

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



AGENDA

Joint REGULAR Meeting
Wednesday, November 09, 2022 * 6:00 p.m.

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

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

PUBLIC MEETING ACCESS

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

WATCH THE MEETING

- Live web-streaming: Meetings web-stream live on the City's website on the City's [Public Meetings](#) webpage. Find the large Live Meeting button.
- Live Broadcast on Local Govt. Channel: Meetings are broadcast live on Cox Communications - Channel 19 / Spectrum (Time Warner)-Channel 24 / AT&T U-verse Channel 99.
- Archived videos online: The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's [Public Meetings](#) webpage.

AGENDA MATERIALS

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

PUBLIC COMMENTS

Written correspondence (supplemental items) regarding an agenda item at an open session meeting should be submitted to the City Clerk's Office at clerkoffice@cosb.org with a) Subject line to include the meeting date b) Include the Agenda Item # as listed on the Agenda.

- Correspondence received after the official posting of the agenda, but two hours prior to the meeting start time, on the meeting day, will be distributed to Council and made available online along with the agenda posting. All submittals received before the start of the meeting will be made part of the record.
- Written submittals will be added to the record and not read out loud.

And/Or

Verbal Comment Participation:

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports. Public speakers have 3 minutes each to speak on each topic. Time may be donated by another individual

who is present at the meeting to allow an individual up to 6 minutes to speak. Group: Time may be donated by two individuals who are present at the meeting allowing an individual up to 10 minutes to speak. Group Hearings: For public hearings only, time may be donated by two individuals who are present at the meeting allowing an individual up to 15 minutes to speak.

SPECIAL ASSISTANCE NEEDED

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

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

<u>CITY COUNCILMEMBERS</u>		
Lesa Heebner, Mayor		
Kelly Harless, Deputy Mayor		David A. Zito, Councilmember
Jewel Edson, Councilmember		Kristi Becker, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

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

READING OF ORDINANCES AND RESOLUTIONS:

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

CALL TO ORDER AND ROLL CALL:

CLOSED SESSION REPORT:

FLAG SALUTE:

APPROVAL OF AGENDA:

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

None at the posting of this agenda

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

Santa Fe Irrigation District – Lake Hodges

ORAL COMMUNICATIONS:

Comments relating to items on this evening's agenda are taken at the time the items are heard. This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip

(located on the back table) to the City Clerk. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES. No donations of time are permitted (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

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

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

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

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

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held on September 28, 2022.

Item A.1. Report (click here)

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

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

Recommendation: That the City Council

1. Ratify the list of demands for October 08, 2022 – October 21, 2022.

Item A.2. Report (click here)

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

A.3. General Fund Adopted Budget for Fiscal Year 2022/2023 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2022-2023 General Fund Adopted Budget.

Item A.3. Report (click here)

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

A.4. Sewer & Storm Drain Rehabilitation Project – Notice of Completion. (File 1040-26)

Recommendation: That the City Council

1. Adopt **Resolution 2022-126**:

- a. Authorizing the City Council to accept, as complete, the Sewer & Storm Drain Rehabilitation Project, Bid No. 2021-03, performed by Nu-Line Technologies.
- b. Authorizing the City Clerk to file a Notice of Completion.

Item A.4. Report (click here)

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

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

B. PUBLIC HEARINGS: (B.1.)

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

B.1. Public Hearing: 632 Marvista Dr., Applicant: Douglas App, Case: MOD22-002
(File 0600-40)

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

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2022-128** conditionally approving a modification to the DRP and SDP to add three pop-ups to the lower-level eastern roof at 632 Marvista Drive, Solana Beach.

Item B.1. Report (click here)

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

C. STAFF REPORTS: (C.1. – C.3.)

Submit speaker slips to the City Clerk.

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

C.1. Outdoor Dining Regulations Discussion. (File 600-10)

Recommendation: That the City Council

1. Provide direction regarding outdoor dining/sidewalk café regulations.

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. This item number was intentionally skipped.

C.3. Adopt (2nd Reading) Ordinances 528 and 529 – Building Standards Code Amendments. (File 0600-05)

Recommendation: That the City Council

1. Adopt **Ordinance 528 and Ordinance 529** amending Title 15 of the Solana Beach Municipal Code.

Item C.3. Report (click here)

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

WORK PLAN COMMENTS:

Adopted June 22, 2022

COMPENSATION & REIMBURSEMENT DISCLOSURE:

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

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

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

- a. City Selection Committee (meets twice a year) Primary-Heebner, Alternate-Edson
- b. Clean Energy Alliance (CEA) JPA: Primary-Becker, Alternate-Zito
- c. County Service Area 17: Primary- Harless, Alternate-Edson
- d. Escondido Creek Watershed Authority: Becker /Staff (no alternate).
- e. League of Ca. Cities' San Diego County Executive Committee: Primary-Becker, Alternate- Harless. Subcommittees determined by its members.
- f. League of Ca. Cities' Local Legislative Committee: Primary-Harless, Alternate-Becker
- g. League of Ca. Cities' Coastal Cities Issues Group (CCIG): Primary-Becker, Alternate-Harless
- h. North County Dispatch JPA: Primary-Harless, Alternate-Becker
- i. North County Transit District: Primary-Edson, Alternate-Harless
- j. Regional Solid Waste Association (RSWA): Primary-Harless, Alternate-Zito
- k. SANDAG: Primary-Heebner, 1st Alternate-Zito, 2nd Alternate-Edson. Subcommittees determined by its members.

- l. SANDAG Shoreline Preservation Committee: Primary-Becker, Alternate-Zito
- m. San Dieguito River Valley JPA: Primary-Harless, Alternate-Becker
- n. San Elijo JPA: Primary-Zito, Primary-Becker, Alternate-City Manager
- o. 22nd Agricultural District Association Community Relations Committee: Primary-Edson, Primary-Heebner

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

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

CITIZEN COMMISSION(S)

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

ADJOURN:

*The November 23, 2022 Council Meeting is cancelled due to the Holiday.
The Next Regularly Scheduled Meeting is December 14, 2022.
 Always refer to the City’s website Event Calendar for an updated schedule
 or contact City Hall. www.cityofsolanabeach.org 858-720-2400*

AFFIDAVIT OF POSTING

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

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the November 09, 2022 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on November 02, 2022 at 5:20 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., November 09, 2022, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk
 City of Solana Beach, CA

UPCOMING CITIZEN CITY COMMISSION AND COMMITTEE MEETINGS:

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

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



CITY OF SOLANA BEACH

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

MINUTES

Joint – Closed Session

Wednesday, September 28, 2022 ♦ 5:00 p.m.

Teleconference Location Only-City Hall/Council Chambers - Solana Beach, California

This meeting will be conducted in accordance with Government Code sections 54953(e) and 54954.3 and other applicable law.

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

CITY COUNCILMEMBERS

Lesa Heebner, Mayor

Kelly Harless
Deputy Mayor

David A. Zito
Councilmember
District 1

Jewel Edson
Councilmember
District 3

Kristi Becker
Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

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

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

PUBLIC COMMENT ON CLOSED SESSION ITEMS (ONLY): None

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

CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

One (1) Potential case

No reportable action.

ADJOURN:

Mayor Heebner adjourned the meeting at 5:56 p.m.

Angela Ivey, City Clerk

Council Approved: _____

AGENDA ITEM A.1.



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MINUTES

Joint REGULAR Meeting

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CITY COUNCILMEMBERS

Lesa Heebner, Mayor

Kelly Harless
Deputy Mayor

David A. Zito
Councilmember
District 1

Jewel Edson
Councilmember
District 3

Kristi Becker
Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

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

READING OF ORDINANCES AND RESOLUTIONS:

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

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:04 p.m.

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

Absent: None

Also Greg Wade, City Manager

Present: Johanna Canlas, City Attorney

Angela Ivey, City Clerk

Dan King, Assistant City Manager

Mo Sammak, City Engineer/Public Works Dir.

Ryan Smith, Finance Dir.

Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

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

ORAL COMMUNICATIONS:

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

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by joining the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. No written correspondence may be submitted in lieu of public speaking. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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.3.)

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

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

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

Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held on July 13, 2022, August 9, 2022 and August 24, 2022.

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

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

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

Recommendation: That the City Council

1. Ratify the list of demands for August 27, 2022 – September 9, 2022.

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

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

A.3. General Fund Budget Adjustments for Fiscal Year 2022/2023. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2022/2023 General Fund Adopted Budget.

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

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

B. PUBLIC HEARINGS: (B.1.)

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

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

An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each.

After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record.

B.1. 406 N. Rios Avenue, Applicants: Petr and Kate Pacas; Application: DRP22-001; APN: 263-072-19. (File 0600-10)

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

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2022-117** conditionally approving a DRP for a replacement split-level, single family residence with an attached partially subterranean garage and a detached ADU at 406 N. Rios Avenue, Solana Beach.

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

[Item B.1. Updated Report \(added 9-28-22 at 4:00pm\)](#)

[Item B.1. Supplemental Docs \(updated 9-28-22 at 1:50pm\)](#)

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

Greg Wade, City Manager, introduced the item.

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

Council disclosures.

Jennifer Bolyn, Applicant's Architect, presented a PowerPoint (on file).

Mimi Miller spoke about her concerns, reading the public comment she submitted to Council, and how the project would affect her including occlusion of her small ocean view, impact of air flow, and the ADU (accessory dwelling unit) looming over her property at a close proximity. She said that the project applicants did offer to lower the ceiling height to 9 ft. from 10 ft. and lower the fascia by a foot and that the City's DRP should be designed to minimize adverse impacts and asked that the roof deck be removed, that no plants, heaters, umbrellas would be permitted on that portion of the roof, prohibit future building of a bedroom, bathroom or any room on the current roof deck area without submission of new plans, reduce height of the ADU by 2 ft., reduce the fascia from 2 ft. to 1 ft., make landscape plans final rather than conceptual, and to not use Grasscrete on Cliff Street and the right-of-way parking.

Joe Ford said they lived across the street and would be the most impacted by the development, that he did not get a chance to meet with the owners before this meeting, that he saw the drawings for the first time at this meeting, that it was a beautiful house, that the project ran edge to edge from the lot lines, that his house was not in the homes displayed in the surrounding area and that his home was much smaller, the visual mass, that the combination of the upstairs and the roof deck makes it a two-story tall structure, and suggested that the project change the edge to edge use of the lot or at least remove the roof deck and the overhang over the upper balcony.

Jennifer Bolyn, Architect, (rebuttal time) said that a two-story home could not fit in a 16 ft. envelope, that they elected to go underground with a 1,500 sq. ft. to reduce the bulk and scale, that the project was 9 ft. under the height limit, that they were using a glass rail for the easterly neighbor's concerns, and that they reduced the thickness of the parapet on the ADU and the house.

Petr (Pete) Pacas, Applicant, said that he cared about and worked with his neighbors and made concessions to address their concerns and that their primary use of the ADU was for family visitors but would use it for rental sometime in the future when family would not be visiting for a while.

Council and the Applicant representative discussed changing the Grasscrete to decomposed granite, the less than 500 sq. ft. one-time exemption being used later as a piece meal to a larger remodel, whether to story pole the entire area now including the additional unused 303 sq. ft., condition any future addition in that location to be returned to Council, that they had no intention to add a bedroom to this area so a condition would be agreeable, landscaping height, and putting in a ramp leading out of the water detention basin.

Jason Santa, Applicant's Engineer, and Staff discussed the impervious surface, specs on decomposed granite and how it bonds and compacts, and its long term maintenance.

Pete Pacas, Applicant, said that the purpose of ADU was for family visits and future rental, when it is available, and agreed to move the roof deck 5 ft. from the south side.

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

Motion: Moved by Councilmember Zito and second by Councilmember Becker to approve with additional conditions using decomposed granite instead of Grasscrete on Cliff, restricting the height of the Podocarpus planting not to exceed six feet and to reside inside the fence, the detention basin containing a ramp for an animal escape route, the deck railing glass be moved from the south by five feet, and that any future proposal for any additional square footage be brought to council for a DRP and SDP.

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

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

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

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C.1. Tot Lots at La Colonia Park and Fletcher Cove Park Design Options. (File 0700-25)

Recommendation: That the City Council

1. Receive this report and provide direction on the design options for the new Tot Lots at La Colonia Park and Fletcher Cove Park.

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

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

Greg Wade, City Manager, introduced the item.

Kaitlyn Porter, Denise Armijo, and KJ LeCesne, Van Dyke Landscape Architects (VDLA), presented a PowerPoint (on file).

Council, Staff, and Consultants, discussed benches at La Colonia, color palettes, materials, areas shaded by trees, shade sails, optional umbrellas, and artificial versus regular mulch.

Motion: Moved by Deputy Mayor Harless and second by Councilmember Becker to approve including moving forward with 4-sail canopies at La Colonia, bonded mulch at Fletcher Cove, and pursue a storytelling area with the historical benches at La Colonia.

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

C.2. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accepts and files the attached Cash and Investment Report for the quarter ended June 30, 2022.

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

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

Genny Lynkiewicz, Chandler Asset Management, presented a PowerPoint (on file).

Ryan Smith, Finance Director, presented the PARS PowerPoint (on file).

C.3. City Manager's Employment Agreement Seventh Amendment. (File 0400-05)

Recommendation: That the City Council

1. Consider and adopt **Resolution 2022-118** authorizing the Mayor to execute the Seventh Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to reflect a base salary increase of 3.5% to \$245,823.00 effective July 1, 2022 and adjust the leave accrual to be commensurate to that of other City employees.

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

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

Johanna Canlas, City Attorney, introduced the item.

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

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

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

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

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

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

CITIZEN COMMISSION(S)

ADJOURN:

Mayor Heebner adjourned the meeting at 8:57 p.m.

Angela Ivey, City Clerk

Council Approved: _____

OPTIONS:

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

DEPARTMENT RECOMMENDATION:

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

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Check Register – Disbursement Fund



City of Solana Beach

Register of Demands

10/8/2022 - 10/21/2022

Department Vendor	Description	Date	Check/EFT Number	Amount
100 - GENERAL FUND				
ICMA PLAN 302817	PLAN NUMBER:302817	10/13/2022	9000601	\$13,916.05
ICMA PLAN 302817	PD 10/13/22 CNCL	10/13/2022	9000601	\$5,344.82
SOLANA BEACH FIREFIGHTERS ASSOC	FD DIES PD 10/13/22	10/13/2022	9000606	\$850.00
SAN DIEGO COUNTY SHERIFF'S DEPT.	AUG 22-CR TOW FEE	10/13/2022	102719	(\$54.71)
ICMA RHS 801939	PLAN NUMBER:801939	10/13/2022	9000602	\$2,110.96
ALL CITY MANAGEMENT SERVICES, INC	08/07/22-08/20/22-CROSSING GUARDS	10/13/2022	9000599	\$3,604.89
ALL CITY MANAGEMENT SERVICES, INC	08/21/22-09/03/22-CROSSING GUARDS	10/13/2022	9000599	\$7,137.68
FRANCHISE TAX BOARD	PD 10/14/22 ORDER#633140172933902746	10/13/2022	102706	\$100.00
BRIAN COOKE	RFND-ENC22-0088/545 SAN MARO DR	10/21/2022	102740	\$793.00
TOTAL GENERAL FUND				\$33,802.69
1005150 - CITY CLERK				
IRON MOUNTAIN	OCT 22- STORAGE/SHREDDING	10/21/2022	102751	\$842.47
DEL MAR BLUE PRINT COMPANY, INC.	RRW-2859-PLANS	10/21/2022	102746	\$18.49
PITNEY BOWES GLOBAL FINANCIAL SVC	07/30/22-10/29/22-POSTAGE	10/21/2022	102759	\$749.07
CAL EXPRESS	COURIER-VHS CONVERSION	10/21/2022	102741	\$90.00
TOTAL CITY CLERK				\$1,700.03
1005200 - CITY MANAGER				
EMANUELS JONES AND ASSOCIATES	OCT 22-PROF SRVC	10/21/2022	102749	\$2,500.00
TOTAL CITY MANAGER				\$2,500.00
1005250 - LEGAL SERVICES				
HOGAN LAW APC	AUG 22-GENERAL LEGAL	10/13/2022	102708	\$195.00
TOTAL LEGAL SERVICES				\$195.00
1005300 - FINANCE				
HDL-HINDERLITER, DE LLAMAS & ASSOC	Q1 22 STAX-CONTRACT/AUDIT	10/13/2022	102707	\$9,010.34
LANCE,SOLL & LUNGHARD, LLP	FY22 AUDIT	10/13/2022	102711	\$5,930.70
AMAZON.COM SALES, INC	CALENDARS/ENVELOPES/STAPLER REMOVERS	10/21/2022	102737	\$49.64
TOTAL FINANCE				\$14,990.68
1005350 - SUPPORT SERVICES				
XEROX CORPORATION	SEPT 22-XEROX-PLANNING	10/13/2022	102734	\$132.61
XEROX CORPORATION	SEPT 22-XEROX-UPSTAIRS	10/13/2022	102734	\$132.61
XEROX CORPORATION	SEPT 22-XEROX-CLERK	10/13/2022	102734	\$122.84
XEROX CORPORATION	SEPT 22-XEROX UPSTAIRS	10/13/2022	102734	\$31.05
XEROX CORPORATION	SEPT 22-XEROX UPSTAIRS	10/13/2022	102734	\$298.25
XEROX CORPORATION	SEPT 22-XEROX CLERK	10/13/2022	102734	\$197.16
XEROX CORPORATION	SEPT 22-XEROX CLERK	10/13/2022	102734	\$271.68
XEROX CORPORATION	SEPT 22-XEROX PLN/ENG	10/13/2022	102734	\$68.13
XEROX CORPORATION	SEPT 22-XEROX PLN/ENG	10/13/2022	102734	\$546.78
READY REFRESH BY NESTLE	SEPT 22-DRINKING WATER-LC	10/13/2022	102718	\$40.96
READY REFRESH BY NESTLE	SEPT 22-DRINKING WATER-PW	10/13/2022	102718	\$69.15
READY REFRESH BY NESTLE	SEPT 22-DRINKING WATER-CH	10/13/2022	102718	\$257.00
AMAZON.COM SALES, INC	CALENDARS/ENVELOPES/STAPLER REMOVERS	10/21/2022	102737	\$10.76
TOTAL SUPPORT SERVICES				\$2,178.98

1005400 - HUMAN RESOURCES

PRISM	OCT-DEC 22/PEPM-67 EMPLOYEES	10/13/2022	102717	\$418.08
TOTAL HUMAN RESOURCES				\$418.08

1005450 - INFORMATION SERVICES

MANAGED SOLUTION	JUL 22-IT SVC	10/21/2022	102753	\$750.00
MANAGED SOLUTION	JUL 22-IT PROF SVC	10/21/2022	102753	\$1,883.70
AMAZON.COM SALES, INC	HP ALL IN ONE PRINTER	10/13/2022	102699	\$237.04
AMAZON.COM SALES, INC	PRINTER-FS	10/13/2022	102699	\$237.04
AMAZON.COM SALES, INC	PHONE WALL MOUNT	10/13/2022	102699	\$43.09
AMAZON.COM SALES, INC	HDMI EXTENDER/CABLE/ADAPTER	10/21/2022	102737	\$127.61
TOTAL INFORMATION SERVICES				\$3,278.48

1005550 - PLANNING

UT SAN DIEGO - NRTH COUNTY	PUB HRNG-DRP22-022	10/13/2022	102731	\$293.78
UT SAN DIEGO - NRTH COUNTY	PUB NTC-DRP21-011/SDP21-012	10/13/2022	102731	\$394.16
UT SAN DIEGO - NRTH COUNTY	PUB NTC-SRP21-020/SDP21-019	10/13/2022	102731	\$390.85
UT SAN DIEGO - NRTH COUNTY	PUB NTC-ORD 527 INTRO	10/13/2022	102731	\$351.21
UT SAN DIEGO - NRTH COUNTY	PUB HRG-DRP21-020/SDP21-019	10/21/2022	102769	\$378.40
UT SAN DIEGO - NRTH COUNTY	PUB HRNG-DRP 17-19-12	10/21/2022	102769	\$362.64
OFFICE DEPOT INC	FILE FOLDERS/FOLDERS	10/13/2022	102716	\$28.07
TOTAL PLANNING				\$2,199.11

1005560 - BUILDING SERVICES

OFFICE DEPOT INC	FILE FOLDERS/FOLDERS	10/13/2022	102716	\$280.99
TOTAL BUILDING SERVICES				\$280.99

1005590 - PARKING ENFORCEMENT

VERIZON WIRELESS-SD	442224168-00001-08/24-09/23/22	10/13/2022	102732	\$141.29
BUSINESS PRINTING COMPANY INC	BUSSINESS CARDS	10/13/2022	102701	\$112.99
WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$318.54
TOTAL PARKING ENFORCEMENT				\$572.82

1006110 - LAW ENFORCEMENT

SAN DIEGO COUNTY SHERIFF'S DEPT.	AUG 22-LAW ENFORCEMENT/TOW CREDIT	10/13/2022	102719	\$399,063.64
TOTAL LAW ENFORCEMENT				\$399,063.64

1006120 - FIRE DEPARTMENT

THE UNIFORM SPECIALIST	BOOTS/PANTS	10/13/2022	102729	\$881.11
ALLIANT INSURANCE SERVICES INC	F-150-OIL CHNG/FUEL PMP/BTTRY REPLACEMENT/LABOR	10/21/2022	102748	\$1,687.15
ACE UNIFORMS & ACCESSORIES	POLO/PANTS/EMB/BOOTS/BELTS	10/13/2022	102696	\$954.51
ACE UNIFORMS & ACCESSORIES	BOOTS/PANTS	10/21/2022	102736	\$881.11
ACE UNIFORMS & ACCESSORIES	PANTS	10/21/2022	102736	\$259.78
REGIONAL COMMS SYS, MS 056 - RCS	SEPT 22-CAP CODE	10/21/2022	102762	\$32.50
WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$148.71
LINEGEAR FIRE & RESCUE EQUIPMENT	HELMET/RADIO HARNESS/PANTS/DUTY BELT	10/13/2022	102713	\$2,023.55
AFECO INC	TURNOUT CLEANING	10/21/2022	102765	\$282.75
TOTAL FIRE DEPARTMENT				\$7,151.17

1006150 - CIVIL DEFENSE

COUNTY OF SAN DIEGO-EMERGENCY SVC	FY22-23 UDC MEMBERSHIP FEE	10/21/2022	102744	\$814.00
TOTAL CIVIL DEFENSE				\$814.00

1006170 - MARINE SAFETY

CAMEO PAPER & JANITORIAL SUPPLY INC	TOWELS	10/13/2022	102702	\$65.96
CULLIGAN OF SAN DIEGO	OCT 22-CULLIGAN WATER	10/21/2022	102745	\$49.83
AT&T CALNET 3	9391053651-08/25/22-09/24/22	10/21/2022	102739	\$285.99

WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$1,089.58
AMAZON.COM SALES, INC	CAUTION TAPE/MICROFIBER CLOTH	10/13/2022	102699	\$63.71
GUARDIAN SAFTEY & SUPPLY, LLC	BOOTS	10/13/2022	102705	\$48.24
TOTAL MARINE SAFETY				\$1,603.31
1006510 - ENGINEERING				
UT SAN DIEGO - NRTH COUNTY	PUB HRNG-FY 23/24 COMM DVLPMNT BLOCK GRANT FUNDS	10/21/2022	102769	\$264.33
WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$200.15
TOTAL ENGINEERING				\$464.48
1006520 - ENVIRONMENTAL SERVICES				
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	10/13/2022	102714	\$10.97
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	10/21/2022	102754	\$10.97
SANTA FE IRRIGATION DISTRICT	09/02/22-09/30/22	10/21/2022	102763	\$280.95
WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$582.26
TOTAL ENVIRONMENTAL SERVICES				\$885.15
1006530 - STREET MAINTENANCE				
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	10/13/2022	102714	\$18.80
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	10/21/2022	102754	\$18.80
DIXIELINE LUMBER CO INC	EAR MUFFS/RESPIRATOR	10/13/2022	102704	\$78.74
DIXIELINE LUMBER CO INC	STAPLE GUN/TAPE	10/21/2022	102747	\$39.85
DIXIELINE LUMBER CO INC	PRIMER SPRAY	10/21/2022	102747	\$17.43
SANTA FE IRRIGATION DISTRICT	09/02/22-09/30/22	10/21/2022	102763	\$124.37
SDG&E CO INC	08/01/22-09/08/22-UTILITES	10/13/2022	102722	\$407.12
SDG&E CO INC	08/09/22-09/08/22-UTILITIES	10/13/2022	102722	\$612.13
UNDERGROUND SVC ALERT OF SOCAL INC	JUNE 22-DIG ALERT	10/13/2022	102728	\$84.25
UNDERGROUND SVC ALERT OF SOCAL INC	SEPT 22-DIG ALERT	10/13/2022	102728	\$95.75
NISSHO OF CALIFORNIA	AUG 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$1,827.01
NISSHO OF CALIFORNIA	JUL 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$1,827.01
TRAFFIC SUPPLY, INC	STOP AHEAD SIGN/BIKE LAND CLOSED SIGN	10/21/2022	102767	\$1,245.22
WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$527.69
NEW PIG CORPORATION	SUMP SKIMMER	10/13/2022	102715	\$179.09
TOTAL STREET MAINTENANCE				\$7,103.26
1006540 - TRAFFIC SAFETY				
SDG&E CO INC	08/01/22-09/08/22-UTILITES	10/13/2022	102722	\$81.25
SDG&E CO INC	08/09/22-09/08/22-UTILITIES	10/13/2022	102722	\$624.65
REDFLEX TRAFFIC SYSTEMS, INC	SEPT 22-RED LIGHT CAMERA ENFORCEMENT	10/21/2022	9000610	\$7,158.00
AT&T CALNET 3	9391012279-08/24-09/23/22	10/13/2022	102700	\$51.93
STC TRAFFIC, INC	AUG 22- ON-CALL TRAFFIC CONSULTING	10/13/2022	102723	\$1,705.00
ALL CITY MANAGEMENT SERVICES, INC	08/07/22-08/20/22-CROSSING GUARDS	10/13/2022	9000599	\$1,941.11
ALL CITY MANAGEMENT SERVICES, INC	08/21/22-09/03/22-CROSSING GUARDS	10/13/2022	9000599	\$3,843.40
YUNEX LLC	FY23 TRAFFIC SIGNAL AND SAFETY LIGHT MAINT/REPAIR	10/13/2022	9000609	\$1,630.00
YUNEX LLC	FY23 TRAFFIC SIGNAL AND SAFETY LIGHT MAINT/REPAIR	10/13/2022	9000609	\$414.01
TOTAL TRAFFIC SAFETY				\$17,449.35
1006550 - STREET CLEANING				
SANTA FE IRRIGATION DISTRICT	09/02/22-09/30/22	10/21/2022	102763	\$73.04
PRIDE INDUSTRIES	SEPT 22-TRASH ABATEMENT SERVICES 22/23	10/21/2022	102760	\$1,354.50
SCA OF CA, LLC	SEPT 23- CITY-WIDE STREET SWEEPING SERVICES	10/13/2022	102721	\$3,910.15
TOTAL STREET CLEANING				\$5,337.69
1006560 - PARK MAINTENANCE				

DEL MAR BLUE PRINT COMPANY, INC.	LANDSCAPE MAP	10/13/2022	102703	\$18.49
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	10/13/2022	102714	\$13.32
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	10/21/2022	102754	\$13.32
RANCHO SANTA FE SECURITY SYS INC	OCT 22-SECURITY PATROL	10/21/2022	102761	\$661.10
RANCHO SANTA FE SECURITY SYS INC	ADDED CODE USER	10/21/2022	102761	\$10.00
SANTA FE IRRIGATION DISTRICT	005506-018 - 09/02/22-09/30/22	10/21/2022	102763	\$436.95
SANTA FE IRRIGATION DISTRICT	005506-019 - 09/02/22-09/30/22	10/21/2022	102763	\$1,935.09
SANTA FE IRRIGATION DISTRICT	005979-005-08/02/22-09/30/22	10/21/2022	102763	\$624.61
NISSHO OF CALIFORNIA	AUG 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$15,653.14
NISSHO OF CALIFORNIA	JUL 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$17,716.27
NISSHO OF CALIFORNIA	LC- LANDSCAPE SERVICES	10/21/2022	102757	\$411.92
NISSHO OF CALIFORNIA	RECYCLED WATER INSPECTION	10/21/2022	102757	\$310.00
NISSHO OF CALIFORNIA	ANNUAL RECLAIMED WATER INSPECTION	10/21/2022	102757	\$310.00
NISSHO OF CALIFORNIA	LC14 LA COLONIA REPLACE CALLISTEMON	10/21/2022	102757	\$359.15
NISSHO OF CALIFORNIA	POC A14 LA COLONIA BROKEN MAINLINE	10/21/2022	102757	\$886.13
WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$109.17
WEST COAST ARBORISTS, INC.	SEPT 22- TREE MAINTENANCE	10/21/2022	102771	\$6,648.40
TOTAL PARK MAINTENANCE				\$46,117.06

1006570 - PUBLIC FACILITIES

SEASIDE HEATING & AIR CONDITIONING	RPLC FAULTY BLOWER MOTOR	10/21/2022	102764	\$1,400.00
DIXIELINE LUMBER CO INC	HEAT SHIELD/COPPER COUPLING/ADAPETER/PIPES	10/13/2022	102704	\$108.68
DIXIELINE LUMBER CO INC	COVER UP SPRAY	10/13/2022	102704	\$20.93
DIXIELINE LUMBER CO INC	GLUE	10/13/2022	102704	\$25.19
DIXIELINE LUMBER CO INC	COPPER PIPES/BRUSHING	10/13/2022	102704	\$34.84
DIXIELINE LUMBER CO INC	COPPER PIPE	10/13/2022	102704	\$8.23
DIXIELINE LUMBER CO INC	WIRE BRUSH/RAG/TAPE/PRIMER	10/21/2022	102747	\$69.69
DIXIELINE LUMBER CO INC	TAPE MEASURE/GLOVES/RESPIRATOR	10/21/2022	102747	\$47.56
DIXIELINE LUMBER CO INC	TAPE MEASURE/GLOVES/AEROSOL LUBE	10/21/2022	102747	\$56.08
SDG&E CO INC	08/01/22-09/08/22-UTILITES	10/13/2022	102722	\$3,070.24
SDG&E CO INC	08/09/22-09/08/22-UTILITIES	10/13/2022	102722	\$8,555.40
LEE'S LOCK & SAFE INC	DEADBOLT INSTALL/HARDWARE	10/13/2022	102712	\$364.32
NAPA AUTO PARTS INC	AIR LINE REGULATOR/ANTIFREEZE	10/21/2022	102756	\$377.20
LALLEY CONSTRUCTION	TROUBLESHOOT SOLAR SYSTEM	10/21/2022	102752	\$1,820.00
LALLEY CONSTRUCTION	TROUBLESHOOT ELECTRICAL POWER ISSUE	10/21/2022	102752	\$195.00
LALLEY CONSTRUCTION	REMOVE EXISTING ANGLE STOPS	10/21/2022	102752	\$163.00
ALL THE KING'S FLAGS	FLAGS	10/13/2022	102698	\$276.38
NISSHO OF CALIFORNIA	AUG 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$2,570.66
NISSHO OF CALIFORNIA	JUL 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$2,848.75
24 HOUR ELEVATOR, INC	OCT 22- ELEVATOR PREVENTATIVE MAINT/REPAIR	10/21/2022	102735	\$185.22
CINTAS CORPORATION NO. 2	FIRST AID SUPPLIES-CH	10/21/2022	102743	\$256.13
CALIFORNIA OFFICE CLEANING, INC	SEPT 22-JANITORIAL SERVICE	10/21/2022	102742	\$7,100.00
CALIFORNIA OFFICE CLEANING, INC	SEPT 22-SUPPLIES	10/21/2022	102742	\$150.00
ENVIROMENTAL TESTING & TECHNOLOGY	INSPECTION/TESTING-CH	10/21/2022	102750	\$850.00
WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$181.96
SYMONS FIRE PROTECTION	QTR 4 22- FIRE SUPPRESSION EQPTMNT SRV-FCC	10/21/2022	102766	\$632.00
SYMONS FIRE PROTECTION	QTR 4-22 FIRE SUPPRESSION EQPMNT SRV-LC	10/21/2022	102766	\$790.00
PRIDE INDUSTRIES	SEPT 22-TRASH ABATEMENT SERVICES 22/23	10/21/2022	102760	\$1,354.50
SUNBELT CONTROLS, INC	TROUBLESHOOT MACHINE	10/13/2022	102724	\$540.00
TOTAL PUBLIC FACILITIES				\$34,051.96

1007100 - COMMUNITY SERVICES

JENNIFER REED	HOLIDAY TREE LIGHTING/VETERANS DAY	10/13/2022	9000604	\$65.00
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JORGE LOZANO	SB PHOTO ALBLUM	10/13/2022	102710	\$1,500.00
TOTAL COMMUNITY SERVICES				\$1,565.00
1007110 - GF-RECREATION				
WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$96.29
TOTAL GF-RECREATION				\$96.29
1205460 - SELF INSURANCE RETENTION				
GEORGE HILLS COMPANY, INC.	GL CLAIMS SERVICES	10/13/2022	9000600	\$65.80
GEORGE HILLS COMPANY, INC.	GL CLAIMS SERVICES	10/13/2022	9000600	\$56.40
GEORGE HILLS COMPANY, INC.	GL CLAIMS SERVICES	10/13/2022	9000600	\$56.40
TOTAL SELF INSURANCE RETENTION				\$178.60
1355200 - ASSET REPLACEMENT-CTY MNGR				
TYLER TECHNOLOGIES, INC.	50/50 WORKSPLIT-SEPT 22	10/13/2022	102727	\$449.88
TYLER TECHNOLOGIES, INC.	RECEIPT PRINTER/CASH DRAWER	10/13/2022	102727	\$616.06
TYLER TECHNOLOGIES, INC.	SEPT 22-50/50 WORK	10/21/2022	102768	\$449.87
TOTAL ASSET REPLACEMENT-CTY MNGR				\$1,515.81
1355300 - ASSET REPLACEMENT-FINANCE				
TYLER TECHNOLOGIES, INC.	50/50 WORKSPLIT-SEPT 22	10/13/2022	102727	\$950.12
TYLER TECHNOLOGIES, INC.	RECEIPT PRINTER/CASH DRAWER	10/13/2022	102727	\$1,412.87
TYLER TECHNOLOGIES, INC.	CASHIERING PROJ MANGMNT	10/13/2022	102727	\$1,400.00
TYLER TECHNOLOGIES, INC.	SEPT 22-50/50 WORK	10/21/2022	102768	\$950.13
TOTAL ASSET REPLACEMENT-FINANCE				\$4,713.12
1356530 - ASSET REPLACEMENT-ST MAIN				
AUTO TRUCK GROUP, LLC.	EMRGCY LIGHTING PW VEHICLE	10/13/2022	102730	\$1,669.26
TOTAL ASSET REPLACEMENT-ST MAIN				\$1,669.26
2037510 - HIGHWAY 101 LANDSC #33				
SDG&E CO INC	08/09/22-09/08/22-UTILITIES	10/13/2022	102722	\$2,817.03
NISSHO OF CALIFORNIA	AUG 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$3,711.90
NISSHO OF CALIFORNIA	JUL 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$1,102.78
TOTAL HIGHWAY 101 LANDSC #33				\$7,631.71
2047520 - MID 9C SANTA FE HILLS				
SANTA FE IRRIGATION DISTRICT	005979-014 - 09/02/22-09/30/22	10/21/2022	102763	\$972.87
SANTA FE IRRIGATION DISTRICT	005979-015 - 09/02/22-09/30/22	10/21/2022	102763	\$570.93
SANTA FE IRRIGATION DISTRICT	005979-016 - 09/02/22-09/30/22	10/21/2022	102763	\$798.29
SANTA FE IRRIGATION DISTRICT	005979-017 - 09/02/22-09/30/22	10/21/2022	102763	\$61.56
SANTA FE IRRIGATION DISTRICT	005979-024 - 09/02/22-09/30/22	10/21/2022	102763	\$920.09
SANTA FE IRRIGATION DISTRICT	005979-025 - 09/02/22-09/30/22	10/21/2022	102763	\$851.07
SANTA FE IRRIGATION DISTRICT	005979-026 - 09/02/22-09/30/22	10/21/2022	102763	\$911.97
SANTA FE IRRIGATION DISTRICT	005979-018 - 09/02/22-09/30/22	10/21/2022	102763	\$138.70
SANTA FE IRRIGATION DISTRICT	005979-019 - 09/02/22-09/30/22	10/21/2022	102763	\$455.38
SANTA FE IRRIGATION DISTRICT	005979-020 - 09/02/22-09/30/22	10/21/2022	102763	\$976.93
SANTA FE IRRIGATION DISTRICT	005979-021 - 09/02/22-09/30/22	10/21/2022	102763	\$1,577.81
SANTA FE IRRIGATION DISTRICT	005979-022 - 09/02/22-09/30/22	10/21/2022	102763	\$1,253.01
SANTA FE IRRIGATION DISTRICT	005979-023 - 09/02/22-09/30/22	10/21/2022	102763	\$1,114.97
SANTA FE IRRIGATION DISTRICT	005979-012-08/02/22-09/30/22	10/21/2022	102763	\$121.31
SANTA FE IRRIGATION DISTRICT	005979-006-08/02/22-09/30/22	10/21/2022	102763	\$2,168.47
SANTA FE IRRIGATION DISTRICT	005979-007-08/02/22-09/30/22	10/21/2022	102763	\$1,489.15
SANTA FE IRRIGATION DISTRICT	005979-009-08/02/22-09/30/22	10/21/2022	102763	\$923.05
SANTA FE IRRIGATION DISTRICT	005979-010-08/02/22-09/30/22	10/21/2022	102763	\$630.80
SANTA FE IRRIGATION DISTRICT	005979-011-08/02/22-09/30/22	10/21/2022	102763	\$681.12
SANTA FE HILLS HOA	SEPT 22-FY23 SANTA FE HILLS HOA	10/13/2022	9000605	\$28,750.00

TOTAL MID 9C SANTA FE HILLS**\$45,367.48****2057530 - MID 9E ISLA VERDE**

ISLA VERDE HOA	SEPT 22-FY23 ISLE VERDE HOA	10/13/2022	102709	\$433.33
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TOTAL MID 9E ISLA VERDE**\$433.33****2077550 - MID 9H SAN ELIJO #2**

SAN ELIJO HILLS II HOA	SEPT 22-FY23 HOA PAYMENT	10/13/2022	102720	\$6,550.00
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TOTAL MID 9H SAN ELIJO #2**\$6,550.00****2087580 - COASTAL RAIL TRAIL MAINT**

SANTA FE IRRIGATION DISTRICT	005506-020 - 09/02/22-09/30/22	10/21/2022	102763	\$1,397.84
NISSHO OF CALIFORNIA	AUG 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$4,304.53
NISSHO OF CALIFORNIA	JUL 22- LANDSCAPE MAINTENANCE SERVICES	10/21/2022	102757	\$4,973.58

TOTAL COASTAL RAIL TRAIL MAINT**\$10,675.95****2117600 - STREET LIGHTING DISTRICT**

SDG&E CO INC	08/01/22-09/08/22-UTILITES	10/13/2022	102722	\$8,658.23
YUNEX LLC	FY23 STREETLIGHT MAINTENANCE/REPAIRS	10/13/2022	9000609	\$930.00

TOTAL STREET LIGHTING DISTRICT**\$9,588.23****2135550 - DEVELOPER PASS-THRU- PLANNING**

PAMELA ELLIOTT LANDSCAPE ARCHITECT	AUG 22-DRP22-011/327 N ACACIA	10/13/2022	9000603	\$300.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	AUG 22-REV22-001/869 AVOCADO	10/13/2022	9000603	\$750.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	AUG 22-DRP22-019/411 N ACACIA	10/13/2022	9000603	\$450.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	AUG 22-DRP22-018/260 PACIFIC	10/13/2022	9000603	\$450.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	AUG 22-DRP22-013/228 N HELIX	10/13/2022	9000603	\$300.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	AUG 22-DRP22-004/722 W SOLANA	10/13/2022	9000603	\$300.00
PAMELA ELLIOTT LANDSCAPE ARCHITECT	AUG 22-DRP22-007/147 S RIOS	10/13/2022	9000603	\$300.00
TELECOM LAW FIRM	DUP22-002-THIRD PARTY WIRELESS REVIEW	10/13/2022	102725	\$2,645.00
TELECOM LAW FIRM	DUP22-001-THIRD PARTY WIRELESS REVIEW	10/13/2022	102725	\$2,645.00

TOTAL DEVELOPER PASS-THRU- PLANNING**\$8,140.00****2196110 - COPS PROGRAM**

SAN DIEGO COUNTY SHERIFF'S DEPT.	AUG 22-LAW ENFORCEMENT/TOW CREDIT	10/13/2022	102719	\$8,092.95
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TOTAL COPS PROGRAM**\$8,092.95****2286510 - TRANSNET EXTENSION-CIP**

MW PELTZ + ASSOCIATES INC	SEPT 22-SANTA HELENA NEIGHBORHOOD TRAIL	10/21/2022	102755	\$29,630.00
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TOTAL TRANSNET EXTENSION-CIP**\$29,630.00****2706120 - PUBLIC SAFETY- FIRE**

AMR	CSA.17-GLUCAGEN	10/21/2022	102738	\$868.08
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TOTAL PUBLIC SAFETY- FIRE**\$868.08****2706170 - PUBLIC SAFETY- MARINE SAFETY**

AMAZON.COM SALES, INC	CSA.17-FACE MASKS	10/13/2022	102699	\$90.08
GUARDIAN SAFETY & SUPPLY, LLC	CSA.17-MICOFLEX SUPRENO	10/13/2022	102705	\$133.23

TOTAL PUBLIC SAFETY- MARINE SAFETY**\$223.31****4506190 - SAND REPLNSHMNT/RETENTION**

WARWICK GROUP CONSULTANTS, LLC	SEPT 22-PROF SVC	10/21/2022	102770	\$5,833.00
SUMMIT ENVIROMENTAL GROUP, INC.	SEPT 22-SND 9926-PROF SVC	10/13/2022	9000607	\$6,325.00

TOTAL SAND REPLNSHMNT/RETENTION**\$12,158.00****459 - MISC. CAPITAL PROJECTS**

NU-LINE TECHNOLOGIES, LLC	2021 SWR/STRMDRN RET	10/21/2022	102758	(\$2,501.70)
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TOTAL MISC. CAPITAL PROJECTS**(\$2,501.70)****4596510 - MISC.CAPITALPROJECTS-ENG**

SEASIDE HEATING & AIR CONDITIONING	9407.23 CITY HALL HVAC UNIT REPLACEMENT	10/21/2022	102764	\$13,400.00
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NISSHO OF CALIFORNIA	9530 CITY-WIDE TREE PLANTING-LC21	10/21/2022	102757	\$1,064.00
NU-LINE TECHNOLOGIES, LLC	2021 SEWER & STORM DRAIN REHAB	10/21/2022	102758	\$11,615.00
NU-LINE TECHNOLOGIES, LLC	2021 SEWER&STORMDRAIN CONT	10/21/2022	102758	\$38,419.00
TOTAL MISC.CAPITALPROJECTS-ENG				\$64,498.00
5096510 - SANITATION-CIP-ENG				
NU-LINE TECHNOLOGIES, LLC	2021 SEWER & STORM DRAIN REHAB	10/21/2022	102758	\$37,470.75
NU-LINE TECHNOLOGIES, LLC	2021 SEWER&STORMDRAIN CONT	10/21/2022	102758	\$34,967.25
TOTAL SANITATION-CIP-ENG				\$72,438.00
5097700 - SANITATION				
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	10/13/2022	102714	\$7.83
MISSION LINEN & UNIFORM INC	LAUNDRY-PW	10/21/2022	102754	\$7.83
AFFORDABLE PIPELINE SERVICES INC	R-DRAIN CLEANING	10/13/2022	102697	\$525.00
SANTA FE IRRIGATION DISTRICT	005979-008-08/02/22-09/30/22	10/21/2022	102763	\$85.69
SANTA FE IRRIGATION DISTRICT	09/02/22-09/30/22	10/21/2022	102763	\$842.85
LANCE,SOLL & LUNGHARD, LLP	FY22 AUDIT	10/13/2022	102711	\$4,140.30
AT&T CALNET 3	9391012277-08/24-09/23/22	10/13/2022	102700	\$16.82
WEX FLEET UNIVERSAL	09/08/22-10/07/22-AUTO FUEL	10/13/2022	102733	\$218.35
NU-LINE TECHNOLOGIES, LLC	2021 SWR/STRMDRN RET	10/21/2022	102758	(\$3,621.90)
TOTAL SANITATION				\$2,222.77
5507750 - SOLANA ENERGY ALLIANCE				
LANCE,SOLL & LUNGHARD, LLP	FY22 AUDIT	10/13/2022	102711	\$335.70
TOSDAL APC	FEB 22-PROF SVC	10/13/2022	102726	\$1,090.00
TOSDAL APC	JUL 22-PROF SVC	10/13/2022	102726	\$1,668.50
TOSDAL APC	AUG 22-PROF SVC	10/13/2022	102726	\$1,265.00
TOTAL SOLANA ENERGY ALLIANCE				\$4,359.20
6527810 - SUCCESSOR AGENCY				
LANCE,SOLL & LUNGHARD, LLP	FY22 AUDIT	10/13/2022	102711	\$783.30
TOTAL SUCCESSOR AGENCY				\$783.30
REPORT TOTAL:				\$873,054.62



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 9, 2022
ORIGINATING DEPT: Finance
SUBJECT: Report on Changes Made to the General Fund Adopted Budget for Fiscal Year 2022-23

BACKGROUND:

Staff provides a report at each Council meeting that lists changes made to the current Fiscal Year (FY) General Fund Adopted Budget. The information provided in this Staff Report lists the changes made through October 26, 2022.

DISCUSSION:

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

GENERAL FUND - ADOPTED BUDGET PLUS CHANGES							
As of October 26, 2022							
General Fund Operations							
Date	Action	Description	Revenues	Expenditures	Transfers from GF	Net Surplus	
06/23/2021	Reso 2021-092	Adopted Budget	22,148,385	(20,867,260)	(482,500)	\$	798,625
07/14/2021	Reso 2021-097	MS MOU		(11,570)			787,055
04/13/2022	Reso 2022-034	Keyser Marston		(15,000)			772,055
06/08/2022	Reso 2022-041	On-Call Repair Svcs		(30,000)			742,055
06/08/2022	Reso 2022-065	Janitorial		(20,000)			722,055
06/22/2022	Reso 2022-082	FY23 Budget Update	1,965,100	(615,680)	(1,423,000)		648,475
08/24/2022	Reso 2022-106	Lew Edwards Group		(36,000)			612,475
09/14/2022	Reso 2022-102	SBFA MOU		(182,000)			430,475

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA

COUNCIL ACTION:

FISCAL IMPACT:

N/A

WORK PLAN:

N/A

OPTIONS:

- Receive the report.
- Do not accept the report

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council receive the report listing changes made to the FY 2022-2023 General Fund Adopted Budget.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 9, 2022
ORIGINATING DEPT: Engineering Department
SUBJECT: **City Council Consideration of Resolution 2022-126
Accepting the Sewer & Storm Drain Rehabilitation Project
as Complete and Authorizing the City Clerk to File a Notice
of Completion**

BACKGROUND:

The Capital Improvement Program (CIP) budget makes annual appropriations to maintain, repair and replace sewer and storm drain facilities as needed throughout the City. At the July 14, 2021 City Council meeting, the City Council awarded a construction contract for the Sewer & Storm Drain Rehabilitation Project, Bid No. 2021-03, to Nu-Line Technologies.

This item is before the City Council for the consideration of Resolution 2022-126 (Attachment 1) to report the final project costs, accept the project as complete and direct the City Clerk to file a Notice of Completion (NOC).

DISCUSSION:

Nu-Line Technologies completed all work on this project in accordance with the approved plans and specifications of Bid No. 2021-03 to the satisfaction of the City Engineer. The City will release the retention, in the amount of \$38,820.60, thirty-five (35) days after the Notice of Completion is approved by the City Council.

A summary of the project accomplishments is listed below:

Sewer Rehabilitation and Construction

- Rehabilitated approximately 4,726 linear feet of 8" sewer pipes
- Rehabilitated three sewer manholes

CITY COUNCIL ACTION:

- Constructed 18 sewer clean-outs at inaccessible dead ends
- Replaced two sewer manhole covers
- Performed pump station wet well lining repairs

Storm Drain Rehabilitation and Construction

- Rehabilitated approximately 938 linear feet of corrugated metal pipes
- Removed and replaced approximately 135 linear feet of deteriorated corrugated metal pipes
- Removed and replaced three deteriorated grate inlets
- Removed and replaced one collapsed sidewalk underdrain
- Constructed drainage improvements on Avocado Place
- Installed a curb inlet on South Nardo Avenue near El Sueno

Construction Changes

One bid item was a \$40,000 allowance to rehabilitate a 114-foot deteriorated corrugated metal storm drain at the north end of Santa Luisa, down a steep slope behind the homes. The storm drain was constructed in the 1970's and was laid on the surface of the steep slope, anchored by posts. Lining of this pipe segment was included in the previous year's CIP project, but the contractor could not line the pipe utilizing the standard methods, and the pipe rehabilitation was postponed until the following year. The Santa Luisa storm drain was included in the current contract to allow Staff to collaborate with the contractor on a method of pipe rehabilitation, which would be negotiated at reasonable cost. Staff allocated \$40,000 as the base bid price for this rehabilitation project in the construction document. The bottom of the pipe had rusted away, leaving gaps suspended above the ground. The contractor had to cover the gaps in preparation of the lining method proposed by Nu-Line. The working conditions were challenging due to the steep slope and thick brush, with the downstream outlet in the canyon only accessible by climbing down the slope. The gaps at the bottom of the pipe were covered and the pipe was successfully lined. The final negotiated cost was \$65,962, \$25,962 more than the \$40,000 allowance.

In another corrugated metal storm drain, located in Ocean Street, the bottom of the pipe was also found to be rusted away and a portion of the dirt below the pipe was washed away. Before lining the pipe, the contractor filled the invert of the pipe, as well as other repairs. This work was performed on a time and material basis for \$5,733.

Additional work for the sewer system rehabilitation was also performed. The contractor found unusually dense roots in 28 sewer laterals that required removal prior to sealing the lateral connection at the main. This work was performed on a time and material basis for \$31,419.

After the construction bids were received, the City's sewer maintenance contractor found two dead end sewer caps that were broken with dirt cascading into the pipe. Sewer clean-outs were installed by Nu-Line at the bid unit price.

At the Solana Beach Sewer Pump Station, the interior of two sewer manholes were re-lined as part of this project. The manhole covers were found to be deteriorated and will be replaced under this contract. In addition, the San Elijo Joint Powers Authority notified the City that the wet-well linings at the pump station needed repairs. The same subcontractor that performed the manhole lining also performed the wet-well lining repairs.

A change order was executed in the amount of \$101,412 that included \$69,717 for sewer and \$31,695 for storm drains. As noted in the Fiscal Impact below, the additional costs were within the contingencies authorized by the City Council.

CEQA COMPLIANCE STATEMENT:

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

FISCAL IMPACT:

The project was funded with the Fiscal Year (FY) 2021/22 Capital Improvement Program budget, which included \$500,000 for Sanitary Sewer Pipeline Replacements (9856.22) and \$300,000 for Storm Drain Improvements (9458.22).

The awarded construction contract was \$675,000. City Council authorized a contingency of \$125,000 for unanticipated extra work, for a total construction budget of \$800,000. The cost was divided as follows:

Table 1: Project Budget

	Sewer	Storm Drain	Total
Base Bid	\$426,600	\$248,400	\$675,000
Contingency	\$73,400	\$51,600	\$125,000
Construction Budget	\$500,000	\$300,000	\$800,000

The final cost for sewer rehabilitation work was \$496,317, \$69,717 more than the base bid amount of \$426,600. The \$73,400 sewer contingency funded the extra work performed, with \$3,683 of contingency remaining.

The final cost for storm drain rehabilitation work was \$280,095, \$31,695 more than the base bid amount of \$248,400. The \$51,600 storm drain contingency funded the extra work performed, with \$19,905 of contingency remaining.

In summary, one contract change order was executed for an increased contract amount of \$101,412, for a final contract amount of \$776,412.

WORK PLAN:

Major Storm Drain Improvement Projects were included in Capital Projects under Environmental Sustainability. Sewer system maintenance is not mentioned in the FY 2021/22 Work Plan; however, it is consistent with the Environmental Sustainability section of the Work Plan.

OPTIONS:

- Adopt Staff recommendations.
- Do not adopt Staff recommendations and provide direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2022-126:

1. Authorizing the City Council to accept, as complete, the Sewer & Storm Drain Rehabilitation Project, Bid No. 2021-03, performed by Nu-Line Technologies.
2. Authorizing the City Clerk to file a Notice of Completion.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2022-126

RESOLUTION 2022-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ACCEPTING AS COMPLETE THE SEWER & STORM DRAIN REHABILITATION PROJECT, BID NO. 2021-03, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION

WHEREAS, the Sewer & Storm Drain Rehabilitation Project has been completed in accordance with the plans and specifications included as part of the construction contract with Nu-Line Technologies to the satisfaction of the City Engineer.

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

1. That the above recitations are true and correct.
2. That the City Council accepts, as complete, the Sewer & Storm Drain Rehabilitation Project, Bid No. 2021-03, performed by Nu-Line Technologies.
3. That the City Council authorizes the City Clerk to file a Notice of Completion for the project.

PASSED AND ADOPTED this 9th day of November, 2022, at a regularly scheduled meeting of the City Council of the City of Solana Beach, California by the following vote:

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

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 9, 2022
ORIGINATING DEPT: Community Development Department
SUBJECT: **Public Hearing – Request for a Modification to the Approved DRP/SDP 17-19-09 at 632 Mar Vista Drive to Add Three Pop-ups to the Roof. (Case # MOD22-002 Applicant: Douglas App; APN: 263-096-02; Resolution No. 2020-018)**

BACKGROUND:

On February 12, 2020, the City Council adopted Resolution 2020-018 approving a Development Review Permit (DRP) and Structure Development Permit (SDP) to demolish the existing residence and construct a replacement residence with an attached partially subterranean garage and entry area and associated site improvements at 632 Marvista Drive. The Applicant, Douglas App, is requesting Council approval for a DRP/SDP modification. The property is zoned Low Residential (LR) and is located within the Scaled Residential Overlay Zone (SROZ).

The proposed modification is for the approval of three new pop-ups on the existing lower roof on the eastern side of the residence. The approved residence is currently under construction and the pop-ups have already been constructed. They do not exceed 16 feet in height as measured from the pre-existing grade, however, they project outside of the original three-dimensional building envelope that was illustrated by the story poles. The City requires that the entire project be illustrated by story poles even the portions of the project that are under 16 feet in height. Therefore, the pop-ups required an additional 30-day public notice and City Council consideration of a DRP/SDP modification.

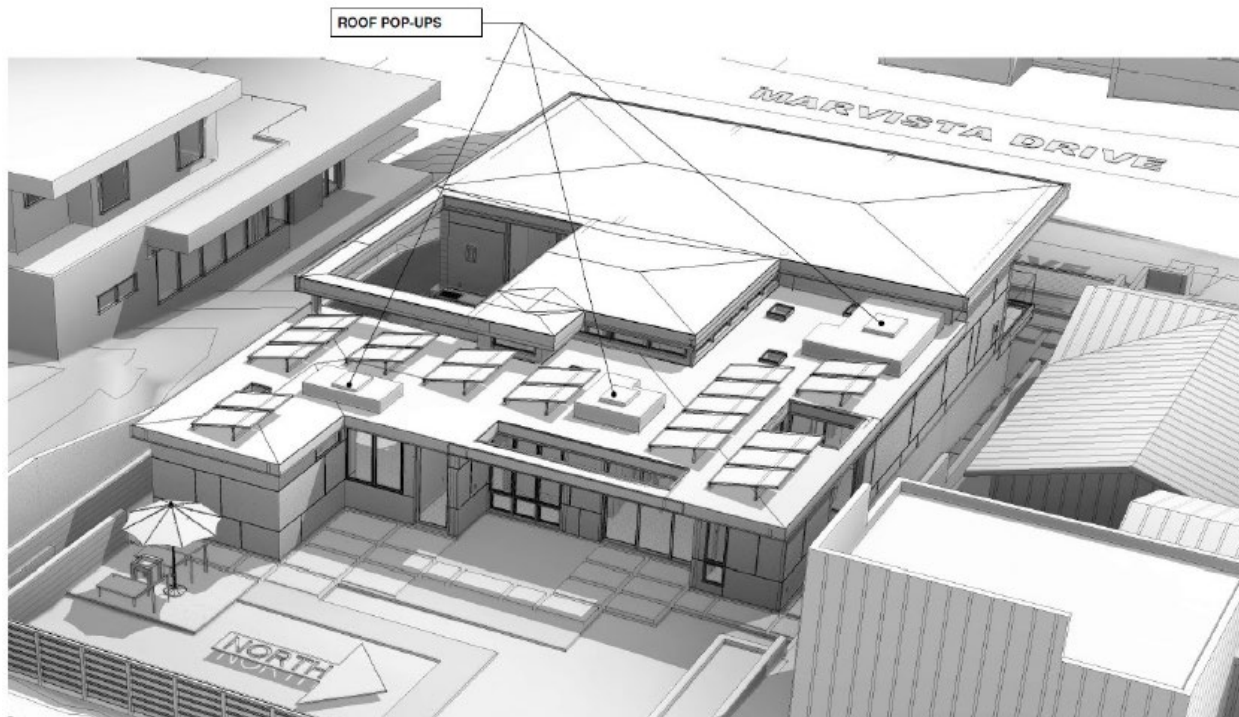
The issue before the Council is whether to approve, approve with conditions, or deny the Applicant's request for a DRP/SDP modification as contained in Resolution 2022-128 (Attachment 1).

CITY COUNCIL ACTION:

DISCUSSION:

The three pop-ups are located on the lower roof on the east side of the residence and were constructed to house the internal HVAC with hatches for access. The northwestern pop-up is approximately 12.5 feet as measured from east to west and 9.5 feet as measured from north to south at the widest point. The pop-up projects 17 inches above the roof with a hatch in the center that is an additional 4 inches in height. The northeastern pop-up is 7 feet as measured from east to west and approximately 3.5 feet as measured from north to south and it also projects 17 inches above the roof with a hatch in the center that projects an additional 4 inches. The southeastern pop-up measures 4.25 feet from east to west and 8 feet from north to south. It projects 14 inches above the roof with an access hatch in the center that projects an additional 2.5-inches in height. Plans illustrating the proposed modifications have been provided in Attachment 2.

As previously mentioned, the pop-ups have already been constructed. In order to highlight the pop-ups that are subject to this DRP/SDP modification, the Applicant had string lines with flags, similar to those that are strung between story poles, attached to the top edge of each pop-up. A notice was mailed to all property owners and residents within 300 feet of the property establishing a 30-day deadline to file for View Assessment on August 8, 2022. A rendering of the rooftop pointing out the pop-ups was provided in the notice (Attachment 3) and is shown below.



On August 8, 2022, the City received one application for View Assessment from the neighbor at 642 Marvista Drive. The project was scheduled for the September 20, 2022, View Assessment Commission (VAC) meeting, however, the Claimant was not able to attend the meeting and requested a continuance. The project was rescheduled for the October 18, 2022, VAC meeting. On October 12, 2022, the Applicant submitted a partial roof plan noting an agreement made between them and the neighbor at 642 Marvista

Drive (Attachment 4). On October 13, 2022, the Claimant submitted a letter withdrawing their application for View Assessment (Attachment 5).

The Claimant agreed to withdraw their application for View Assessment in exchange for the Applicant agreeing to restrict the height of any solar panels to be installed on the roof to a maximum of 17 inches above the finished surface of the roof in the “Area of Restricted Height,” as shown on Sheet A5.5 of the project plans. The enforcement of the private agreement is a civil matter between the Claimant and Applicant.

In accordance with Section 17.68.040 (Development Review Permits) of the City of Solana Beach Municipal Code, the Council can make the required findings to approve a modification with specific attention to the following development review criterion set forth in Solana Beach Municipal Code Section 17.68.040.F and required under Development Review Permit Finding Number One (17.68.040.H.1):

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

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

The pop-ups were constructed on the lower roof on the east side of the residence and are not visible from the public right-of-way. A 30-day Public Notice was mailed to all neighbors and residents within 300 feet of the site to give the surrounding neighbors the opportunity to file for View Assessment if the pop-ups projected into their viewing area. One application was received by the City, however, the Applicant and the Claimant were able to come to an agreement and the View Assessment Application was withdrawn. The project could be found to have been designed in a manner compatible with and complementary to existing development in the immediate vicinity of the project site and the surrounding neighborhood and that the modification gives consideration to the protection of surrounding areas from potential adverse effects.

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

The pop-ups were subject to a 30-day Public Notice for View Assessment because they project outside of the three-dimensional envelope that was depicted by the story poles for the DRP/SDP that was approved in 2020. With the new notice, one application for View Assessment was received, however, the

Applicant and the Claimant were able to come to an agreement to resolve the view impairment outside of the View Assessment Commission meeting. Therefore, the finding could be made that the proposed modification has been sited and designed to minimize adverse impacts to surrounding properties.

Staff has prepared draft findings for approval of the project in the attached Resolution 2022-128 for Council's consideration based upon the information in this report. The Applicant shall provide for and adhere to the conditions of the original project approval of Resolution 2020-018. Additional project conditions from the Planning and Fire Departments have been incorporated in the attached Resolution 2022-128. In conclusion, the proposed project, as conditioned, could be found to be consistent with the Zoning regulations and the General Plan.

The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a result of the Public Hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for adoption at a subsequent Council meeting.

PUBLIC HEARING NOTICE:

Notice of the City Council Public Hearing was published in the San Diego Union Tribune more than 10 days prior to the public hearing. The same public notice was mailed to property owners and occupants within 300 feet of the proposed project site, more than 10 days prior to the planned Public Hearing date of November 16, 2022. Staff has not received any emails, letters or calls in support or opposition of the proposed modification as of the date this report was written.

CEQA COMPLIANCE:

The project was found 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 proposed modification by adopting Resolution 2022-128;
- Approve modification by adopting Resolution 2022-128 with changes as deemed appropriate by City Council; or,

- Deny the request to amend the project and direct Staff to bring back a Resolution of denial to a later City Council meeting date.


DEPARTMENT RECOMMENDATION:

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

1. Conduct the Public Hearing: Open the Public Hearing, Report Council disclosures, Receive public testimony, Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2022-128 conditionally approving a modification to the DRP and SDP to add three pop-ups to the lower-level eastern roof at 632 Marvista Drive, Solana Beach, CA.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager

Attachments:

1. Resolution No. 2022-128
2. Revised Plans
3. SDP Notice
4. Partial Roof Plan
5. Request to Withdraw VAC Application

RESOLUTION 2022-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A MODIFICATION TO A PREVIOUSLY APPROVED DEVELOPMENT REVIEW PERMIT AND STRUCTURE DEVELOPMENT PERMIT FOR A REPLACEMENT SINGLE-FAMILY RESIDENCE AT 632 MARVISTA AVENUE.

APPLICANT: Douglas App
CASE NO.: MOD22-022

WHEREAS, Douglas App (hereinafter referred to as “Applicant”) has submitted a request for modification to the original project approval of a Development Review Permit (DRP) and Structure Development Permit (SDP), pursuant to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the original project was approved on February 12, 2020, at a City Council Public Hearing; and

WHEREAS, on November 9, 2022, the City Council held a duly noticed Public Hearing to consider modifications to the project; and

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

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

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

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

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

1. That the foregoing recitations are true and correct.
2. That the request for a modification is to receive approval of three HVAC pop-ups located on the lower roof on the east side of the residence and that have already been constructed to house the internal HVAC with hatches for access. The northwestern pop-up is approximately 12.5 feet as measured from east to west and 9.5 feet as measured from north to south at the widest point. The pop-up projects 17 inches above the roof with a hatch in the center that is an additional 4 inches in height. The northeastern pop-up is 7 feet as measured from east to west and approximately 3.5 feet as measured from north to south and it also projects

17 inches above the roof with a hatch in the center that projects an additional 4 inches. The southeastern pop-up measures 4.25 feet from east to west and 8 feet from north to south. It projects 14 inches above the roof with an access hatch in the center that projects an additional 2.5-inches in height. The pop-ups as described and constructed are approved subject to the following conditions applicable to the proposed modification:

3. FINDINGS:

A. In accordance with Section 17.68.040 (Development Review Permits) of the City of Solana Beach Municipal Code, the Council can make the required findings to approve a modification with specific attention to the following development review criteria set forth in Solana Beach Municipal Code Section 17.68.040.F and required under Development Review Permit Finding Number two (17.68.040.H.1):

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

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

The pop-ups were constructed on the lower roof on the east side of the residence and are not visible from the public right-of-way. A 30-day Public Notice was mailed to all neighbors and residents within 300 feet of the site to give the surrounding neighbors the opportunity to file for View Assessment if the pop-ups projected into their viewing area. One application was received by the City, however, the Applicant and the Claimant were able to come to an agreement and the View Assessment Application was withdrawn. The project was designed in a manner compatible with and complementary to existing development in the immediate vicinity of the project site and the surrounding neighborhood and the modification gives consideration to the protection of surrounding areas from potential adverse effects.

2. Building and Structure Placement. Buildings and structures shall be sited and designed to minimize adverse impacts on the surrounding properties and designed in a manner which visually

and functionally enhance their intended use and complement existing site topography. Multi-family residential buildings shall be sited to avoid crowding and to allow for a functional use of the space between buildings.

The pop-ups were subject to a 30-day Public Notice for View Assessment because they project outside of the three-dimensional envelope that was depicted by the story poles for the DRP/SDP that was approved in 2020. With the new notice, one application for View Assessment was received, however, the Applicant and the Claimant were able to come to an agreement to resolve the view impairment outside of the View Assessment Commission meeting. Therefore, the proposed modification has been sited and designed to minimize adverse impacts to surrounding properties.

4. CONDITIONS: Prior to use or development of the property in reliance on this permit, the Applicant shall provide for and adhere to all the conditions of the original project approval of Resolution 2020-018 unless otherwise revised below.

A. Community Development Department Conditions:

- I. Building Permit plans must be in substantial conformance with the plans presented to the City Council on November 9, 2022 and located in the project file dated October 27, 2022.

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 per the *Solana Beach Municipal Code Title 15 Building and Construction Chapter 15.32 Fire Code Section 15.32.170 Section 503 Section 503.2.1 and 503.2.3.*
- II. **OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION:** All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles per the *2019 California Fire Code Chapter 5 Section 503.4 and 503.2.1.*
- III. **FUEL MODIFICATION ZONES/FIRE BREAKS:** The Applicant shall provide and maintain fire/fuel breaks to the satisfaction of the Solana Beach Fire Department and the County of San Diego Defensible Space

requirements. Fire/fuel breaks size and composition shall be shown on the improvement /grading plans and final map and building plans.

- IV. **ADDRESS NUMBERS: STREET NUMBERS:** Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers per the 2019 California Fire Code Chapter 5 Section 505.1.
- V. **AUTOMATIC FIRE SPRINKLER SYSTEM-ONE- AND TWO-FAMILY DWELLINGS:** Structures shall be protected by an automatic fire sprinkler system designed and installed. Plans for the automatic fire sprinkler system shall be submitted as Deferred Submittal and approved by the Solana Beach Fire Department prior to installation per the Solana Beach Municipal Code Title 15 Building and Construction Chapter 15.32 Fire Code Section 15.32.230 Section 903.2.
- VI. **FIRE RESISTIVE CONSTRUCTION REQUIREMENTS FOR THE VERY HIGH FIRE HAZARD SEVERITY ZONE:** Structures shall meet all wildland/urban interface standards to the satisfaction of the Solana Beach Fire Department. Structures shall comply per the 2019 California Building Code Chapter 7A.
- VII. **CLASS "A" ROOF:** All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department and per the 2019 California Building Code Chapter 15 Section 1505.
- VIII. **SOLAR PHOTOVOLTAIC INSTALLATIONS (Solar Panels):** Solar Photovoltaic systems shall be installed per Solana Beach Fire Department requirements and per the 2019 California Fire Code Chapter 12 Section 1204.
- IX. **Basement:**
- All basements shall be designed and equipped with emergency exit systems consisting of operable windows, window wells or exit door that's leads directly outside via staircase and exit door or exit door at grade.

- Window wells/Light wells that intrude into side yard or backyard setbacks of five feet or less, shall require a hinged grating covering the window well/lightwell opening. The grating shall be capable of supporting a weight of 250lb person; yet must be able to be opened by someone of minimal strength with no special knowledge, effort or use of key or tool. Any modification of previously approved plans related to this condition shall be subject to re-submittal and review by City Staff (Fire, Building, Planning)
5. ENFORCEMENT: Pursuant to SBMC 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.16 and 1.18 in addition to any applicable revocation proceedings.
 6. EXPIRATION: The approval of the modification for the project will expire 24 months from the date of this approval, unless the Applicant has obtained building permits and have commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council.
 7. INDEMNIFICATION AGREEMENT: The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

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

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 9th day of November, 2022, by the following vote:

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

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

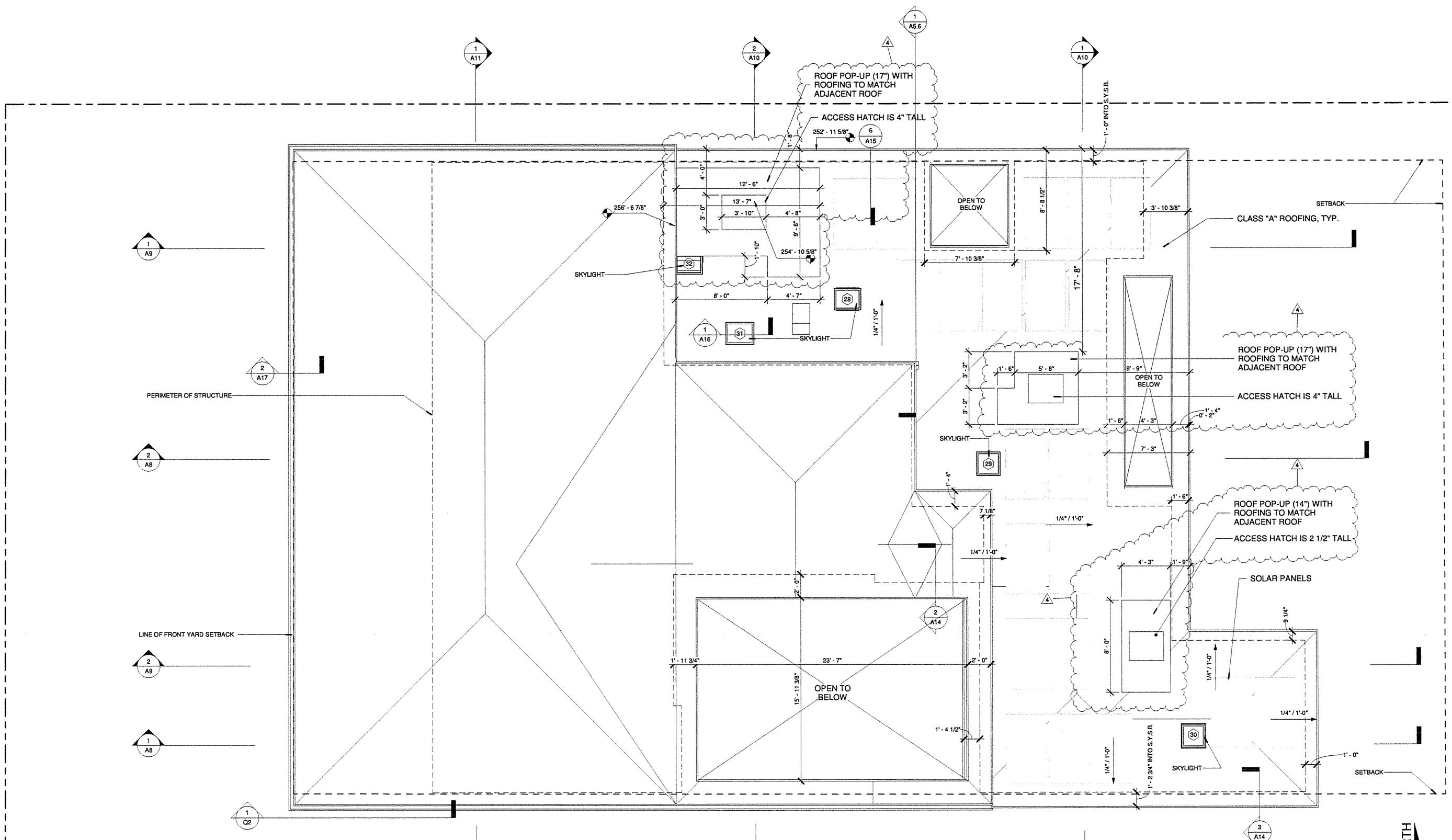
JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

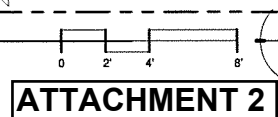


NOTES

1. CLASS 'A' ROOFING MATERIAL IS REQUIRED FOR ALL NEW ROOFS. ROOFING TO BE EVERGUARD TPO (WHITE) ICC ER6030
2. ATTIC VENTILATION OPENINGS SHALL BE COVERED WITH CORROSION-RESISTANT METAL MESH WITH 1/16" MINIMUM TO 1/4" MAXIMUM OPENINGS. SECTION R806.1.
- 3.



ROOF
1/4" = 1'-0"



#	Date	Revision/Submital
4	04/27/22	PLAN CHANGE 4

BCA
Brian Church Architecture
507 S. Cedros Ave
Solana Beach, CA 92075
(858) 793-3437

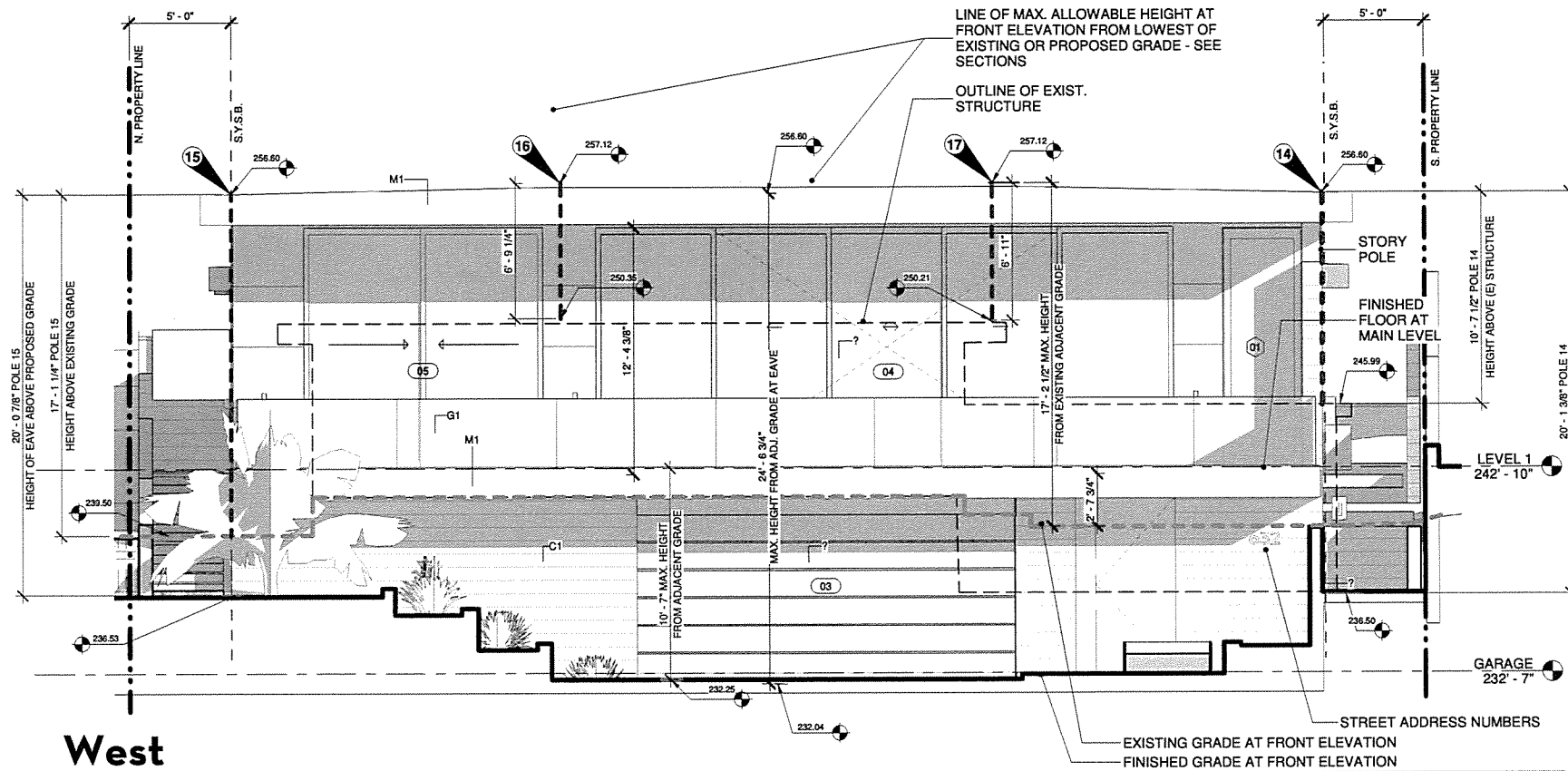
App House
632 Mar Vista Dr, Solana Beach, CA 92075

STATE OF CALIFORNIA
LIC-22-251
BRIAN CHURCH
09/30/23

SCALE: 1/4" = 1'-0"
DATE: 10/11/22
SHEET

A5

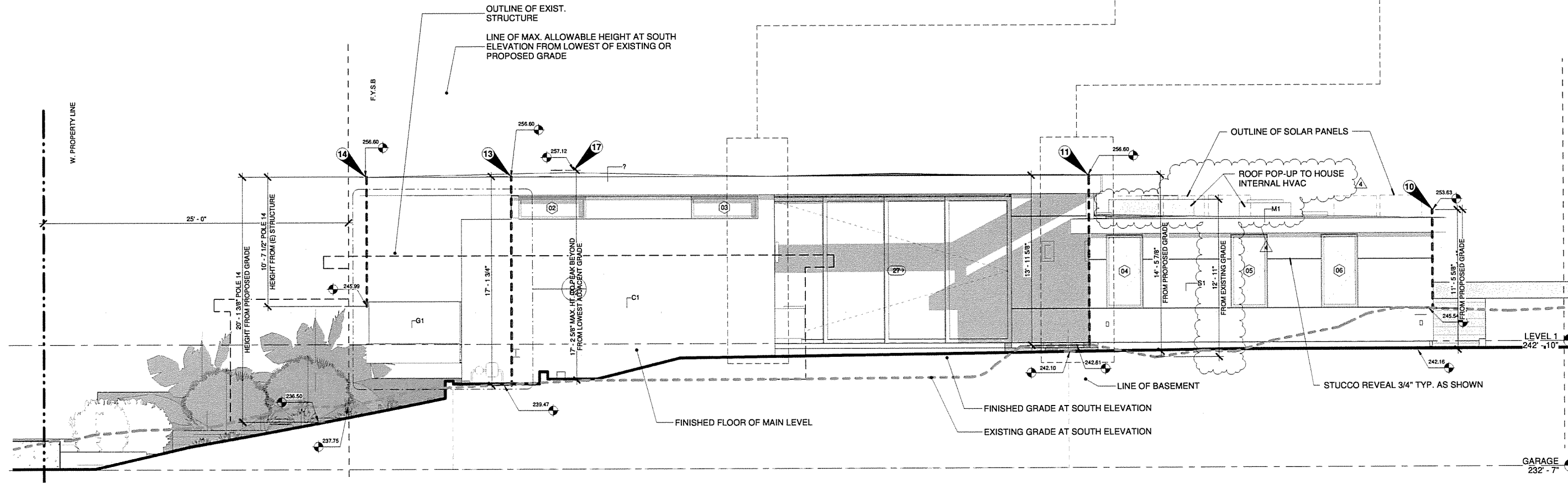
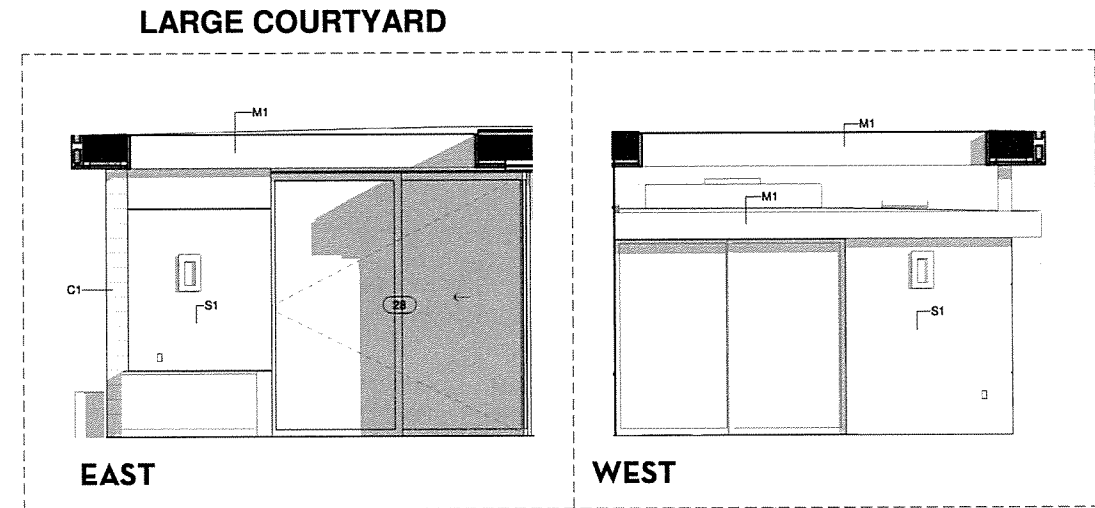
ROOF PLAN
ATTACHMENT 2



EXTERIOR FINISHES

TYPE	DESCRIPTION
C1	BOARD FORM CONCRETE
S1	STUCCO - SANTA BARBARA FINISH
M1	METAL FASCIA
M2	METAL PANEL
G1	TEMPERED GLASS

FINISH NOTES:
ALL EXTERIOR CONSTRUCTION (FINISHES, DOORS AND WINDOWS) SHALL CONFORM TO CHAPTER 7A FIRE-RESISTIVE CONSTRUCTION DUE TO PROJECT LOCATION IN PROXIMITY TO WILD/URBAN INTERFACE.



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SUBMITTALS / REVISIONS	
#	Date / Revision / Submittal
4	04/27/22 PLAN CHANGE 4

BCA

Brian Church Architecture
507 S. Cedros Ave
Solana Beach, CA 92075
(858) 793-3437

App House
632 Mar Vista Dr., Solana Beach, CA 92075

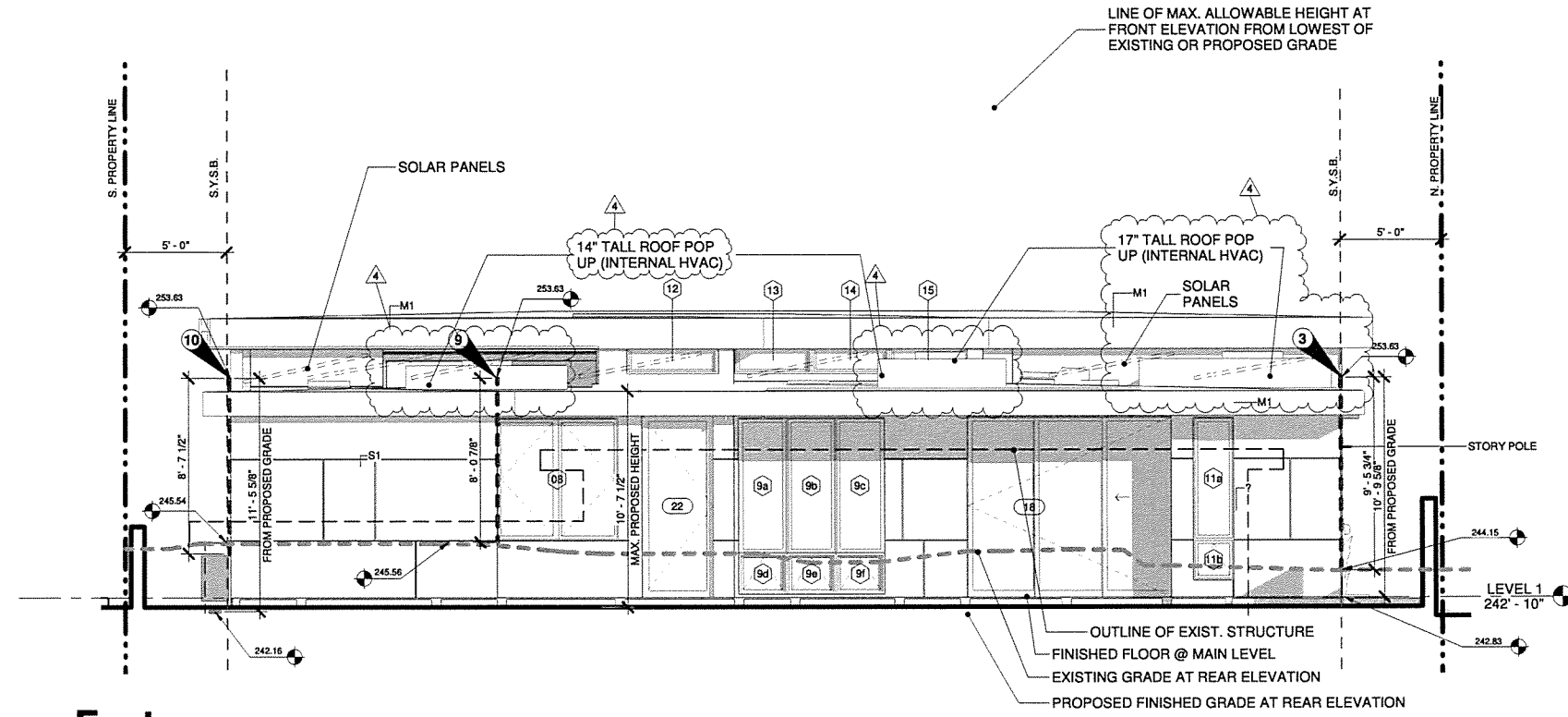
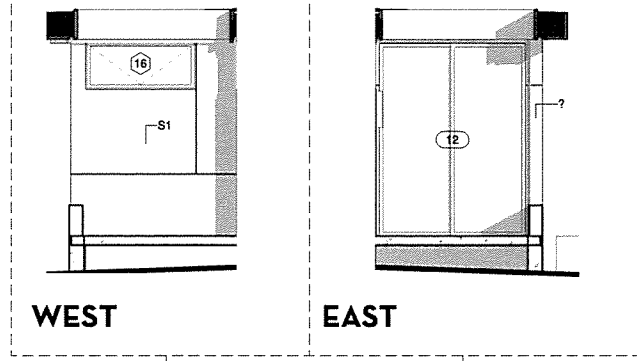
EXTERIOR ELEVATIONS



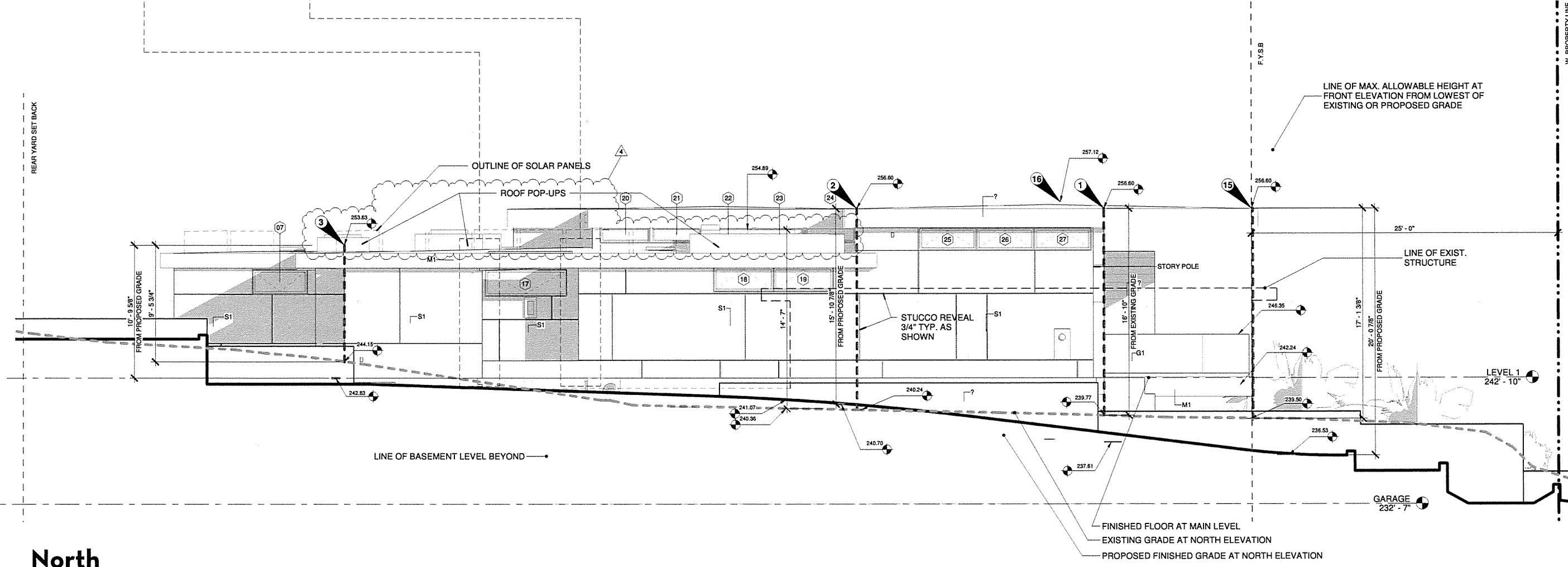
SCALE: 1/4" = 1'-0"
DATE: 10/11/22
SHEET

A6

SMALL COURTYARD



East
1/4" = 1'-0"



North
1/4" = 1'-0"

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SUBMITTALS / REVISIONS		
#	Date	Revision/Submital
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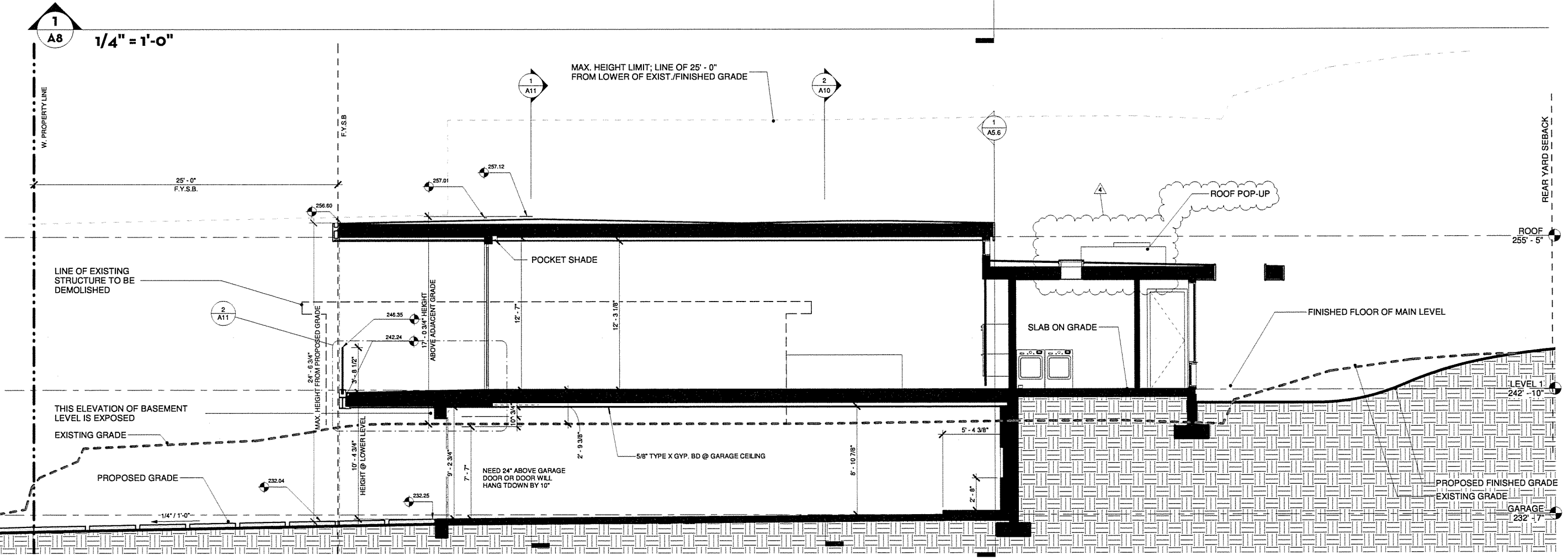
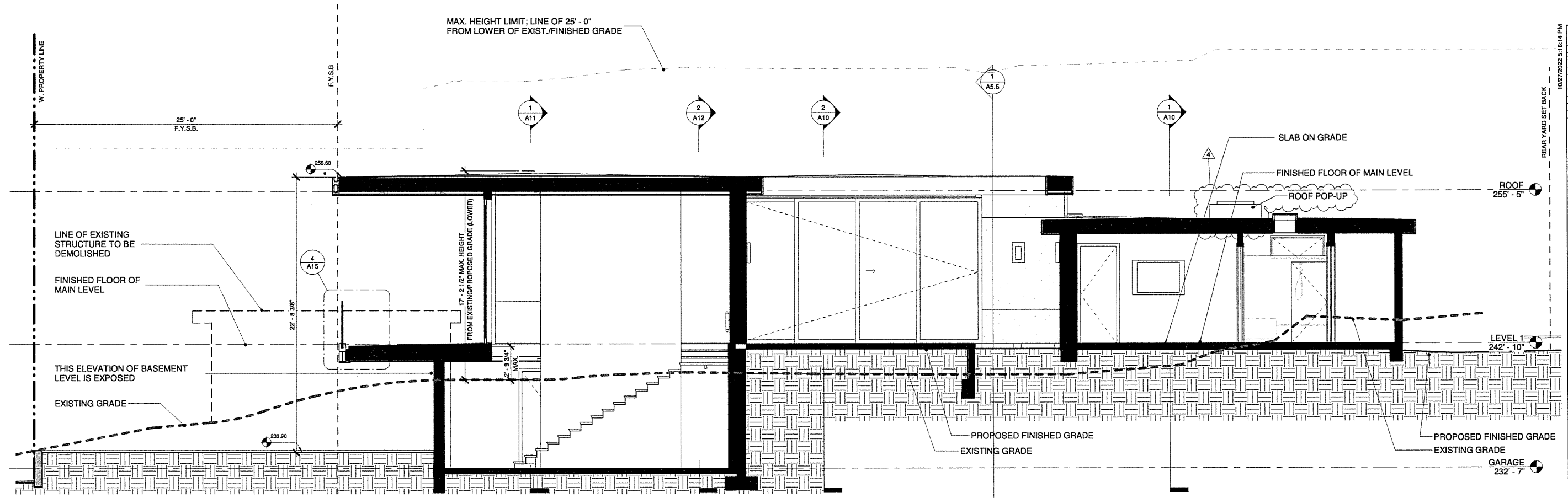
BCA
 Brian Church Architecture
 507 S. Cedros Ave
 Solana Beach, CA 92075
 (858) 793-3437

App House
 632 Mar. Vito Dr., Solana Beach, CA 92075
EXTERIOR ELEVATIONS

STATE OF CALIFORNIA
 LICENSED ARCHITECT
BRIAN CHURCH
 09/30/23

SCALE: 1/4" = 1'-0"
 DATE: 10/11/22
 SHEET

A7



1
A8
1/4" = 1'-0"

2
A8
1/4" = 1'-0"

SUBMITTALS / REVISIONS		
#	Date	Revision/Submittal
4	04/27/22	PLAN CHANGE 4

BCA
 Brian Church Architecture
 507 S. Cedros Ave
 Solana Beach, CA 92075
 (858) 793-3437

App House
 632 Mar Vista Dr, Solana Beach, CA 92075

BRIAN CHURCH
 ARCHITECT
 09/30/21

SCALE: 1/4" = 1'-0"
 DATE: 10/11/22
 SHEET
A8

BUILDING SECTIONS

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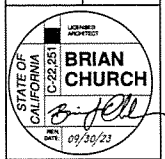
REAR YARD SET BACK

REAR YARD SEBACK

#	Date	Revision/Submital
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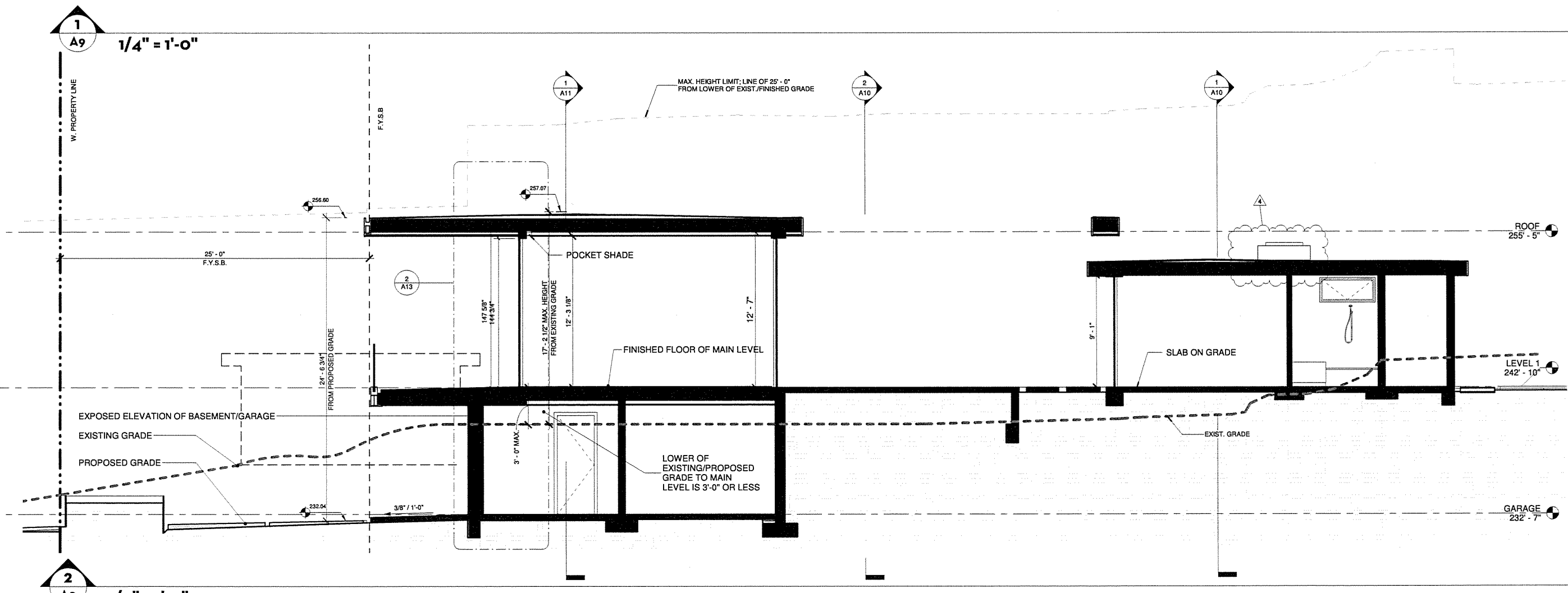
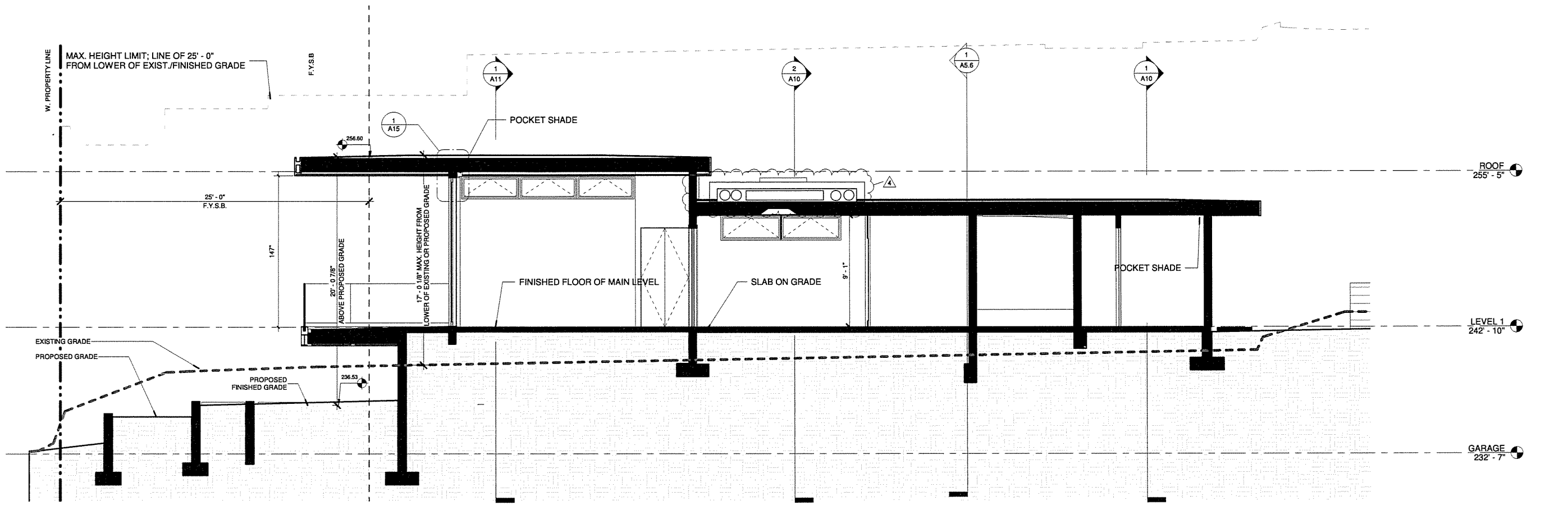
BCA
 Brian Church Architecture
 507 S. Cedros Ave
 Solana Beach, CA 92075
 (858) 793-3437

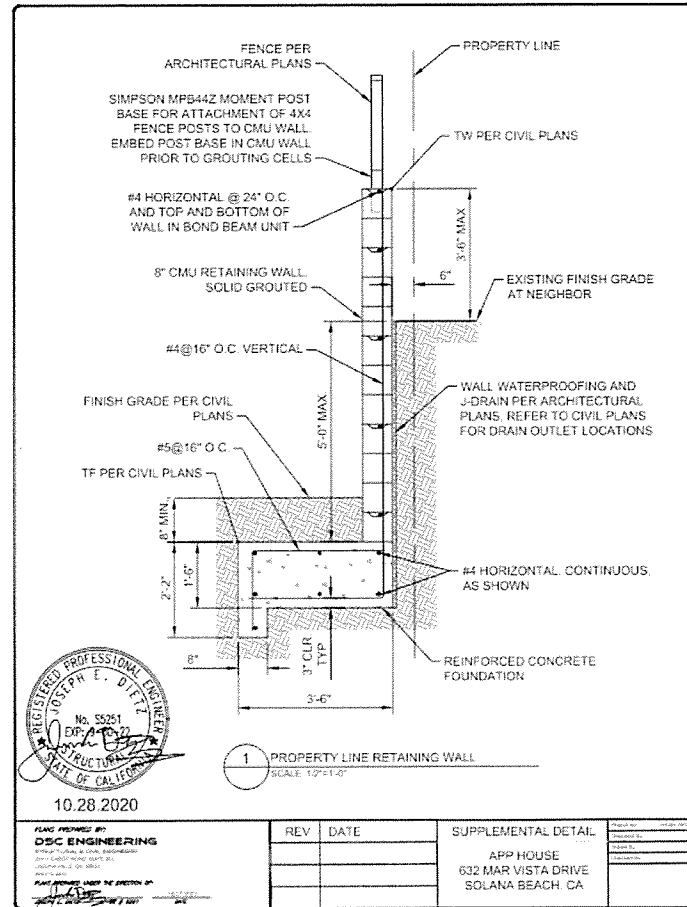
App House
 632 Mar Vista Dr, Solana Beach, CA 92075



SCALE: 1/4" = 1'-0"
 DATE: 10/11/22
 SHEET

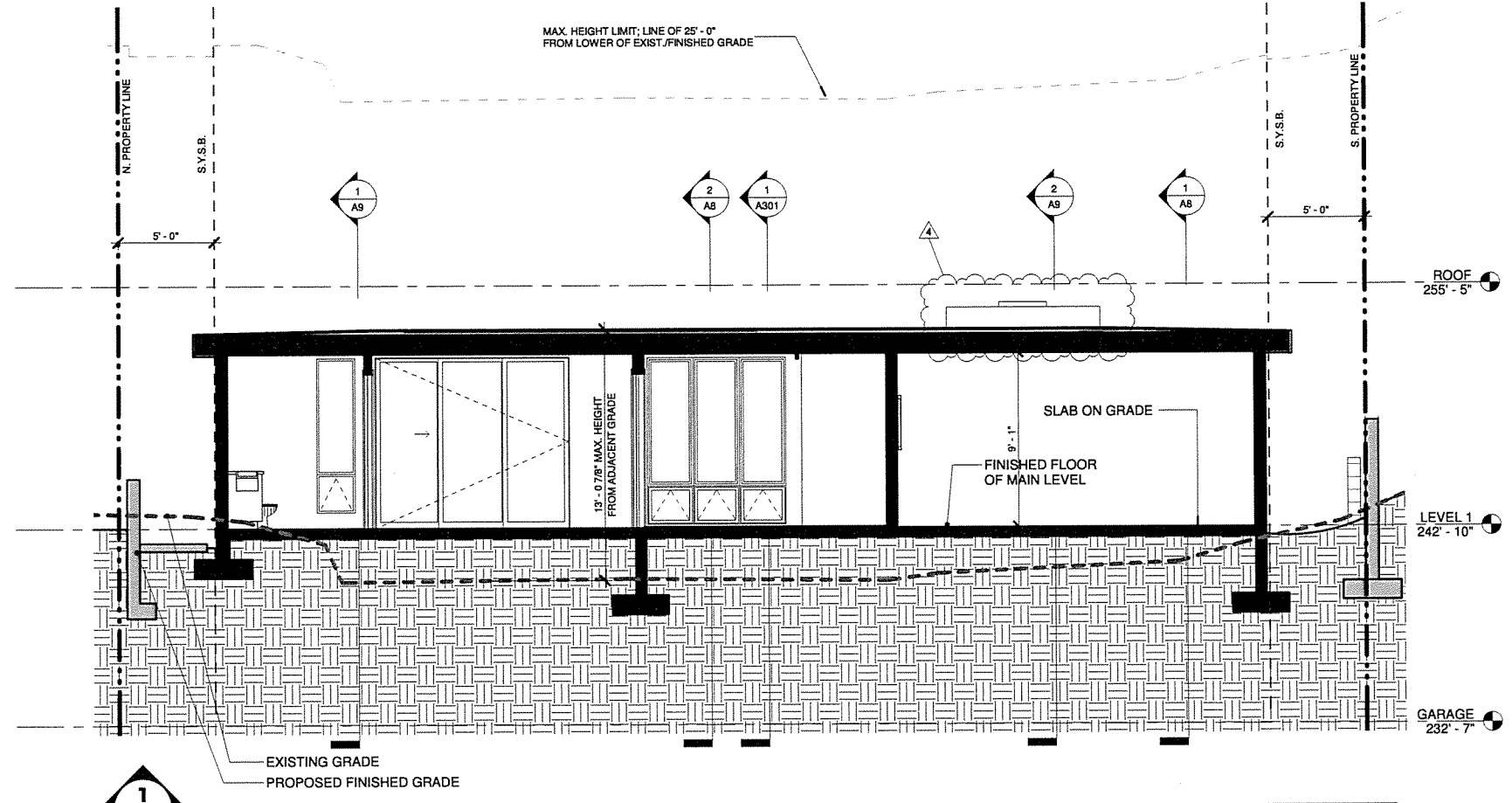
A9





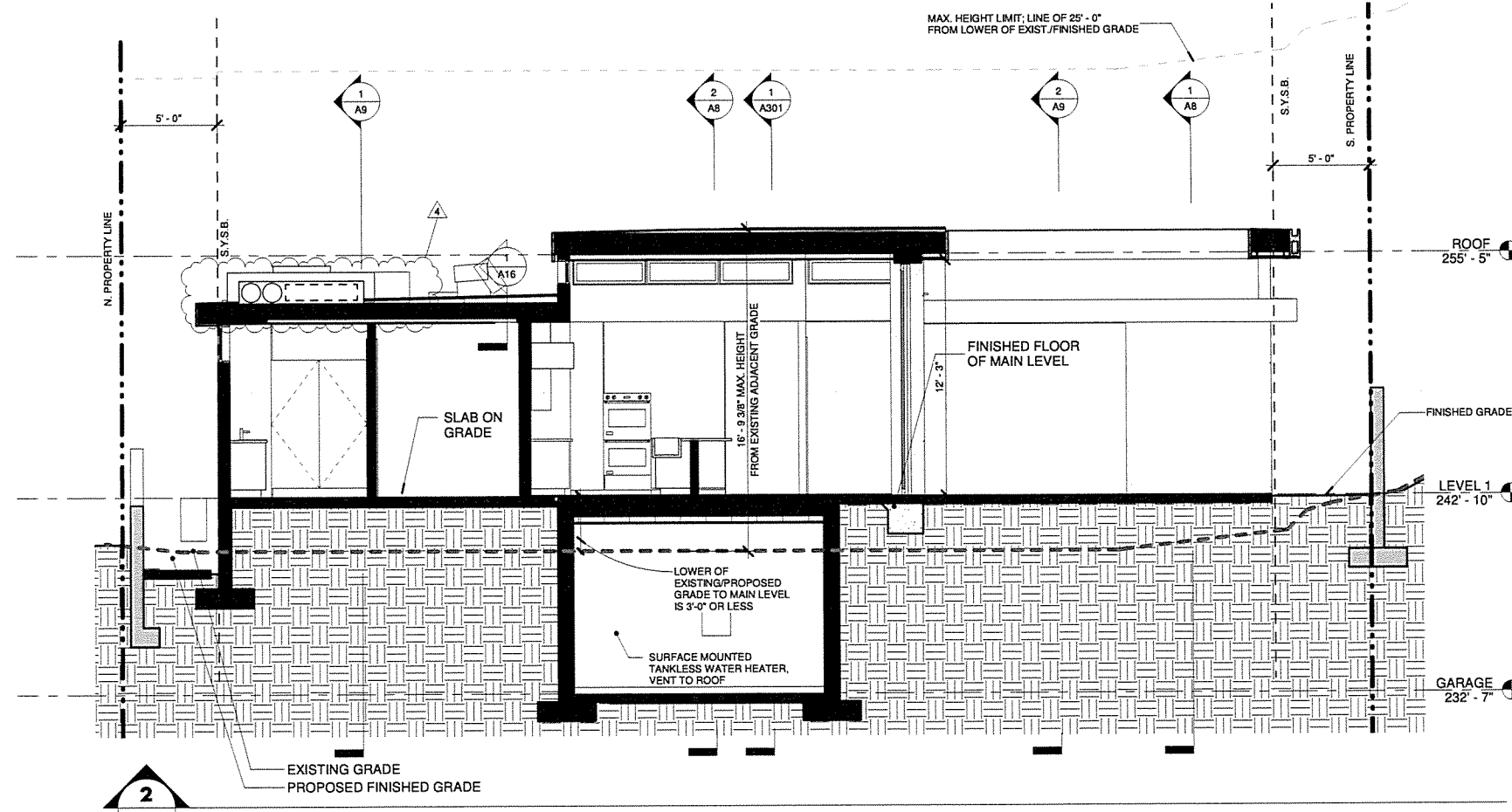
3
A10

RETAINING WALL



1
A10

1/4" = 1'-0"



2
A10

1/4" = 1'-0"

10/27/2022 5:16:14 PM

SUBMITTALS / REVISIONS			
#	Date	Revision/Submitted	PLAN CHANGE
4	04/27/22		PLAN CHANGE 4

BCA

Brian Church Architecture
507 S. Cedros Ave
Solana Beach, CA 92075
(858) 793-3437

App House
632 Mar Vista Dr., Solana Beach, CA 92075

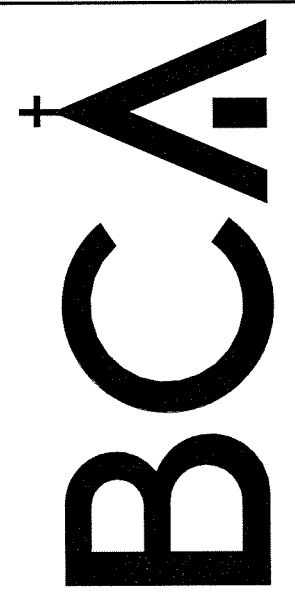
BUILDING SECTIONS



SCALE: As indicated
DATE: 10/11/22
SHEET

A10

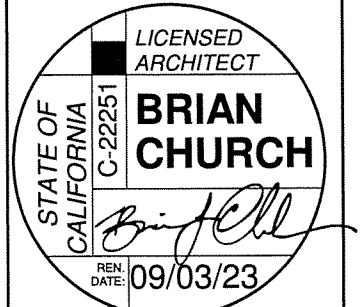
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Brian Church Architecture
507 South Cedros Ave.
Solana Beach, CA 92075
(858) 793-3437

App House

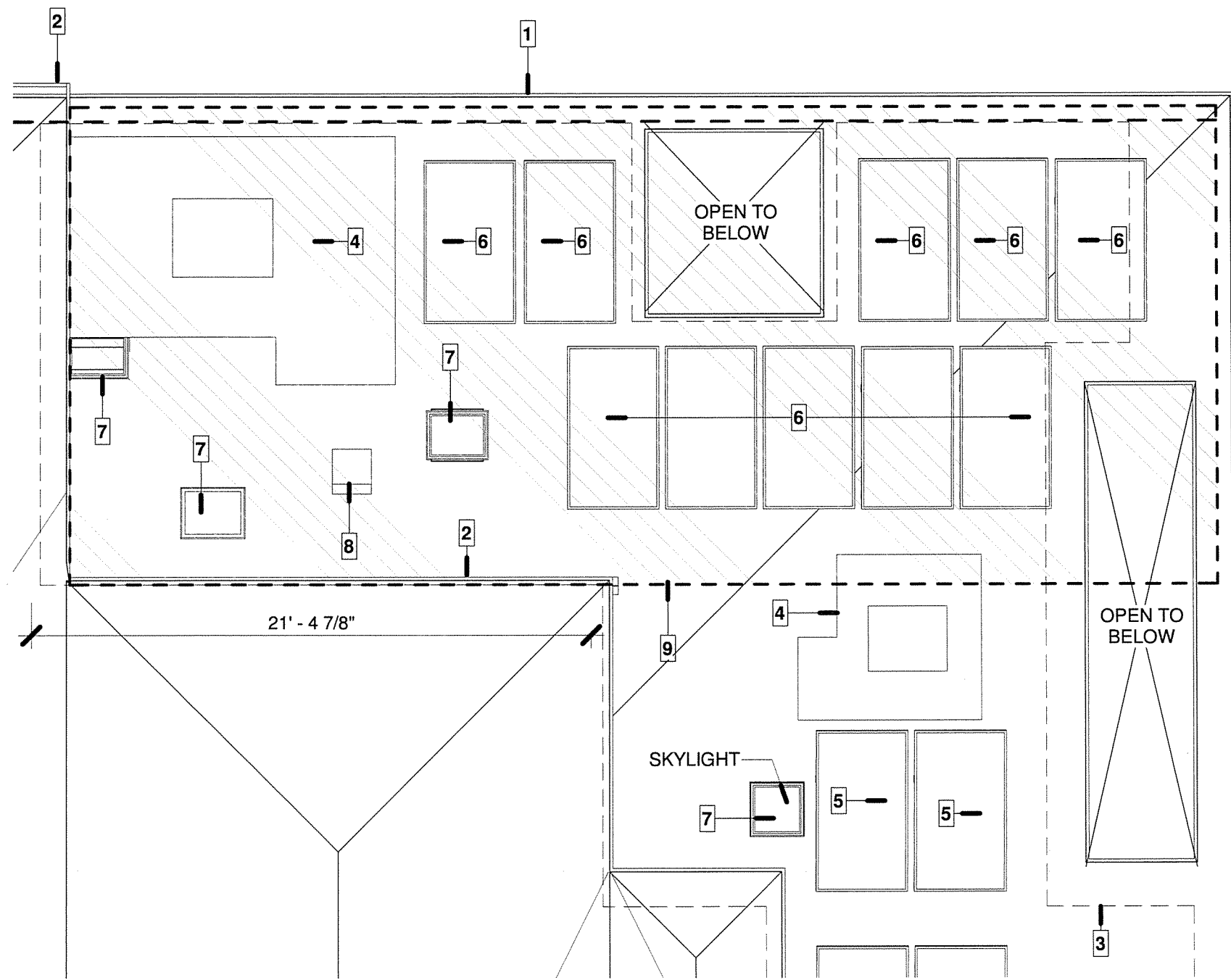
ROOF PLAN -
PARTIAL



SCALE: 3/16" = 1'-0"

DATE: 10/11/22

A5.5



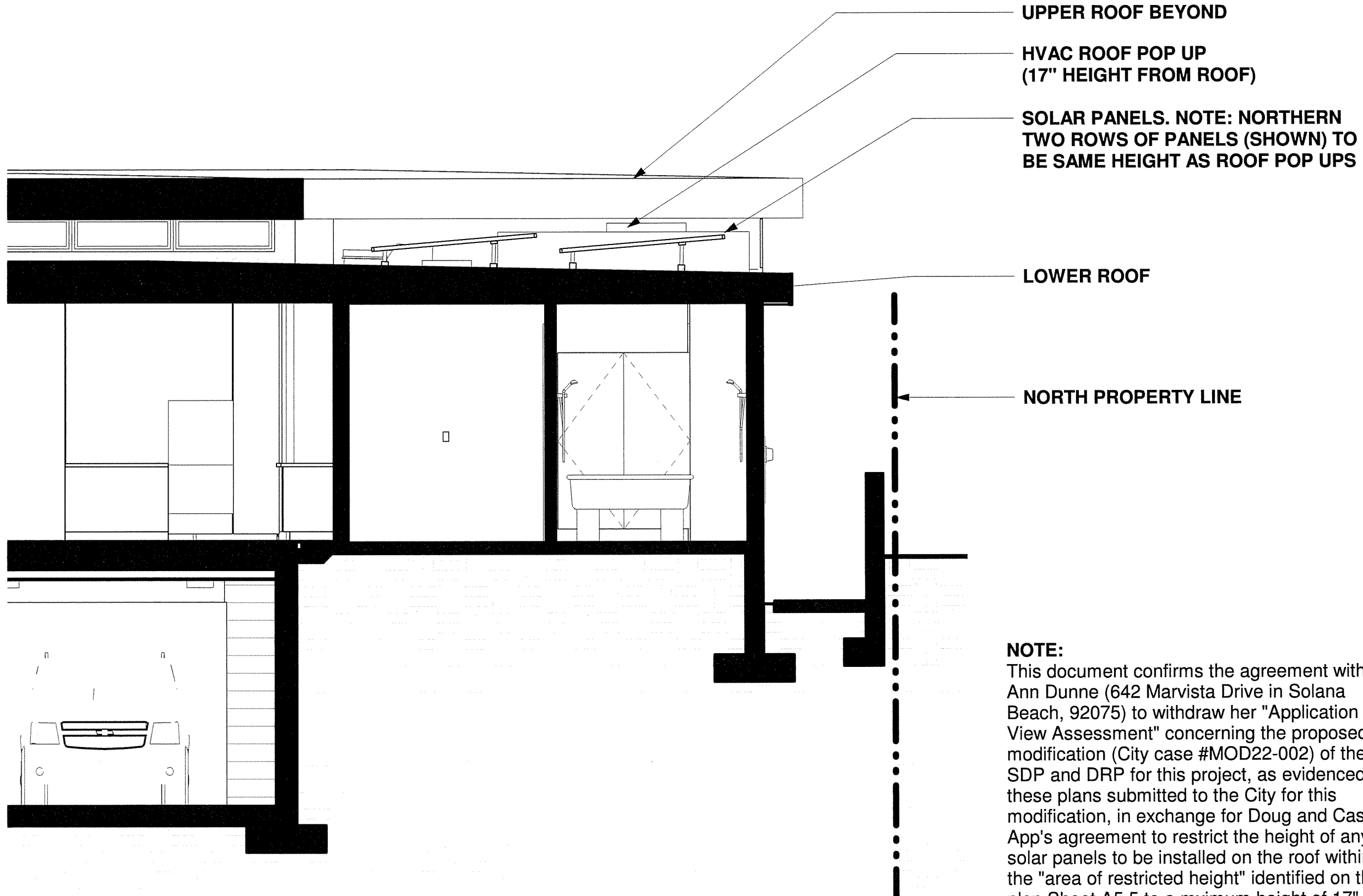
NOTES

- 1 EDGE OF ROOF
- 2 ADJACENT ROOF (HIGHER)
- 3 LINE OF STRUCTURE BELOW
- 4 POP-UP (HVAC ENCLOSURE)
- 5 SOLAR PANEL (22" +/- ABOVE ROOF)
- 6 SOLAR PANELS (+17" ABOVE ROOF)
- 7 SKYLIGHT
- 8 ROOF VENT
- 9 AREA OF RESTRICTED HEIGHT FOR SOLAR PANELS

NOTE:
This document confirms the agreement with Ann Dunne (642 Marvista Drive in Solana Beach, 92075) to withdraw her "Application for View Assessment" concerning the proposed modification (City case #MOD22-002) of the SDP and DRP for this project, as evidenced by these plans submitted to the City for this modification, in exchange for Doug and Casey App's agreement to restrict the height of any solar panels to be installed on the roof within the "area of restricted height" identified on this plan Sheet A5.5 to a maximum height of 17" above the finished surface of the roof, including the ten solar panels shown on this plan Sheet A5.5.

ROOF PLAN-Partial

3/16" = 1'-0"



NOTE:
This document confirms the agreement with Ann Dunne (642 Marvista Drive in Solana Beach, 92075) to withdraw her "Application for View Assessment" concerning the proposed modification (City case #MOD22-002) of the SDP and DRP for this project, as evidenced by these plans submitted to the City for this modification, in exchange for Doug and Casey App's agreement to restrict the height of any solar panels to be installed on the roof within the "area of restricted height" identified on this plan Sheet A5.5 to a maximum height of 17" above the finished surface of the roof, including the ten solar panels shown on this plan Sheet A5.5.

SECTION LOOKING WEST

1/4" = 1'-0"

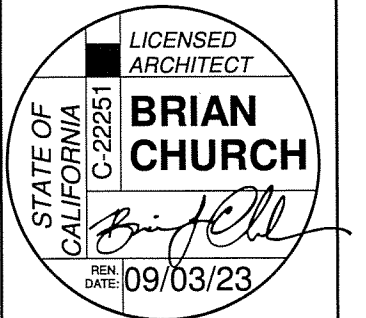
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BCA

Brian Church Architecture
507 South Cedros Ave.
Solana Beach, CA 92075
(858) 793-3437

App House

PV SOLAR HEIGHT



SCALE: 1/4" = 1'-0"

DATE: 10/11/22

A5.6



CITY OF SOLANA BEACH

www.cityofsolanabeach.org

635 SOUTH HIGHWAY 101 • SOLANA BEACH, CA 92075 • (858) 720-2400 • Fax (858) 720-2455

STRUCTURE DEVELOPMENT PERMIT REQUEST TO BUILD IN EXCESS OF 16 FEET IN HEIGHT

The City of Solana Beach has established a procedure encouraging neighbors to work together to resolve potential view impairment issues. Solana Beach Municipal Code, Chapter 17.63 requires applicants for building permits requesting modifications exceeding 16 feet, but not more than 25 feet above existing grade, to notify all property owners and occupants within 300 feet of the subject site. If you are concerned about possible view issues, you should immediately contact the applicant to discuss the proposal summarized below. If you are unable to resolve the issue after discussing it with the applicant, you may wish to consider filing a request for view assessment by the View Assessment Commission (VAC).

Applicants/Property Owners:
Douglas App
(858) 354-9499
doug_app@gmail.com

Project File: MOD22-002

Architect/Representative:
Brian Church,
Brian Church Architecture
(619) 980-3437
brian@brianchurcharchitecture.com

Staff Project Planner:
Corey Andrews,
City of Solana Beach
(858) 720-2447
candrews@cosb.org

APN: 263-096-02 **Project Address:** 632 Marvista Drive, Solana Beach, CA 92075 **Plans Dated:** 5.26.22

Description of Project: The Applicant is requesting the approval of a modification to the Development Review Permit (DRP) and Structure Development Permit (SDP) for a new two-story, single-family residence with a partially subterranean garage and basement living area that was approved on February 12, 2020. The proposed modification is to request approval of three new HVAC pop-ups on the approved roof. The pop-ups have already been constructed onsite and have been outlined with story pole flag lines to highlight their location on the residence. These pop-ups do not exceed 16 feet in height from the pre-existing grade, however, they project outside of the original three-dimensional building envelope that was illustrated by the story poles. Please see the rendering on the other side of this notice.

The project requires a DRP/SDP modification because the Applicant would have been required to story pole the pop-ups on the roof during the initial 30-day View Assessment comment period. You have been identified as a property owner or resident within 300 ft. of the project site and will be notified of a future Public Hearing date.

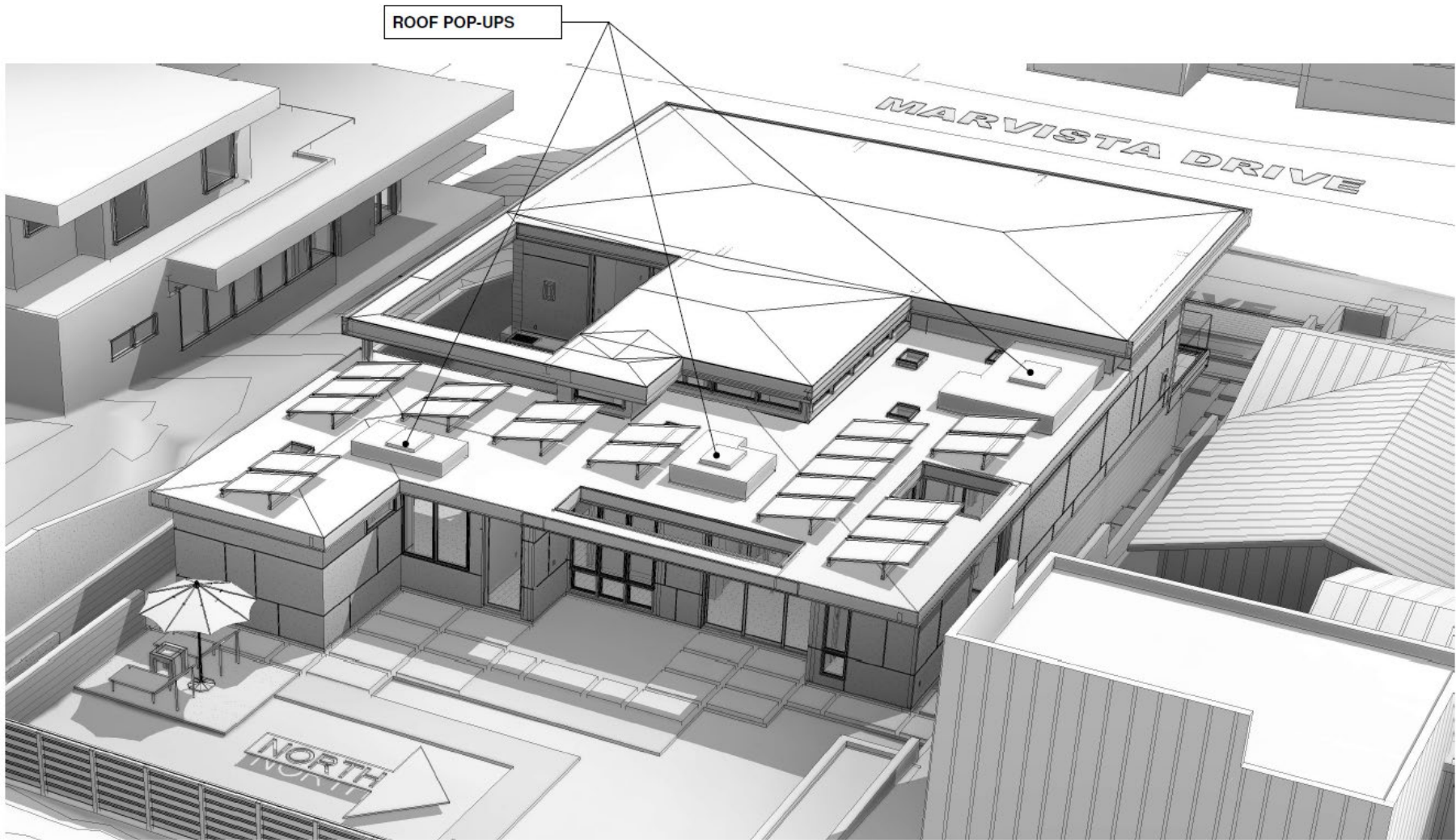
Residents/Property owners who believe their views may be impaired by the proposed structure are encouraged to contact the subject property owner directly to work out a mutually acceptable solution. Applicants are required to erect story poles and have them certified for accuracy in order to better visualize the project. The Planning Director may waive the story pole requirements for projects in which the likelihood of view impairment is slight, with the understanding that the VAC may subsequently require them if an application for view assessment is filed. Consideration for view assessment will be from the primary viewing area of the structure (excluding bathrooms, hallways, garages, and closets) or lot (excluding building setback areas) where the VAC determines the best and most important view exists.

The application and plans for the structure are available for public review through the applicant and at the City of Solana Beach Planning Department. Any person who owns or has lawful possession of a residence from which a view may be impaired by the proposed structure may, within thirty (30) days of the date of notice, file an application for assessment with the City of Solana Beach. The application shall include a description of the "viewing area" as defined in Ordinance 201 and the extent of impairment. An application processing fee of \$600 shall be paid at the time of the view assessment request. If an application for view assessment is filed, all issues in dispute, including if necessary, the determination of the viewing area, shall be resolved by the VAC. The VAC shall have thirty (30) days to make a decision. Depending on the nature and extent of the proposed project, the decision of the VAC shall be:

Referred as a nonbinding recommendation to the City Council for their consideration in a subsequent advertised Public Hearing. Please visit the City website for more information on this process.

If you need additional information, please contact the City Staff Project Planner by email.

➔ **NOTE:** The deadline to file for view assessment for the above property is: **5 PM Monday, August 8, 2022**

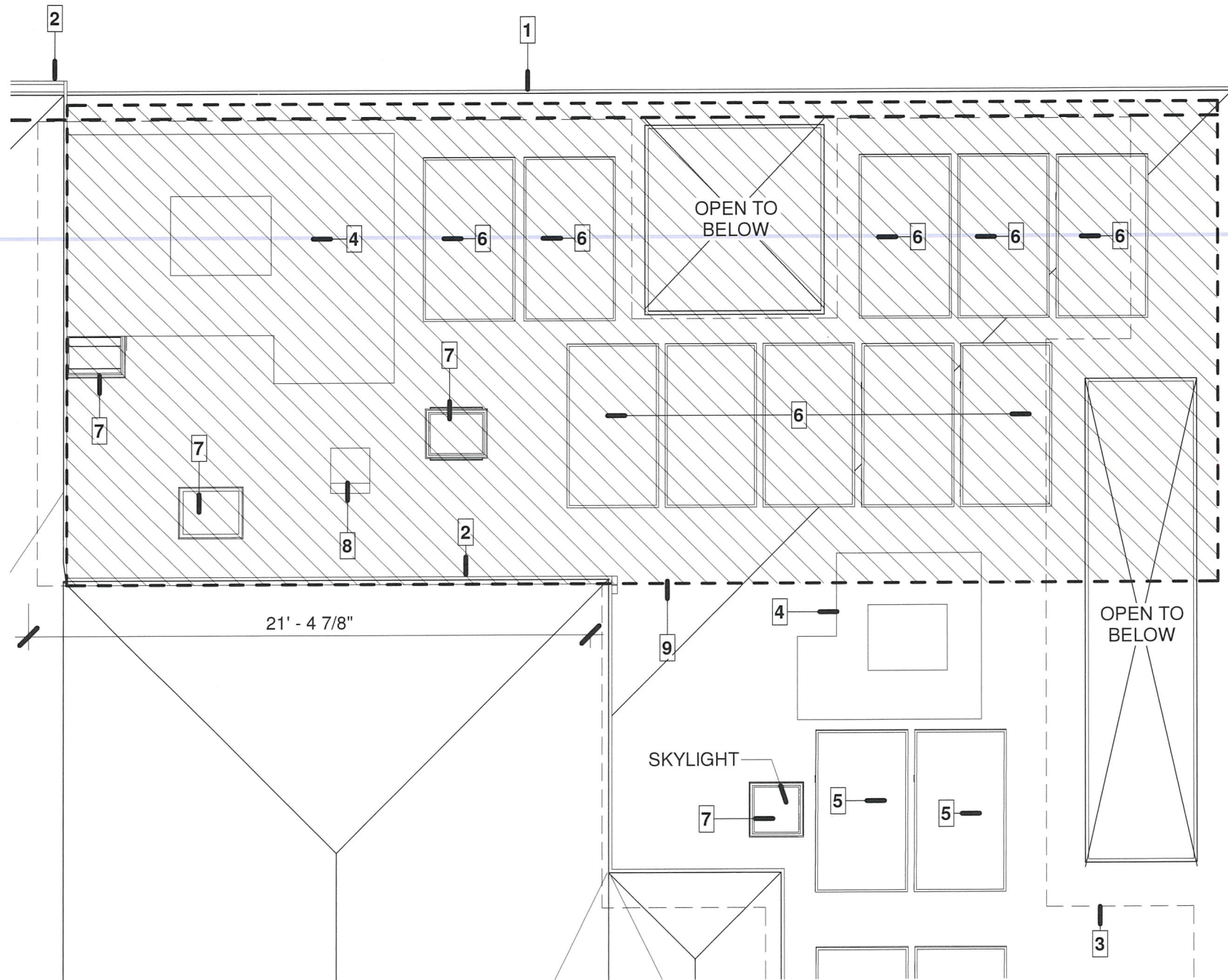


RECEIVED

OCT 12 2022

Community Development Dept.
City of Solana Beach

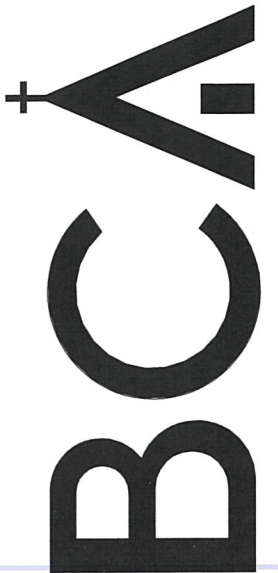
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NOTES

- 1 EDGE OF ROOF
- 2 ADJACENT ROOF (HIGHER)
- 3 LINE OF STRUCTURE BELOW
- 4 POP-UP (HVAC ENCLOSURE)
- 5 SOLAR PANEL (22" +/- ABOVE ROOF)
- 6 SOLAR PANELS (+17" ABOVE ROOF)
- 7 SKYLIGHT
- 8 ROOF VENT
- 9 AREA OF RESTRICTED HEIGHT FOR SOLAR PANELS

NOTE:
 This document confirms the agreement with Ann Dunne (642 Marvista Drive in Solana Beach, 92075) to withdraw her "Application for View Assessment" concerning the proposed modification (City case #MOD22-002) of the SDP and DRP for this project, as evidenced by these plans submitted to the City for this modification, in exchange for Doug and Casey App's agreement to restrict the height of any solar panels to be installed on the roof within the "area of restricted height" identified on this plan Sheet A5.5 to a maximum height of 17" above the finished surface of the roof, including the ten solar panels shown on this plan Sheet A5.5.



Brian Church Architecture
 507 South Cedros Ave.
 Solana Beach, CA 92075
 (858) 793-3437

App House

ROOF PLAN - PARTIAL



SCALE: 3/16" = 1'-0"

DATE: 10/11/22

A5.5

ROOF PLAN-Partial

3/16" = 1'-0"

RECEIVED

OCT 13 2022

Community Development Dept.
City of Solana Beach

ANN DUNNE
[REDACTED] Marvista Drive
Solana Beach, California 92075

October 13, 2022

Mr. Greg Wade, City Manager
Mr. Joseph Lim, Community Development Director
City of Solana Beach
635 South Highway 101
Solana Beach, California 92075

RE: Withdrawal of Application for View Assessment
concerning proposed construction of a new house located at 632 Marvista Drive,
Solana Beach owned by Doug and Casey App.

City of Solana Beach Case # MOD22-002, Application for modification of DRP
and SDP.

Dear Mr. Wade and Mr. Lim:

I filed an "Application for View Assessment" concerning the above referenced proposed residential project located at 632 Marvista Drive, Solana Beach (the "**Project**") on August 8, 2022. This project is being developed by Doug and Casey App.

After considerable discussions with Doug and Casey App, they have agreed to modify the architectural plans for the Project to restrict the maximum height of any solar panels that may be installed along the north side of the roof in the area of the roof defined in the Roof Plan - Partial (plan Sheet A5.5). They have agreed that all solar panels installed on the roof in the defined roof area shown on the revised Roof Plan - Partial (plan Sheet A5.5 entitled "Roof Plan - Partial" that is dated October 11, 2022 and was submitted and filed by Doug and Casey App with the City on October 12, 2022) will not exceed a maximum height of seventeen inches (17") above the finished surface of the roof.

The restrictions provided by the agreement embodied in the revised Roof Plan - Partial (plan Sheet A5.5) will reduce the blockage of views from my property and provide a more aesthetically compatible appearance.

ATTACHMENT 5

City of Solana Beach
October 13, 2022
Page 2

In consideration of Doug and Casey App submitting and filing with the City and delivering to me the above referenced Roof Plan - Partial (plan Sheet A5.5) with the City's original stamp thereon confirming that plan Sheet A5.5 was received by the City on October 12, 2022, and with the understanding that plan Sheet A5.5 is made part of and incorporated in the plans for the Project, I deliver this letter/notice to the City to withdraw my above referenced Application for View Assessment.

Please contact me immediately if you have any questions regarding this letter or the withdrawal of my Application for View Assessment regarding the above referenced Project.

Sincerely,



Ann Dunne

W565/ANNDUNNE2.LTR-V1



STAFF REPORT

CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 9, 2022
ORIGINATING DEPT: Community Development Department
SUBJECT: **City Council Consideration and Discussion of Outdoor Dining Regulations**

BACKGROUND:

On March 16, 2020, pursuant to Section 2.28.060(A)(1) of the Solana Beach Municipal Code (SBMC), the Director of Emergency Services/City Manager proclaimed a state of local emergency in the City of Solana Beach due to COVID-19, which was ratified by the City Council through adoption of Resolution 2020-036. Since that time, there have been numerous Orders and Guidance by the California Department of Public Health (CDPH) and the Health Officer of the County of San Diego to curtail the spread of COVID-19. In June 2020, the City Council adopted Resolution 2020-087 which established a COVID-19 Temporary Use Permit process and requirements for temporary outdoor dining. In July 2022, the City Council adopted Resolution 2022-085 extending the COVID-19 TUP Policy through January 1, 2023.

The item before the City Council is to consider, discuss and provide direction on options regarding possible outdoor dining regulations.

DISCUSSION:

Since the City Council's approval of the COVID-19 TUP Policy, the City of Solana Beach (City) has conditionally approved 33 COVID-19 TUP applications, 24 of which are for businesses with outdoor dining services. Of the 24 businesses with outdoor dining, 19 of those are utilizing parking areas, two of which (Pillbox Tavern & Saddle Bar) are utilizing public parking spaces. The other five businesses with outdoor dining are utilizing public and/or private sidewalk areas for the outdoor dining. No new TUP applications have been filed since the April 2021 extension. Temporary outdoor dining activities continue to be utilized by 13 businesses (Pizza Port, Saddle Bar, Pillbox

COUNCIL ACTION:

Tavern, ALCE, Naked Café, Claire's, Homestead, Fish Market, Carruth Cellars, Lofty Coffee, Crust, Parioli's, & T's Café). All other businesses that were permitted to conduct outdoor activities due to COVID-19 requirements have since eliminated their outdoor activities.

The existing SBMC allows certain sidewalk cafes and outdoor eating areas with approval of a Director's Use Permit or Conditional Use Permit pursuant to SBMC Section 17.60.130 (see Attachment 1). While the purpose and intent of those regulations was to encourage outdoor eating areas and sidewalk cafes as visual amenities that intensify pedestrian activity and make street life more attractive in commercial areas, Staff is unaware of any applications for such a use permit being considered since the adoption of these provisions in 1993. While there may be many reasons for the lack of such applications, one contributing factor may be the requirement to comply with current parking requirements for such outdoor eating areas. Pursuant to SBMC Section 17.52.040, parking for outdoor seating/eating areas requires 1 space per 100 square feet of gross floor. Since most commercial properties within which cafes and restaurants are located were developed prior to the City's incorporation and, therefore, have little if any available onsite parking, providing additional parking onsite or even shared parking can be problematic.

On October 25, 2006, the City Council adopted Ordinance No. 350 that amended SBMC Section 17.52.040 to provide a limited exemption for outdoor dining by allowing up to two incidental tables and eight chairs for outdoor dining without having to provide additional parking. However, this SBMC Amendment specifically prohibited this parking exemption for tables and chairs located within the public right-of-way or for dining areas facing an adjacent residential area unless specifically permitted by the City Council as part of a discretionary permit.

There continues to be a desire by the businesses, business districts, Chamber of Commerce and members of the public to continue outdoor dining activities. Consequently, Council included in the Fiscal Year (FY) 2022-23 Work Plan the evaluation of allowing outdoor dining activities City-wide. When last discussed in December 2021, the primary concerns related to allowing such outdoor dining activities revolved around the use of and impact to parking, impacts to surrounding residential neighborhoods and maintaining sufficient pedestrian access along public sidewalks.

Over the past year, Staff has carried out inspections of temporary outdoor dining areas, and the areas surrounding them. During these inspections, Staff has not observed significant impacts associated with these outdoor dining areas and there have been very limited issues raised by surrounding businesses or neighbors regarding the establishments that have temporary outdoor dining. Staff has responded to a couple of complaints related to maintenance of sidewalks, pedestrian access and the use of public parking for outdoor dining. In each of these instances, the businesses have been responsive and compliant with Staff's requests to address the issues raised.

In attempting to assess parking impacts both to the immediate business area as well as to adjacent residential areas, it was difficult at best to determine how much of the observed on-street parking was being utilized as a result of the temporary outdoor dining areas. Based on Staff's observations, outdoor dining areas that utilized existing

parking, whether public or private parking spaces, were far more likely to have an impact on the amount and availability of on-street parking. To this end, the more parking occupied by an outdoor dining area, the greater the impact to available on-street parking. This observation was in part supported by a review of sales tax data, as, on average, establishments utilizing public rights-of-way for their temporary outdoor dining areas did not seem to realize a significant increase in business activity (based on sales tax receipts) as compared to those establishments utilizing parking areas for their temporary outdoor dining.

Outdoor Dining Area Standards/Regulations

While there have been few complaints filed with the City regarding temporary outdoor dining areas, the development and implementation of specific standards to allow these outdoor dining uses on a permanent basis would provide clear and consistent standards to apply to these outdoor dining areas as well as a clearly defined process by which such permit applications could be processed. When considering an appropriate amount of area that could be utilized for outdoor dining, there are a few different options the City Council may consider when determining how much physical space an outdoor dining area should be allowed:

- 1) As a percentage of the business' gross indoor square footage prior to COVID-19;
- 2) As a percentage of the allowed indoor seating area prior to COVID-19; or
- 3) As a percentage of the number of indoor seats prior to COVID-19.

Under the SBMC, parking is calculated on gross square footage of the business, therefore, the first option listed above would be the easiest for the applicant and Staff to quantify and calculate. While the other two options could be considered, it may be challenging since many dining establishments don't have fixed seats and, therefore, defining the existing seating area within the business may not necessarily be clearly defined.

If the City Council chooses option 1 above, Staff would need to further discuss the appropriate percentage of indoor area to allocate to outdoor dining. It is estimated that the businesses that continue to utilize the outdoor dining areas utilize between 20% and 100% of the business' gross indoor square footage. For options 2 and 3, it is difficult to estimate the percentages that are being utilized based on allowed seating area or number of seats at this time.

Other standards the Council should consider that are typical of outdoor dining area regulations are outlined in SBMC Section 17.60.130, Sidewalk Cafes and Outdoor Eating Areas. These include:

- **Maintaining an Adequate "Clear Path"** – this is the area of a public right-of-way that must remain clear of all obstructions to allow for clear passage of pedestrians using the sidewalk
- **Outdoor Dining Area Boundary** – ensuring for an appropriate and safe enclosure or surrounding of any designated outdoor dining area
- **Location** – where and how outdoor dining areas may be located
- **Americans with Disability Act (ADA) Access** – ensuring compliance with ADA

- **Design Characteristics** – ensuring compatibility with the dining establishment and/or adjacent uses, use/design of canopies, umbrellas, chairs, tables, etc.
- **Environmental Compatibility** – compatibility with surrounding area and adjacent uses, hours of operation, impacts to area, etc.
- **Encroachment Permit Required** – require the application and issuance of an Encroachment Permit by the City for any outdoor dining area utilizing the public right-of-way
- **Liability Insurance** – provision of general liability insurance naming the City as an additional insured

Additionally, Council may also want to consider the following standards for outdoor dining areas:

- **Minimum Maintenance Standards** – ensuring that outdoor dining areas are kept clean and litter free and that, if located in the public right-of-way, the sidewalks are routinely cleaned and well maintained
- **Restricting Noise Amplification/Entertainment** – apply requirements or restrictions on any proposed entertainment or amplified music
- **Encroachment Maintenance and Removal Agreement (EMRA)** – require an EMRA for any outdoor dining area utilizing the public right-of-way
- **Public Parking** – restrict or prohibit the use of public parking for outdoor dining purposes
- **Indemnification Agreement** – requiring an agreement indemnifying and defending the City for third party liability claims

Council is also requested to consider and provide direction on the process by which permits for outdoor dining areas are processed and approved by the City. Currently, SBMC Section 17.60.130 requires a Conditional Use Permit (CUP) for such uses issued by either the Community Development Director or City Council. This would provide Council with the option to require a Director's Use Permit (DUP) with approval by the Community Development Director. Such a process would require notification of the surrounding area for each permit but would limit Staff time dedicated to processing each application. Decisions made on a DUP would be appealable to the City Council.

Lastly, it should be noted that the existing COVID-TUPs are set to expire January 1, 2023. If the City Council does not extend the COVID-TUP resolution, Staff would prepare a courtesy letter informing the businesses that are still utilizing the outdoor dining areas that they would need to remove the improvements by January 1, 2023. If given direction to draft modified ordinance language allowing outdoor dining for City Council consideration, Staff would notify the businesses that an application will need to be filed pursuant to those regulations if they wish to continue such outdoor dining areas.

CEQA COMPLIANCE STATEMENT:

This item is not a project as outlined by CEQA and therefore is not subject to environmental review.

FISCAL IMPACT:

There are no direct fiscal impacts related to this item.

OPTIONS:

- Provide direction on preferred application requirements and standards for permanent outdoor dining.
- Provide direction to extend the current COVID-TUP regulations.
- Allow the COVID-TUP regulations to expire on January 1, 2023 and require businesses to remove outdoor dining areas.

DEPARTMENT RECOMMENDATION:

Staff is seeking City Council direction regarding outdoor dining/sidewalk café regulations.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. SBMC Section 17.60.130 – Sidewalk cafes and outdoor eating areas

17.60.130 Sidewalk cafes and outdoor eating areas.

A. Purpose and Intent. The purpose and intent of these regulations is to encourage outdoor eating areas and sidewalk cafes as visual amenities which intensify pedestrian activity and make street life more attractive in commercial areas, to promote and protect public health, safety, and general welfare, to preserve and enhance the character of neighborhoods, and to ensure adequate space for pedestrians.

B. Definitions.

1. An “outdoor eating area” is a portion of a restaurant, located between the front setback of a building and the street, which is used exclusively for dining, drinking and circulation therein. Outdoor eating areas include sidewalk cafes.

2. A “sidewalk cafe” is a portion of a restaurant, located within the sidewalk area of the public right-of-way, which is used exclusively for dining, drinking and circulation therein. A sidewalk cafe may provide waiter or waitress service or self-service.

C. Conditional Use Permit Required. A sidewalk cafe shall only be permitted by conditional use permit issued by the director of community development or city council in accordance with SBMC [17.68.010](#). Specific conditions providing for the development, operation, and design of such a use shall be imposed by the director of community development or the city council.

Outdoor eating areas which do not include a sidewalk cafe do not require a conditional use permit but shall comply with all applicable regulations below.

D. Regulations. All outdoor eating areas, including sidewalk cafes, shall comply with the following regulations as applicable:

1. Clear Path.

a. For sidewalk cafes, there shall be a minimum clear distance, which is free of all obstructions, of 50 percent of the sidewalk width or four feet, whichever is greater. The minimum distance may be measured from any point within the sidewalk width; provided the clear path is maintained in a continuous line conforming to the curvature of the sidewalk. Portions of the sidewalk cafe may be located on either side of the clear path thereby creating two distinct perimeters. In no event may recesses in the sidewalk cafe frontage be used to satisfy this unobstructed width requirement except that corners of the sidewalk cafe may be rounded or mitered. For the purposes of the minimum clear path, parking meters, traffic signs, and trees which have gratings flush to grade, without fence or guards, shall not count as

obstructions. Within a sidewalk cafe perimeter located on the street side of a clear path, tables and chairs may be located between sidewalk obstructions such as trees, light standards, planters, news racks, mail boxes, benches and similar fixtures; provided such public facilities remain accessible.

b. At the intersection of streets a minimum clearance, free of all obstructions, measured from the outer edge of the sidewalk cafe to the curb side or nearest obstruction, shall be required as determined by the city engineer. The corner of the sidewalk cafe wall may be rounded or mitered.

2. Cafe Boundary. No portion of a sidewalk cafe, such as gates or any objects placed within a sidewalk cafe, shall swing or project beyond the designated exterior perimeter of the sidewalk cafe. However, fire exit doors, which are used exclusively as emergency exit doors, shall be exempt from this provision.

3. Location. No portion of an outdoor eating area shall be located within eight feet of the entrance to a ground floor commercial use other than an entrance to an outdoor eating area. An exception to the minimum distance between outdoor eating areas and adjacent business entrances may be granted up to zero feet after review of existing conditions in that commercial area on that particular street by the director of community development and all other appropriate departments, and upon the affected adjacent property and first floor tenant(s) having given notarized written permission for an encroachment. The review will take into consideration the effect that the exception may have on adjoining businesses in terms of visibility and access.

4. Access For Persons with Physical Disabilities. An outdoor eating area and its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the outdoor eating area shall be accessible to persons with disabilities from the interior of the restaurant. In order to ensure access for persons with physical disabilities:

a. At least one door leading into the outdoor eating area or restaurant from the adjoining sidewalk shall be not less than three feet wide.

b. A ramp with nonskid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than one inch in height for every 12 inches of horizontal distance shall be provided. Such ramp may be of portable type for cafes which are six feet wide or less, except if the cafe is 180 square feet in area or greater.

5. General Design Considerations.

a. Fixtures.

i. Sidewalk cafes may contain readily removable railings or fencing or any combination of removable railings, fencing, and landscaping in planter boxes to separate the encroachment area from the remainder of the sidewalk.

ii. No solid walls shall be permitted in the right-of-way. Solid walls and wind screens are permitted in outdoor eating areas outside of the right-of-way.

iii. The furnishings of the interior of a sidewalk cafe shall consist of readily movable tables, movable chairs, and movable umbrellas. For the purposes of this section "readily movable" shall mean that no object such as a table, chair, planter, or any other fixture, shall be leaded, cemented, nailed, bolted, power riveted, screwed, or affixed, even in a temporary manner, to either the sidewalk or to any other structure which it abuts.

iv. Landscaping may be placed either in movable planters or planted in the ground inside the defined cafe area adjacent to any barrier, railing fence, or combination thereof.

v. Lighting and heating fixtures may be permanently affixed onto the exterior front of the main building. Portable heating units may be used in all outdoor cafes.

b. Signage. Only the following signs are permitted within an outdoor eating area or sidewalk cafe:

i. The name and type of establishment may appear on the umbrellas or the valance of an awning.

ii. A movable menu board, not to exceed eight square feet, shall be allowed within the boundaries of the outdoor eating area or sidewalk cafe.

c. Refuse Storage Area. No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from a sidewalk cafe on the public right-of-way.

d. Safety.

i. All barriers, railings, or fences placed around a sidewalk cafe shall be contiguous to the sidewalk. The barriers shall be adequately designed so that unsafe conditions are not created for the physically disabled, blind and partially sighted. In order to maximize

visual access and pedestrian safety, the height of the railing, barrier, fence, or planter within the right-of-way shall not exceed three feet in elevation.

ii. Adequate lighting of barriers and railings for stairways and sidewalks shall be provided.

iii. No cantilevered projections over a public right-of-way or other pedestrian walkway shall be permitted. A change in paving pattern and texture may be required to alert pedestrians of a change in sidewalk use.

iv. Awnings or umbrellas may be used in conjunction with all outdoor eating areas. For sidewalk cafes within the public right-of-way, awnings shall be adequately secured, retractable and shall be constructed and installed to the satisfaction of the building official. At no point shall the height of the awning including the valance be less than seven feet from the floor of a sidewalk cafe.

v. Sidewalk cafes should be at the same elevation as the adjoining sidewalk. However, in the event of a grade change, consideration may be given to permit the floor level of the sidewalk cafe to be elevated or depressed.

6. Environmental Compatibility.

a. The outdoor eating area should fit in with the character of the area and reinforce the aspect of outdoor pedestrian plazas/park settings.

b. The scale of an outdoor cafe should be compact, and suggest intimacy, charm and functionality through materials, landscaping, signs, and use.

c. The hours of operation of an outdoor eating area shall be limited to the hours of operation of the associated eating or drinking establishment.

E. Encroachment Permit Required. An encroachment permit shall be required for a sidewalk cafe in accordance with the provisions of SBMC [11.20.200](#) and shall be applied for and processed concurrently with the application for a conditional use permit.

F. Liability Insurance. The permittee shall agree to hold the city of Solana Beach harmless and indemnify the city of Solana Beach from and against all claims, demands, costs, losses, damages, injuries, litigation, and liability arising out of or related to the use of the public property by the permittee or permittee's agents, employees, contractors, or guests. The permittee shall also give evidence of liability insurance in

an amount determined by the issuing authority to be sufficient to deal with the maximum amount of potential liability related to permittee's use of the public property, and such additional terms as the issuing authority deems appropriate. The issuing authority may require an additional bond to be posted as security for the performance of permittee's obligation to repair all public property damaged as a result of permittee's use of the public property. (Ord. 185 § 2, 1993)



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: November 9, 2022
ORIGINATING DEPT: Community Development
SUBJECT: **Adopt (2nd Reading) Ordinances 528 and 529 – Buildings Standards Code Amendments**

BACKGROUND:

On October 26, 2022, the City Council introduced Ordinances 528 (Attachment 1) and 529 (Attachment 2), which are now before Council for a second reading and adoption to amend the 2019 California Building Code and California Green Building Code to implement solar energy, building decarbonization and electric vehicle (EV) installation requirements with the goal of decreasing greenhouse gas (GHG) emissions in the City of Solana Beach (City).

This item is before the Council to consider adopting Ordinances 528 and 529 approving the proposed local amendments.

DISCUSSION:

California State Building Codes are typically updated every three years. Ordinance 518 was adopted in 2021 to amend sections of the 2019 Building Code to promote energy efficiency and conservation in the City, increase use of sustainable energy sources, reduce GHG emissions, promote green development patterns, and maintain a long-term balance between environmental, social, and economic impacts that protect public health and welfare.

On October 26, 2022, Council adopted Ordinance 527 adopting the State's 2021 Building Code Standards. Also on October 26, 2022, the Council approved the introduction and first reading of Ordinances 528 and 529. With the adoption of proposed Ordinances 528 and 529, the building sections of Title 15 of the Solana Beach Municipal Code (SBMC) would be repealed and replaced with new sections and local amendments. Local amendments that are necessary to reflect local topographic, climatic or geological conditions have been prepared for City Council consideration. The City may only locally

CITY COUNCIL ACTION:

amend these State codes when a finding can be made that certain local physical conditions exist to support the necessity for a local amendment. The adoption of local amendments, and more stringent standards, are supported in the proposed findings. It should be noted that the above amendments do not substantively alter the provisions previously approved by Council in Ordinance 518.

CEQA COMPLIANCE STATEMENT:

This project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) because it entails the adoption of State mandated building and fire codes with or without minor amendments, intended to improve the public health, safety and welfare, and will not have a significant effect on the environment.

FISCAL IMPACT:

There would be no impact to the General Fund from Ordinance 528 and 529, as proposed. No changes to existing City fees are proposed at this time.

WORK PLAN:

N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation.
- Provide other direction to Staff.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council adopt Ordinances 528 and 529 (2nd Readings) amending Title 15 of the Solana Beach Municipal Code.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Ordinance 528
2. Ordinance 529

ORDINANCE 528

AN ORDINANCE OF THE CITY COUNCIL OF SOLANA BEACH, CALIFORNIA, AMENDING CHAPTER 15.22 (ENERGY CODE) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE SOLANA BEACH MUNICIPAL CODE RELATED TO CLIMATE ACTION THROUGH REQUIREMENTS FOR SOLAR ENERGY

WHEREAS, consensus exists among the world's leading climate scientists that climate change caused by greenhouse gas (GHG) emissions from human activities is among the most significant problems facing the world today; and

WHEREAS, the City of Solana Beach declared a Climate Emergency in 2020; and

WHEREAS, the City of Solana Beach adopted a Climate Action Plan (CAP) that directs the City in reducing approximately 70,000 metric tons of GHG emissions annually by the year 2035 to meet reduction goals consistent with California's GHG targets; and

WHEREAS, measures in the CAP aim to curb the use of fossil fuels, a primary contributor to GHG emissions, in buildings and transportation; and

WHEREAS, reach codes that extend beyond the California Building Standards Code are being adopted by cities state-wide to accelerate GHG reductions through enhance solar electricity generation beyond state code requirements; and

WHEREAS, the City of Solana Beach wishes to adopt a reach code ordinance with modifications to enhance solar electricity generation within the City as part of Title 15 of the Municipal Code; and

WHEREAS, Public Resources Code Sections 18941.5(b) and 17958.7 allow for more restrictive local amendments to the Building Standards Code that are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the Building Energy Efficiency Standards establish a process by which local governments may adopt more stringent energy efficiency standards provided that the more stringent standards are cost-effective and the California Energy Commission finds that the standards will require buildings to be designed to consume no more energy than permitted by the California Energy Code; and

WHEREAS, studies prepared by the California Energy Codes & Standards program for the 2022 Energy Code Cycle demonstrate that the solar PV requirements of the proposed amendments to the 2022 California Energy Code, Title 24, Part 6, are cost-effective; and

WHEREAS, as required by Health and Safety Code section 17958, the City of Solana Beach does herewith make express findings that amendments to the California Building Standards Code are necessary for the protection of the public health, safety and welfare due certain climatic, topographic or geological features existing in the City of Solana Beach. The City Council hereby makes the following findings concerning the special circumstances and the climatic, topographic and geological conditions existing in the City of Solana Beach:

1. The City has over 1.7 miles of beaches, a creek, and other low-lying areas prone to flooding. The City is at risk to coastal storms, erosion, and flooding. There is broad scientific consensus that the earth will continue to warm and sea levels will rise impacting beaches, roads, properties, infrastructure, and environmentally sensitive areas.
2. The City has experienced increases in annual temperature. Annual temperatures have increased more than 1 degree Fahrenheit in many parts of the state and have exceeded increases of 2 degrees Fahrenheit in areas that include the San Diego region. Temperature increases are expected to continue into the future.
3. The City is situated in hilly, inland terrain. Approximately 50% of the area, for fire purposes, is wildland", covered by native vegetation on steep inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas are insignificant.
4. The City experiences seasonal climatic conditions during the late summer and fall that can result in frequent Santa Ana weather patterns. Dry, hot, strong, and gusty Santa Ana wind conditions produce extreme dryness and some of the highest wind events in San Diego County, resulting in some of the region's most catastrophic wildfires. These fires impact public health in the populated coastal zone through extreme heat and smoke.
5. The topography of the City is such that its boundaries enclose an area of 3.5 square miles that is mostly built out. As such, construction activity in the City is dominated by residential and commercial remodeling projects that significantly alter original or existing building structures rather than by new development and construction projects. The building code needs to address these significant modifications to the existing building stock.
6. The City acts to address environmental conditions that impact public health and welfare. Sustainability and resiliency are core values of the City's General Plan and Climate Action Plan. Energy Efficiency promotes public health and welfare by enhancing the environmental and economic health of the City through green practices in design, construction, maintenance, and operation of new and existing buildings. Construction of energy efficient buildings and installation of renewable energy systems protects the public health and welfare by reducing air pollution,

greenhouse gas emissions, average and peak energy demand, and adverse impacts from power outages.

7. Amendments to the California Building Code and the California Energy Code are reasonably necessary to promote energy efficiency and conservation in the City, increase use of sustainable energy sources, reduce GHG emissions, promote green development patterns, and maintain a long-term balance between environmental, social, and economic impacts that protect public health and welfare.

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

SECTION 1. FINDINGS.

The City Council finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.

SECTION 2. ENVIRONMENTAL REVIEW.

This Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15308 of the CEQA Guidelines (14 CCR 15308) because it is an activity undertaken to assure the maintenance, restoration, enhancement and protection of the environment.

SECTION 3. ADDITION OF SECTIONS 15.22.020 THROUGH 15.22.040 TO THE SOLANA BEACH MUNICIPAL CODE.

Sections 15.22.020 through 15.22.030 of the Solana Beach Municipal Code are hereby repealed in their entirety. Sections 15.22.020 through 15.22.040 are hereby added to amend the 2022 California Building Standards Code, California Code of Regulations, Title 24, Part 2 and Part 6 and shall read as follows:

CHAPTER 15.22 BUILDING CODE AND ENERGY CODE

15.22.020 Applicability

The requirements of this Chapter shall apply at the time of building permit application for all Newly Constructed buildings, as defined in Section 100.1(b) of Title 24, Part 6, Definitions, of the California Code of Regulations, and as amended by Solana Beach Municipal Code Section 15.22.030.

15.22.030 Definitions

Section 202 of Title 24, Part 2, Chapter 2, Definitions, of the California Code of Regulations, is hereby amended to modify the definition of Newly Constructed to read:

NEWLY CONSTRUCTED or **NEW CONSTRUCTION** [HCD 1-AC] means a building that is new construction, previously unoccupied or substantially Remodeled (as defined herein). Any construction work, alteration, remodel, replacement, repair, or renovation of any building(s) or structure(s) (collectively "Remodel") shall be considered "New Construction" when:

A. Residential Remodel.

1. Any construction that Remodels more than fifty percent (50%) of any of the following major structural components:
 - (i) exterior walls (measured by linear feet);
 - (ii) interior walls (measured by linear feet), except where the building or structure is less than 1200 square feet;
 - (iii) roof (measured by square footage);
 - (iv) floor and/or foundation (measured by square footage); or
2. The addition of seven hundred (700) or more square feet of floor area.

B. Nonresidential Remodel.

1. Any construction that Remodels more than fifty percent (50%) of any of the following major structural components:
 - (i) exterior walls (measured by linear feet);
 - (ii) interior walls (measured by linear feet);
 - (iii) roof (measured by square footage);
 - (iv) floor and/or foundation (measured by square footage); or
2. The addition of fifty percent (50%) or more of floor area to the building (measured by square footage); or
3. The Remodel project has a permit valuation of four hundred thousand dollars (\$400,000) or more.

Section 100.1(b) of Title 24, Part 6, Definitions, of the California Code of Regulations is amended to modify the following definition:

NEWLY CONSTRUCTED or **NEW CONSTRUCTION** shall have the meaning as defined in Title 24, Part 2, Chapter 2, Section 202, of the California Code of Regulations as amended by Solana Beach Municipal Code Section 15.22.030.

15.22.040 Nonresidential and High-Rise Residential Photovoltaic System Required

Section 120.11 is added to the California Energy Code as follows:

Section 120.11 - NONRESIDENTIAL PHOTOVOLTAIC SYSTEM REQUIRED

All Newly Constructed Nonresidential and Hotel/Motel buildings shall be required to install an on-site photovoltaic system. The required installation of a photovoltaic (PV) system shall comply with Section 140.10(a). All exceptions to Section 140.10(a) apply.

Exceptions applicable to Remodels that qualify as New Construction:

- A. When a Remodel of a Nonresidential multi-tenant building (whether to a tenant's leased premises within the building or to the common area of the building or project) qualifies as New Construction, compliance with the requirements herein concerning the size of the photovoltaic system shall be based on the conditioned floor area (CFA) controlled by the applicant.
 - (i) Where there is construction to a leased premises that only concerns the leased premises, the size of the photovoltaic system will be based on the conditioned floor area (CFA) of the leased premises being Remodeled controlled by the applicant. (For example, for a tenant improvement that only affects the tenant's portion of a building's total gross floor area.)
 - (ii) Where there is construction to the common area of a building or project, the size of the photovoltaic system will be based on the conditioned floor area (CFA) of the common area of the building or project that is owned or controlled by the property owner consisting of interior lobbies, hallways, bathrooms, and mailrooms located inside the building. (For example, a Remodel of a building that only affects common area of the building or project.)
- B. The building official may reduce (by the minimum extent necessary) or waive the requirements of this Section 120.11 if the official determines that (i) there are sufficient "practical challenges" to make compliance with the requirements infeasible or (ii) that the size of the photovoltaic system required herein exceeds the reasonable average annual electricity demand for the proposed use of the building or premises. "Practical challenges" may be a result of the building site location, limited rooftop availability, or shading from nearby structures, topography, or vegetation. The applicant is responsible for submitting written documentation that demonstrates (i) the infeasibility of the requirement or (ii)

- that the electrical demand for the building (or leased premises) based on the proposed use of the building (or leased premises) is lower than the electricity production from the required system size. The applicant's request for modification or exemption from this requirement shall include a written report from a certified energy analyst and other qualified consultants as may be required by the building official that demonstrate the infeasibility of the requirement or that the electrical demand for the building based on the proposed use of the building. The City's certified energy analyst and/or other consultants shall confirm the report and analysis provided by the applicant.
- C. The building official may waive or reduce, by the extent necessary, the provisions of this section 120.11 above if the official determines that the building has satisfied the purpose and intent of this provision through the use of alternate on-site zero carbon, renewable generation systems such as wind energy systems.
 - D. Greenhouse structures used for commercial cultivation, educational purposes, or the conservancy of plants or animals are exempted from the requirements of this Section 120.11. The Community Development Director or his or her designee may exempt other greenhouse structure uses on a case-by-case basis.
 - E. An applicant may install a ground-mounted solar PV system that meets the requirements of Section 120.11 as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

Section 160.10 is added to the California Energy Code as follows:

Section 160.10 – HIGH-RISE RESIDENTIAL PHOTOVOLTAIC SYSTEM REQUIRED

All Newly Constructed High-Rise Residential buildings shall be required to install an on-site photovoltaic system. The required installation of a photovoltaic (PV) system shall comply with Section 170.2(g). All exceptions to Section 170.2(g) apply.

Exceptions applicable to Remodels that qualify as New Construction:

- A. The building official may reduce (by the minimum extent necessary) or waive the requirements of this Section 160.10 if the official determines that (i) there are sufficient "practical challenges" to make compliance with the requirements infeasible or (ii) that the size of the photovoltaic system required herein exceeds the reasonable average annual electricity demand for the proposed use of the building or premises. "Practical challenges" may be a result of the building site location, limited rooftop availability, or shading from nearby structures, topography, or vegetation. The applicant is responsible for submitting written documentation that demonstrates (i) the infeasibility of the requirement or (ii)

- that the electrical demand for the building (or leased premises) based on the proposed use of the building (or leased premises) is lower than the electricity production from the required system size. The applicant's request for modification or exemption from this requirement shall include a written report from a certified energy analyst and other qualified consultants as may be required by the building official that demonstrate the infeasibility of the requirement or that the electrical demand for the building based on the proposed use is less than the projected production of the otherwise-required solar PV system. The City's certified energy analyst and/or other consultants shall confirm the report and analysis provided by the applicant.
- B. The building official may waive or reduce, by the extent necessary, the provisions of this Section 160.10 above if the official determines that the building has satisfied the purpose and intent of this provision through the use of alternate on-site zero carbon, renewable generation systems such as wind energy systems.
- C. An applicant may install a ground-mounted solar PV system that meets the requirements of Section 160.10 as a voluntary alternative to installing rooftop solar PV. The ground-mounted solar photovoltaic system shall comply with all existing health and safety requirements and limitations in the City.

SECTION 4. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase or term (each a "Provision") in this Ordinance, or any Provision's application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision's application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Ordinance, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

SECTION 5. PUBLICATION AND EFFECTIVE DATE.

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. This Ordinance shall become effective 30 days after its adoption and shall be in full force and effect 30 days after adoption, on January 1, 2023 or following submission to and approval by the California Energy Commission pursuant to applicable law, whichever is later.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Solana Beach, California on the 26th day of October, 2022; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California on the 9th day of November, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

ORDINANCE 529

AN ORDINANCE OF THE CITY COUNCIL OF SOLANA BEACH, CALIFORNIA, ADOPTING ADDITIONS TO CHAPTER 15.23 (GREEN BUILDING CODE) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE SOLANA BEACH MUNICIPAL CODE TO AMEND THE CALIFORNIA GREEN BUILDING STANDARDS CODE RELATED TO CLIMATE ACTION THROUGH BUILDING ELECTRIFICATION AND ELECTRIC VEHICLE INFRASTRUCTURE

WHEREAS, consensus exists among the world's leading climate scientists that climate change caused by greenhouse gas (GHG) emissions from human activities is among the most significant problems facing the world today; and

WHEREAS, the City of Solana Beach declared a Climate Emergency in 2020; and

WHEREAS, the City of Solana Beach adopted a Climate Action Plan (CAP) that directs the City in reducing approximately 70,000 metric tons of GHG emissions annually by the year 2035 to meet reduction goals consistent with California's GHG targets; and

WHEREAS, measures in the CAP aim to curb the use of fossil fuels, a primary contributor to GHG emissions, in buildings and transportation; and

WHEREAS, reach codes that extend beyond the California Building Standards Code are being adopted by cities state-wide to accelerate GHG reductions from new construction through building electrification and electric vehicle (EV) infrastructure beyond state code requirements; and

WHEREAS, the City of Solana Beach wishes to adopt a reach code ordinance with modifications to enhance building electrification and EV infrastructure within the City as part of Title 15 of the Municipal Code; and

WHEREAS, the 2022 California Building Standards Code adopted by the California Building Standards Commission has set minimum Green Building Standards and, within the code, expressly states that the standards are viewed as "minimal" and that local governmental entities retain discretion, pursuant to Health and Safety Code Section 17958, to exceed the standards established by such code based on express findings that such changes or modifications are reasonably necessary because of local climatic, topographical, or geological conditions pursuant to Health and Safety Code Section 17985.5, 17958.7, and 18941.5(b); and

WHEREAS, California Building Standards Code, Title 24, Part 11, Section 101.7.1 provides that local climatic, geological, or topographical conditions include environmental conditions established by a city, county, or city and county; and

WHEREAS, as required by Health and Safety Code Section 17958, the City of Solana Beach does herewith make express findings that amendments to the California Building Standards Code are necessary for the protection of the public health, safety and welfare due to the following climatic, topographic or geological features existing in the City of Solana Beach:

1. The City has over 1.7 miles of beaches, a creek, and other low-lying areas prone to flooding. The City is at risk to coastal storms, erosion, and flooding. There is broad scientific consensus that the earth will continue to warm and sea levels will rise impacting beaches, roads, properties, infrastructure, and environmentally sensitive areas.
2. The City has experienced increases in annual temperature. Annual temperatures have increased more than 1 degree F in many parts of the state and have exceeded increases of 2 degrees F in areas that include the San Diego region. Temperature increases are expected to continue into the future.
3. The City is situated in hilly, inland terrain. Approximately 50% of the area, for fire purposes, is "wildland," covered by native vegetation on steep inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas are significantly lacking.
4. The City experiences seasonal climatic conditions during the late summer and fall that can result in frequent Santa Ana weather patterns. Dry, hot, strong, and gusty Santa Ana wind conditions produce extreme dryness and some of the highest wind events in San Diego County, resulting in some of the region's most catastrophic wildfires. These fires impact public health in the populated coastal zone through extreme heat and smoke.
5. The topography of the City is such that its boundaries enclose an area of 3.5 square miles that is mostly built out. As such, construction activity in the City is dominated by residential and commercial remodeling projects that significantly alter original or existing building structures rather than by new development and construction projects. The building code needs to address these significant modifications to the existing building stock.
6. The City acts to address environmental conditions that impact public health and welfare. Sustainability and resiliency are core values of the City's General Plan and Climate Action Plan. Energy efficiency promotes public health and welfare by enhancing the environmental and economic health of the City through green practices in design, construction, maintenance, and operation of new and existing buildings. Construction of energy efficient buildings and installation of renewable energy systems protects the public health and welfare by reducing air pollution, greenhouse gas emissions, average and peak energy demand, and adverse impacts from power outages.

7. Amendments to the California Green Building Standards are reasonably necessary to promote energy efficiency and conservation in the City, increase use of sustainable energy sources, reduce GHG emissions, promote green development patterns, and maintain a long-term balance between environmental, social, and economic impacts that protect public health and welfare.

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

SECTION 1. FINDINGS.

The City Council finds and determines that the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City Council. The recitals constitute findings in this matter and, together with the staff report, other written reports, public testimony and other information contained in the record, are an adequate and appropriate evidentiary basis for the actions taken in this Ordinance.

SECTION 2. ENVIRONMENTAL REVIEW.

This Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15308 of the CEQA Guidelines (14 CCR 15308) because it is an activity undertaken to assure the maintenance, restoration, enhancement and protection of the environment .

SECTION 3. ADDITION OF SECTIONS 15.23.020 THROUGH 15.23.060 TO THE SOLANA BEACH MUNICIPAL CODE.

Sections 15.23.020 through 15.23.070 of the Solana Beach Municipal Code are hereby repealed in their entirety. Sections 15.23.020 through 15.23.060 are hereby added to amend the 2022 California Building Standards Code, California Code of Regulations, Title 24, Part 11 and shall read as follows:

15.23.020 Applicability

The requirements of this Chapter shall apply at the time of building permit application for all newly constructed buildings, as defined in Title 24, Part 2, Chapter 2, Section 202 of the California Code of Regulations, as amended by Solana Beach Municipal Code Section 15.22.030.

15.23.030 Definitions

For purposes of this Chapter, the following definitions shall apply:

MIXED-FUEL BUILDING. A building that is plumbed for the use of natural gas or propane as fuel for any system. Portable propane appliances for use outside of the building envelope, such as outdoor cooking and outdoor heating appliances, that are not connected to any fuel gas infrastructure, are not considered as plumbed for

propane.

NEWLY CONSTRUCTED or **NEW CONSTRUCTION** shall have the meaning as defined in Title 24, Part 2, Chapter 2, Section 202 of the California Code of Regulations, as amended by Solana Beach Municipal Code Section 15.22.030.

15.23.040 Required Electric End Uses

Section 4.504.6 Required Electric End Uses, is hereby added to the 2022 California Green Building Standards Code to read:

Section 4.504.6 Required Electric End Uses. All newly constructed residential and motel/hotel buildings shall use electricity as the source of energy for all space heating, water heating (including pools and spas), and clothes drying appliances and equipment.

Exception: Solar thermal systems for pool, spa heating, domestic hot water, service hot water and space heating.

Section 5.504.6 Required Electric End Uses, is hereby added to the 2022 California Green Building Standards Code to read:

Section 5.504.6 Required Electric End Uses. All newly constructed nonresidential buildings shall use electricity as the source of energy for all space heating, water heating (including pools and spas), and clothes drying appliances and equipment.

Exception: Solar thermal systems for pool, spa heating, domestic hot water, service hot water and space heating.

15.23.050 Electric-Readiness and Energy Storage Prewiring

Section 4.504.7 Electric-Readiness is hereby added to the 2022 California Green Building Standards Code to read:

Section 4.504.7 Electric-Readiness. In newly constructed mixed-fuel residential and hotel/motel buildings, where natural gas- or propane-plumbed systems and appliances are installed, raceways and electrical capacity shall be installed for future electrification of each system or appliances. Electric ready measures include panel capacity and raceways (or conductors) from the electrical panel(s) to the location of each gas outlet sufficiently sized to meet future electric power requirements at the time of construction so that wall penetrations and demolition work is avoided at or minimized when the systems and appliances are converted to electric-powered systems. The locations of

specific gas appliances shall be made electric-ready as follows:

- 1) Combined Cooktop and Oven or Stand Alone Cooktop. Buildings plumbed for natural gas or propane equipment shall meet the requirements of the California Energy Code, Title 24, Part 6, Section 150.0(u).
- 2) Stand Alone Cooking Oven. Buildings plumbed for natural gas or propane equipment shall include the following components for each gas terminal or stub out:
 - a. A dedicated 240 volt, 20 amp or greater receptacle within three (3) feet of the appliance and accessible with no obstructions;
 - b. The electrical receptacle shall be labeled with the words "For Future Electric Oven" and be electrically isolated; and
 - c. A double pole circuit breaker in the electrical panel labeled with the words "For Future Electric Oven".
- 3) Any other gas appliances and equipment shall be deemed electric ready by a licensed design professional associated with the project, who shall provide calculations and documentation that the design includes bus bar capacity, raceway or conductor capacity, and space necessary for the installation of electrical equipment that can serve the intended function of the gas equipment.

Section 4.504.8 Energy Storage Pre-wiring is hereby added to the 2022 California Green Building Standards Code to read:

Section 4.504.8 Energy Storage Pre-wiring

1. All newly constructed hotel and motel buildings shall be prewired for the installation of battery storage to accommodate a future storage system that meets the requirements of California Energy Code, Title 24, Part 6, Section 140.10(b), where the assumed size of the PV system shall be as specified in the California Energy Code, Title 24, Part 6, Section 120.11, as amended.
2. All newly constructed high-rise residential buildings shall be prewired for the installation of battery storage to accommodate a future storage system that meets the requirements of California Energy Code, Title 24, Part 6, Section 170.2(h), where the assumed size of the PV system shall be as specified in the California Energy Code, Title 24, Part 6, Section 120.11, as amended.
3. All newly constructed low-rise residential buildings shall be prewired for the installation of battery storage to accommodate a future storage system that meets the requirements as otherwise specified for high-rise residential buildings in the California Energy Code, Title 24, Part 6, Section

170.2(h), where the assumed size of the PV system shall be as specified in the California Energy Code, Title 24, Part 6, Section 120.11, as amended.

Section 5.504.7 Electric-Readiness is hereby added to the 2022 California Green Building Standards Code to read:

Section 5.504.7 Electric-Readiness. In newly constructed nonresidential buildings, where natural gas- or propane-plumbed systems and appliances are installed, raceways and electrical capacity shall be installed for future electrification of each system and for appliances. Electric ready measures include panel capacity and raceways (or conductors) from the electrical panel(s) to the location of each gas outlet sufficiently sized to meet future electric power requirements at the time of construction so that wall penetrations and demolition work is avoided at or minimized when the systems and appliances are converted to electric-powered systems. The locations of specific gas appliances shall be made electric-ready as follows:

- 1) Combined Cooktop and Oven or Stand Alone Cooktop. Buildings plumbed for natural gas or propane equipment shall meet the requirements of the California Energy Code, Title 24, Part 6, Section 150.0(u).
- 2) Stand Alone Cooking Oven. Buildings plumbed for natural gas or propane equipment shall include the following components for each gas terminal or stub out:
 - a. A dedicated 240 volt, 20 amp or greater receptacle within three (3) feet of the appliance and accessible with no obstructions;
 - b. The electrical receptacle shall be labeled with the words "For Future Electric Oven" and be electrically isolated; and
 - c. A double pole circuit breaker in the electrical panel labeled with the words "For Future Electric Oven".
- 3) Any other gas appliances and equipment shall be deemed electric ready by a licensed design professional associated with the project, who shall provide calculations and documentation that the design includes bus bar capacity, raceway or conductor capacity, and space necessary for the installation of electrical equipment that can serve the intended function of the gas equipment.

Section 5.504.8 Energy Storage Pre-wiring is hereby added to the 2022 California Green Building Standards Code to read:

All newly constructed nonresidential buildings shall be prewired for the installation of battery storage to accommodate a future storage system that meets the requirements of California Energy Code, Title 24, Part 6, Section 140.10(b), where the assumed size of the PV system shall be as specified in the California Energy Code, Title 24, Part 6, Section 120.11, as amended.

15.23.060 Electric Vehicle Charging

The first paragraph of Section A4.106.8 and the entirety of Section A4.106.8.1, as amended herein, are hereby added to the 2022 California Green Building Standards Code to read:

A4.106.8 Electric vehicle (EV) charging for new construction. New construction shall comply with Section A4.106.8.1 to facilitate future installation and use of electric vehicle chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625.

A4.106.8.1 New one- and two-family dwellings and townhouses with attached private garages.

Tier 1 and Tier 2. For each dwelling unit, a dedicated 208/240-volt branch circuit shall be installed in the raceway required by Section 4.106.4.1. The branch circuit and associated overcurrent protective device shall be rated to 40 amperes minimum. In addition, the circuit shall terminate at either a) a receptacle labeled "Electric Vehicle Outlet" with at least a ½ inch font adjacent to the parking space, or b) electric vehicle supply equipment (EVSE) with a minimum capacity of 30 amperes.

For each dwelling unit with two or more parking spaces, an additional one EV Capable Space shall be provided.

All electrical components related to this section shall be installed in accordance with the *California Electrical Code*.

A4.106.8.1.1 Identification. The service panel or sub-panel circuit directory shall identify the overcurrent protective device(s) designated for EV charging as "EV CHARGER", "EV READY" or "EV CAPABLE", as the case may be, in accordance with the California Electrical Code.

Section 4.106.4.4 EV Chargers, is hereby added to the 2022 California Green Building Standards Code to read:

4.106.4.4 EV Chargers.

For any newly constructed multifamily building, at least 25 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall have electric vehicle supply equipment installed. Each such space shall be equipped with fully operational Level 2 electric vehicle supply equipment (EVSE) or a Direct Current Fast Charger (DCFC), except at least one space shall be provided with a Level 2 EVSE.

All of the remaining parking spaces shall be EV capable spaces, capable of supporting future Level 2 EVSE. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.

For any newly constructed hotel or motel building, at least 25 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall have Level 2 electric vehicle supply equipment (EVSE) installed. Each such space shall be equipped with fully operational Level 2 electric vehicle supply equipment (EVSE) or a Direct Current Fast Charger (DCFC), except at least one space shall be provided with a Level 2 EVSE. All of the remaining parking spaces shall be EV capable spaces, capable of supporting future Level 2 EVSE. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.

Section 5.106.5.3.2.1 Additional electric vehicle charging station (EVCS) requirements, is hereby added to the 2022 California Green Building Standards Code to read:

5.106.5.3.2.1 Additional electric vehicle charging station (EVCS) requirements.

For any newly constructed nonresidential building, at least 20 percent of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall have electric vehicle supply equipment installed. Each such space shall be equipped with fully operational Level 2 electric vehicle supply equipment (EVSE) or a Direct Current Fast Charger (DCFC), except at least one space shall be provided with a Level 2 EVSE. At least 35 percent of the remaining parking spaces shall be EV capable spaces, capable of supporting future Level 2 EVSE. Calculations for the required number of EVSE spaces shall be rounded up to the nearest whole number.

SECTION 4. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase or term (each a "Provision") in this Ordinance, or any Provision's application to any person or circumstance, is held illegal, invalid or unconstitutional by a court of competent jurisdiction, all other Provisions not held illegal, invalid or unconstitutional, or such Provision's application to other persons or circumstances, shall not be affected. The City Council declares that it would have passed this Ordinance, and each Provision therein, whether any one or more Provisions be declared illegal, invalid or unconstitutional.

SECTION 5. PUBLICATION AND EFFECTIVE DATE.

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. This Ordinance shall become effective 30 days after its adoption and shall be in full force and effect 30 days after adoption, on January 1, 2023 or following filing with the California Building Standards Commission pursuant to applicable law, whichever is later.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Solana Beach, California on the 26th day of October, 2022; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California on the 9th day of November, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk