waste collection services citywide.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.

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

Attachments:

1. EDCO Residential Automated Green Waste Conversion Implementation Plan
2. Community Correspondence

# **Solana Beach Residential Automated Green Waste Conversion Implementation Plan**

## **8 Weeks Prior to Implementation – June 29, 2020**

- Electronic drafts of all public education material presented to the City for review:
  - Coming Soon Email Blast
  - Coming Soon Postcard
  - Automated Green Waste Roll-Out Mailer
  - Environmental Times Newsletter
  - Point-of-Delivery Cart Tags
  - Post Delivery Follow-Up Postcards
  - Community Event Flyer (if needed)
- Solana Beach Residential Automated Green Waste “Coming Soon” webpage activated on EDCO website.

## **6 Weeks Prior to Implementation – July 13, 2020**

- City approves all public education material.
- Coming Soon Postcard mailed. Introductory information regarding upcoming roll out.

## **5 Weeks Prior to Implementation- July 20, 2020**

- Coming Soon Email Blast sent to Solana Beach email subscribers from the EDCO website with information and guidelines for single-family residential customers.

## **3 Weeks Prior to Implementation – August 3, 2020**

- Automated Green Waste Roll-Out Mailer which will include information on residential automated green-waste recycling program and detailed service guidelines, including information on diversion programs. Special emphasis placed on automated green waste recycling program for residential service, special services and alternative cart sizes identifying. Published implementation date: August 10<sup>th</sup>.

## **1 Week Prior to Implementation- August 17, 2020**

- Green-waste carts will begin to be delivered on August 17<sup>th</sup> (1-week drop) and detailed program information will be attached to the containers (Point-of-Delivery cart tags).

ATTACHMENT 1

### **Week of Implementation – August 26, 2020**

- Residential billing to include the *Environmental Times* newsletter that will contain general information piece on residential automated green-waste recycling program and detailed service guidelines, including information on diversion programs. Special emphasis placed on automated green waste recycling program for residential service and alternative cart sizes identified.

### **1 Week After Implementation – August 31, 2020**

- Follow-up postcard mailed to all residential customers with program reminders and cart placement.



**From:** Charlie Nelson <[gratefulcharlie@gmail.com](mailto:gratefulcharlie@gmail.com)>

**Sent:** Saturday, May 16, 2020 11:44 AM

**To:** EMAIL GRP-City Clerk's Ofc <[EMAILGRP-CityClerksOfc@cosb.org](mailto:EMAILGRP-CityClerksOfc@cosb.org)>

**Subject:** Please distribute to the City Council members for consideration at Wednesday's meeting.

Greetings Solana Beach City Council members,

I understand that the City Council will be meeting with EDCO at this coming Wednesday's Council Meeting to discuss various issues regarding their service and supplies. If I heard incorrectly, please let me know when the following issues will be addressed by the Council.

Solana Beach residents have been facing a very frustrating issue for the past couple of years regarding the requirement for green waste bags to be made out of paper, not plastic. Most residents understand and support the environmental impact of attempts to eliminate such plastic bags. But, the large paper green waste bags are

A): they were expensive at all of the home stores,

B). they are brittle, tearable, and disintegrate (if filled with wet cuttings or if left out in the moisture for even a day or two),

C): they are messy,

D): they are not environmentally sustainable due to the fact that they are made from forest products.

Now, here is an extra rub...it turns out that Home Depot and Lowes have all **stopped** carrying the required large paper green waste bags in their stores. According to the Dixieline manager, they never carried the large paper bags in the first place. All these stores sell mass amounts of the cheap, large, "disposable" plastic yard waste bags. As a result of these home stores no longer selling the expensive large paper bags, we Solana Beach residents are stuck in a Catch-22 position where those large paper bags are required, yet not sold here anymore.

The obvious and most sustainable option is for Solana Beach to come to terms and contract with EDCO to provide the widely used 95-gallon green recycling "carts" (cans). It has come to my attention though, that upscale Solana Beach is only one of two cities in San Diego County that EDCO services that do not provide to residents (on request) up to three of these sustainable 95-gallon green recycling "carts". According to EDCO, the only other city that doesn't provide such "carts" is Poway. No, we don't want to be sharing that backward distinction with Poway. Did I just say that out loud? Okay, so, as the world changes to more sustainable alternatives, Solana Beach needs to continue to show that we are changing with it...for the better.

Here is my rationale (and my pitch) for the City Council to catch up to the rest of the County and make the 95-gallon carts available to your constituents (most of whom voted you in).

A: Using such 95-Gallon "carts" allows the industry standard, automated, can-lifting arms on EDCO's trucks to provide all the heavy lifting, thus saving tons of employee countless hours of extra labor intensive, hand-lifting of all of those thousands of unwieldy, Home

Depot/Lowes/Walmart/Target's cheesy and unstable green waste cans. Add that cost-saving discussion to your negotiations with EDCO!

B: According to an EDCO manager, the use of their trucks' automated lifts serves to eliminate the dangerous, human heavy lifting of the present flimsy bags and cans, thus significantly reducing the statistically higher levels of injury suffered from the present system. Add that cost-saving discussion to your negotiations with EDCO as well!

Even if the required large paper green waste bags were still available...using the common 95-gallon "carts" all but eliminates the need for those forest-based paper bags...as well as most of the green plastic bags.

Thanks for allowing me to whine and for permitting me to encourage you to take this very logical step. I am not alone in this...it is a community-wide discussion and everyone is looking to you to effectuate the change. Simply stated, make the 95-gallon carts available to your constituents.

Respectfully,

Charlie Nelson

-----Original Message-----

From: Kathryn Shevelow <kshevelow@gmail.com>

Sent: Tuesday, May 19, 2020 4:38 PM

To: EMAIL GRP-City Clerk's Ofc <EMAILGRP-CityClerksOfc@cosb.org>

Subject: Please provide green waste carts

To Solana Beach,

My husband and I write to support the desire of many other Solana Beach residents to have the city contract with EDCO to provide us with 95 gallon green waste carts. As I understand it, most of the other cities already do this. This method is more efficient for the householders, less physically taxing for the disposal workers, and certainly would make our streets less ugly on trash pickup days!

Thank you,

Kathryn Shevelow & Edward Lee  
453 Glencrest Dr.



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**From:** Jane Morton <[jsmorton@roadrunner.com](mailto:jsmorton@roadrunner.com)>  
**Sent:** Tuesday, May 19, 2020 5:03 PM  
**To:** Angela Ivey <[aivey@cosb.org](mailto:aivey@cosb.org)>  
**Subject:** for agenda of May 27, item related to Edco.

City Manager Wade, Mayor Edson, Council Members,

As it relates to the discussion on May 27 with Edco, I feel there needs to be more detailed information about the plan that will go into effect late 2020 or the first part of 2021 when the Edco Digester is complete. I have reread the agenda item from May 8th council meeting, and although the chart refers to a 65 gallon cart and a 95 gallon cart, that chart is for commercial pick ups. No where is it designated what size cart the households will have. Also it says that the increase in a homeowner charge will be \$3.02. Is that the total monthly or bi-monthly increase or is that the monthly/bi-monthly increase per greens cart.

For me, a 95 gallon cart filled with greens waste would be impossible to take to the street; I am not even sure that I could manage a 65 gallon greens container. *I would hope that Edco would be able to offer an option of sizes.*

Please ask detailed questions of Edco so that when the next rate increase in July is ready to be presented to us, all the details are there for the Digester, it's containers and increase is there as well.

Jane Morton

Glenmont Drive



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** City Manager  
**SUBJECT:** **Consideration of Resolution 2020-075 Approving the Allocation of Community Development Block Grant CARES Act (CDBG-CV) Funding to the North County Food Bank**

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## **BACKGROUND:**

The Community Development Block Grant (CDBG) Program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities primarily for low- and moderate-income persons and families. Recently, supplemental Coronavirus Aid, Relief, and Economic Security (CARES) Act funding was allocated the CDBG Program (known as CDBG-CV) through the U.S. Department of Housing and Urban Development (HUD) specifically to address funding needs associated with the COVID-19 pandemic. The County of San Diego's Health and Human Services Agency (County) is administering these funds as the grantee for the San Diego Urban County Region.

The County anticipates receiving \$2.5 million of CDBG-CV funding. Participating cities will receive slightly less than \$300,000 of this funding. Of this amount, Solana Beach is expected to receive \$26,190, or 1.04% of the available funding. This item is before the City Council to consider adoption of Resolution 2020-075 approving the allocation of CDBG-CV funding to the North County Food Bank who will work with local non-profit partners to facilitate food distribution

## **DISCUSSION:**

On April 2, 2020, HUD released the CARES Act supplemental funding figures. The County anticipates receiving \$2.5 million of CDBG-CV funding. Participating cities will receive slightly less than \$300,000 of this funding. The allocations were calculated using the same allocation formula used to distribute the 2019 CDBG Grant funding, which

CITY COUNCIL ACTION:

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considers population, overcrowding, and poverty with poverty weighted more heavily. The data used in the allocation formula is from the 2010 Census. This urban county funding will be allocated to the CDBG participating, non-entitlement cities of Coronado, Del Mar, Imperial Beach, Lemon Grove, Poway and Solana Beach. These funding amounts are as follows:

<b>Additional FY 2019 Allocations</b>		
Imperial Beach	\$ 64,704	<b>2.58%</b>
Coronado	\$ 44,012	<b>1.75%</b>
Lemon Grove	\$ 60,340	<b>2.40%</b>
Del Mar	\$ 7,925	<b>0.32%</b>
Poway	\$ 91,479	<b>3.65%</b>
<b>Solana Beach</b>	<b>\$ 26,190</b>	<b>1.04%</b>
County Admin:	\$ 482,786	<b>19.24%</b>
County Program:	\$ 1,732,088	<b>69.02%</b>
<b>Total:</b>	<b>\$ 2,509,524</b>	<b>100.00%</b>

In order to receive these funds, eligible CDBG-CV activities must meet established criteria and provide the records to verify that the activity meets one of the following national objectives of the CDBG program:

- Benefits low and moderate (L/M) income persons (80% of Area Median Income);
- Addresses slums or blight; or
- Meets a particularly urgent community development need.

For typical CDBG funding allocations, Public Services are eligible for 15% of the City's total annual CDBG. However, the both HUD and the County have indicated that this cap has been waived as part of the CDBG-CV funding allocation. As such, 100% of the funds can be provided to a Public Service organization(s). Additionally, the funds are specifically intended to address a need or needs arising from the COVID-19 pandemic. As such, Staff has been focusing on non-profit community-based public service organizations with which to partner that would utilize these funds to provide direct assistance to our low- and moderate-income population. Given the limited amount of CDBG-CV funding and the administrative oversight required to allocate and disperse the funds, Staff has recommended partnering with only one eligible public service organization to utilize this funding.

The County requested participating cities to complete the CDBG-CV approval and application process by the end of May. At the City Council Meeting of May 13, 2020, Council discussed possible public service programs with whom the City could partner to provide the allocated CDBG-CV funding. Council designated Mayor Edson and Deputy



Mayor Hegenauer to work with Staff to determine the most appropriate use and/or Solana Beach public service program to receive these funds. Council directed Staff to return to Council at the May 27, 2020 Council meeting to adopt a resolution approving an eligible public service organization for which these funds could be made available.

Since the May 13<sup>th</sup> Council Meeting, Staff had a discussion with Mayor Edson and Deputy Mayor Hegenauer and a follow-up teleconference with County Staff. During those discussions, it was determined that the North County Food Bank would be an appropriate recipient of the CDBG-CV allocation. With these funds, the North County Food Bank would partner with local non-profits including Casa de Amistad, St. Leo Catholic Community and, perhaps others, to deploy their Mobile Pantry at specified Solana Beach locations. The County has indicated that these funds are to be used within the normal 12-month period for other CDBG funding. As such, Staff would work with its partners to determine the number and timing of each event in order to serve as many qualifying families and individuals as possible. Staff will also work with our partners to develop a simplified, self-certification form under which participants of the program will be deemed eligible. This self-certification form would be similar to those used for free lunch programs in the County but would also focus on present income of participants.

**CEQA COMPLIANCE STATEMENT:**

This project is necessary to mitigate an emergency and is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269(c) of the State CEQA Guidelines.

**FISCAL IMPACT:**

There is no impact to the General Fund due to the use of Federal CDBG Funds other than the dedication of Staff time. Staff anticipates that the City will receive CDBG-CV funding of approximately \$26,190 which will be used to support the North County Food Bank within Solana Beach.

**WORK PLAN:**

N/A

**OPTIONS:**

- Approve Department recommendation.
- Do not approve Department recommendation.
- Provide alternative direction.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council consider adoption of Resolution 2020-075 approving the use of CDBG-CV for the North County Food Bank.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation

A handwritten signature in blue ink, appearing to read "Gregory Wade", is written over a horizontal line.

Gregory Wade, City Manager

Attachments:

1. Resolution 2020-075

## RESOLUTION 2020-075

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, REQUESTING FISCAL YEAR 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS FUNDS FOR THE NORTH COUNTY FOOD BANK AND LOCAL NON-PROFIT PARTNERS

**WHEREAS**, the City Council of the City of Solana Beach (City Council) participates in the Community Development Block Grant (CDBG) Program as administered through the County of San Diego (County) as the City is not eligible to submit as an “Entitlement City”; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of the novel coronavirus and the disease it causes, known as COVID-19; and

**WHEREAS**, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and

**WHEREAS**, on March 13, 2020, a federal emergency was issued as a result of the rise in COVID-19 cases; and

**WHEREAS**, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was passed by Congress and signed into law on March 27, 2020; and

**WHEREAS**, on April 9, 2020, the Department of Housing and Urban Development’s Office of Community Planning and Development (CPD) announced that four provisions in the CARES Act pertaining to the CDBG program (CDBG-CV) were immediately available; and

**WHEREAS**, CPD states that grantees may use CDBG-CV funds to prevent, prepare for and respond to the coronavirus pandemic; and

**WHEREAS**, the CARES Act eliminates the CDBG law’s 15% cap on the amount of a jurisdiction’s grant (and any program income) that is obligated in a program year for “public services” and makes it clear that this provision is available immediately; and

**WHEREAS**, on May 13, 2020, and on May 27, 2020, the City Council held public meetings to discuss and consider the use of CDBG-CV funds for eligible Public Services programs to serve residents impacted by the Coronavirus pandemic in Solana Beach; and

**WHEREAS**, on May 27, 2020, the City Council approved the use of CDBG-CV funds for the North County Food Bank, Casa de Amistad and St. Leo Catholic Community to provide needed services to Solana Beach residents impacted by the Coronavirus pandemic.



**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 finds the funding request and program implementation are necessary to mitigate an emergency and are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269(c) of the State CEQA Guidelines.
3. That the City Council approves the funding allocation to North County Food Bank who will work with local non-profit partners.
4. That the City Council requests the Fiscal Year (FY) 2019 CDBG-CV Funds for North County Food Bank.
5. That the City Council finds that all of the CDBG-CV funds, presently estimated at a total of \$26,190, are designated to be used for North County Food Bank and local non-profit partners.
6. That the City Council authorizes the City Manager to execute the County contract for management and implementation of the CDBG-CV program.

**PASSED AND ADOPTED** this 27<sup>TH</sup> day of May, 2020 at a meeting of the City Council of the City of Solana Beach, California by the following vote:

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

\_\_\_\_\_  
JEWEL EDSON, Mayor

APPROVED AS TO FORM:

ATTEST:

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

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ANGELA IVEY, City Clerk



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** May 27, 2020  
**ORIGINATING DEPT:** City Manager's  
**SUBJECT:** **Council Consideration of COVID-19 Impacts to the Solana Energy Alliance**

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## **BACKGROUND:**

Community Choice Aggregation (CCA), authorized by Assembly Bill 117, is a state law that allows cities, counties and other authorized entities to aggregate electricity demand within their jurisdictions in order to purchase and/or generate alternative energy supplies for residents and businesses within their jurisdiction while maintaining the existing electricity provider for transmission and distribution services. The goal of a CCA is to provide a higher percentage of renewable energy electricity at competitive and potentially cheaper rates than existing Investor Owned Utilities (IOUs), while giving customers local choices and promoting the development of renewable power sources and programs and local job growth.

The City of Solana Beach's (City) CCA, Solana Energy Alliance (SEA), was established by the City Council through adoption of Ordinance 483 on December 13, 2017 and began serving customers in June 2018. SEA is the first CCA to launch in San Diego Gas & Electric territory and remains the only CCA operating in San Diego County.

At its regular meeting on April 22, 2020, the City Council (Council) received a report regarding current market and regulatory conditions that have impacted SEA financial projections. These conditions include increasing Power Charge Indifference Adjustment (PCIA or Exit Fees) rates, increasing resource adequacy, renewable energy and carbon free energy costs, and increases to procurement requirements related to resource adequacy. Taken together, and using current assumptions of a 50% renewable/75% carbon free default energy supply and 3% rate savings on generation, these factors have resulted in financial projection that would result in a negative cash position for SEA during the next fiscal year. As such, Council directed Staff to return to a future Council meeting with a rate adjustment lowering the rate discount to 1%.

CITY COUNCIL ACTION:

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**Agenda Item C.3.**

At the regular meeting on May 13, 2020, the Council approved lowering the rate discount to 1% but maintained the environmental goals of 50% renewable/75% carbon free default energy supply. This action confirmed the Council's priority of offering a higher renewable energy premium product as the primary goal of SEA. Since this action, additional energy demand and load-related economic pressures resulting from the COVID-19 pandemic have created a need to further analyze the long-term fiscal outlook of SEA during these uncertain times. More is now known about both the short-term impacts and long-term projections that necessitates Council action to maintain the financial viability of SEA as the City looks towards the upcoming transition to the Clean Energy Alliance (CEA) next year.

This item is before Council to consider options to improve the long-term financial viability of SEA and to provide direction to Staff to implement changes to the program.

### **DISCUSSION:**

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in response to the outbreak of novel coronavirus, COVID-19. On March 13, 2020, SDG&E implemented a moratorium on all disconnections of service for non-payment. On April 16, 2020, the CPUC adopted Resolution M-4842 that ordered electric, gas, communications and water and sewer corporations to implement consumer emergency protective measures and for the Investor Owned Utilities (including SDG&E) to file advice letters that detail their plan to implement these protective measures, due May 1, 2020. The implementation of these actions will have impacts to the revenues of SEA that were not anticipated prior to COVID-19.

On May 22, 2020, SDG&E issued Advice Letter 3516-E implementing the emergency customer protections in response to COVID-19 pursuant to CPUC Resolution M-4842. The protections are applicable to residential and small business customers and include:

- Suspension of disconnections for nonpayment
- Flexible payment arrangements
- Waiver of deposits and late fees for residential customers
- Easing requirements for eligibility of California Alternate Rates for Energy (CARE) program

These measures are to be in effect through April 16, 2021. While the protections are being implemented through SDG&E, they are expected to have an impact on SEA cash flows. SEA and SDG&E have been working together to develop fair and equitable allocation procedures between SEA and SDG&E related to partial customer payments

In addition to impacts related to consumer protective measures, electricity usage has been impacted by the stay at home orders as well as business and school closures resulting from COVID-19. SEA Staff and its consultants are closely monitoring and seeking information to better understand these impacts on a short-term as well as a long-term basis. On a statewide level, energy usage is up slightly for residential



customers, while non-residential usage is down significantly. SEA Staff and consultants have been working diligently to analyze SEA's customer base and identify large energy users to understand how COVID-19 has impacted overall energy usage and demand. Doing so has and will better inform future SEA financial model and cash flow forecasts. Staff originally anticipated having information for Council when it returns in June with the next rate adjustment. However, due to the time required to implement some of the measures being discussed in this report, earlier action is required.

Since the last Council meeting when this was originally discussed, Staff has further analyzed the impacts on energy usage and demand and the financial impacts it will have on SEA. It is important to note that these are initial projections and not all impacts are fully known at this time. Based on this initial analysis, however, adjustments to the program must be made now. If the financial outlook improves in the future, additional measures and actions can be taken prior to transitioning to CEA.

The chart below shows the current and projected energy usage impacts in California of COVID-19. As shown on the chart, it is expected that commercial and industrial usage is and will be drastically lower during this pandemic. While residential usage is projected to increase slightly, it will not be nearly enough to offset the usage loss in the other sectors. Staff understands that this data is for the entire state of California and may be different for various locations including Solana Beach. But it still clearly shows the impacts will be drastic and changes must be made to help offset these losses in revenue.

California	% Mix	1Q20	2Q20	3Q20	4Q20	2020
Industrial	19%	12.1%	-9.7%	-7.7%	-5.9%	-3.4%
Commercial	48%	12.1%	-15.0%	-11.9%	-9.1%	-6.7%
Residential	33%	12.1%	3.1%	2.4%	1.9%	4.6%
<b>Total</b>	<b>100%</b>	<b>12.1%</b>	<b>-8.0%</b>	<b>-6.4%</b>	<b>-4.8%</b>	<b>-2.4%</b>

Source: Morqan Stanley Research

### SEA COVID-19 Impact Scenarios

Based upon the data above, The Energy Authority (TEA) staff compiled scenarios to demonstrate the fiscal impacts from the base case, a high extreme and low extreme based on the lower energy usage. The results are shown in the table below:

	Avg Cash		Min Cash		Ending Balance		
	2020	2021	2020	2021	5/1/2021	12/31/2021	1/31/2023
Base	\$425,968	\$297,692	\$158,805	-\$93,654	\$124,887	\$368,893	-\$412,858
Low	\$444,068	\$370,620	\$161,768	-\$25,355	\$195,567	\$446,646	-\$335,105
High	\$407,868	\$224,764	\$119,033	-\$161,953	\$54,207	\$291,140	-\$490,611

As demonstrated on the chart above, doing nothing to change the program will potentially result in negative minimum cash balances in all three scenarios. In order to protect against this, Staff has looked at different options to bring the minimum cash balances positive, including the following:

- Changing the current 1% rate discount to rate parity with SDG&E rates
- Changing the current 1% rate discount to a rate premium on SEA Choice and an increase in the premium on SEA Green
- Selling excess bucket 2 (PCCC 2) renewable energy credits (RECs) and purchasing bucket 3 (PCCC 3) RECs to maintain the 50% renewable/75% carbon free premium product
- Reselling and eliminating the 75% carbon free premium from the base SEA Choice product for 2020 (return to 75% carbon free in 2021).

The cost savings associated with each of these options are as follows:

Policy	2021 Min Δ
Resell 2020 CF	+\$110k
Resell 2020 PCC2 (reduces SEA to 33% RPS)	+\$80k
↑ Retail Rates by 1% effective 6/1/2020	+\$45k
<b>Total</b>	<b>+\$265k</b>

The following charts break down the options and show the equivalent financial savings of each option.

	Average Cash		Minimum Cash	
	2020	2021	2020	2021
Base	\$425,968	\$297,692	\$158,805	-\$93,654
0% RD & PCC2 - 3 Swap	\$432,478	\$396,197	\$161,974	\$19,291
1% RD, CF Resale	\$425,968	\$403,022	\$158,805	\$15,876
1% RP & PCC2 - 3 Swap	\$438,987	\$447,166	\$161,974	\$65,758
0% RD, CF Resale	\$432,478	\$453,990	\$161,974	\$62,344

### General Fund Bridge Loan

Although the options listed above get the minimum SEA cash balance into the positive, they do not provide a substantial financial “buffer” should the impacts of COVID-19 persist or get worse. As such, another option that can be used to support the minimum SEA cash balance is for the Council to authorize a bridge loan from the General Fund of up to \$100,000. This loan authorization would provide added protection for SEA and could simply be authorized by Council but utilized only if needed depending on actual financial impacts. When SEA first launched, it was required to post a \$100,000 CPUC Bond. The City expects to receive the entirety of that bond back after transitioning to CEA, and the Council could decide to authorize a bridge loan in the same amount if the financial outlook warrants it in the future. The lowest point in the financial projections is April/May 2021, so as an insurance policy, the Council could consider authorizing the City Manager to utilize this loan only if needed to main a positive minimum cash balance.

### Anticipated Rate Change Effective June 1, 2020

As mentioned in the last report to City Council, the current rate methodology includes seasonal rates for summer and winter. SDG&E has submitted an Advice Letter to the California Public Utilities Commission (CPUC) to eliminate the seasonal rate variations, which is anticipated to be put into place effective June 1, 2020. Once those rates are available, Staff will need to return to City Council with the overall impacts and recommendation to the City Council for another potential rate adjustment to ensure SEA Rates are consistent with SDG&E rates. Should the Council decide to adjust rates further as discussed in this report, those rate changes will be made at that time with SEA rate adjustments effective June 1, 2020.

### **CEQA COMPLIANCE STATEMENT:**

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

### **FISCAL IMPACT:**

SEA rates are set to provide funding to cover operating costs including renewable energy, carbon free and conventional energy. The impacts of COVID-19 on SEA revenues and expenditures will continue to be analyzed and Staff will continue to work diligently to gather information to assess the impacts on both a short-term and long-term basis and report to Council as needed. As mentioned earlier in this report, if the financial impacts improve in the future, changes can continue to be made to improve the program.



**WORK PLAN:**

Environmental Sustainability – Policy Development – Implement Solana Energy Alliance

**OPTIONS:**

- Approve Staff recommendations
- Do not approve Staff recommendations
- Provide alternative direction to Staff

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council consider options to improve the long-term financial viability of SEA and to provide direction to Staff to implement changes to the program.

**CITY MANAGER RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager