

## ORDINANCE 455

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING SOLANA BEACH MUNICIPAL CODE SECTIONS 17.08.030, 17.68.040(B)(1)(d), 17.68.040(B)(1)(f), 17.68.040(B)(1)(n), 17.68.040(F)(1), AND 17.68.040(F)(2) OF THE SOLANA BEACH MUNICIPAL CODE REGARDING DEFINITIONS AND DEVELOPMENT REVIEW PERMITS

**WHEREAS**, in 1993, the City Council (Council) of the City of Solana Beach (City) adopted Chapter 17.08 of the Solana Beach Municipal Code (SBMC), which has been subsequently amended several times, most recently in 2007; and

**WHEREAS**, the current definitions of gross floor area and floor area ratio do not adequately capture volume or “phantom” space in the calculation; and

**WHEREAS**, the Council desires to modify the definition of floor area ratio to include volume or “phantom” space from ceilings that exceed 15 feet in height that contributes to bulk in the calculation of floor area ratio; and

**WHEREAS**, the Council wishes to revise the definition of gross floor area to clarify exclusions, including courtyards with walls on three or less sides and that are not covered and detached accessory buildings that do not exceed 120 square feet in residential zones; and

**WHEREAS**, in 1993 the Council adopted Section 17.68.040 of Chapter 17.68 of the Solana Beach Municipal Code, which has been subsequently been amended several times, most recently in 2011; and

**WHEREAS**, Section 17.68.040(B) currently requires Council approval of a development review permit for residential projects that exceed a “trigger” of 500 square feet of floor area or 50 cubic yards of grading; and

**WHEREAS**, the Council desires to amend Section 17.68.040 to modify the requirements for a development review permit to be based on the percentage of the maximum allowed floor area for a residential lot and increase the currently allowed amount of grading; and

**WHEREAS**, the Council desires to amend Section 17.68.040(F) to clarify the City’s intent regarding findings of approval for development review permits; and

**WHEREAS**, these revisions will provide the public with greater clarity on the City’s intent regarding residential development in the City; and

**WHEREAS**, this ordinance is exempt from CEQA under Section 15061(b)(3) because there is no possibility that the activity in question may have a significant effect on the environment.

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

**Section 1.** Section 17.08.030 of the Solana Beach Municipal Code is hereby amended to read as follows:

**17.08.030 Definitions.**

**FLOOR AREA RATIO:** The numerical value obtained by dividing the total gross floor area of building(s) by the total gross area of the lot. For residential development with ceilings over fifteen (15) feet above finished floor height, the floor area of these areas shall be doubled for the purpose of calculating the floor area ratio.

**GROSS FLOOR AREA:** The area within the surrounding exterior finished wall surface of all buildings, including accessory living units and guest houses, or portion thereof, including lofts, mezzanines, and stairwells, but exclusive of required parking (200 square feet per space), courtyards (with walls on three sides or less and not covered), and basements (must have 60 percent or more of the story height below pre-existing or finished grade, whichever is lower). One (1) one-story detached accessory building used as a storage shed, playhouse, or similar use that does not exceed 120 square feet (residential only) is excluded.

**Section 2.** Section 17.68.040(B)(1)(d) is hereby amended to read as follows:

d. Any site development (including grading for any purpose) or construction (including any structural additions to existing development) that involves an aggregate of more than 100 cubic yards of cut and/or fill, excepting:

i. The excavation for the construction of residential swimming pools/spas including backfilling/elimination of existing swimming pools/spas; and

ii. City of Solana Beach approved public works projects in the existing public right-of-way.

**Section 3.** Section 17.68.040(B)(1)(f) is hereby amended to read as follows:

f. Any development on property located within the hillside overlay zone (HOZ), except minor additions to existing single-family residences which do not increase the existing building envelope or require more than 100 cubic yards of grading. (See SBMC [17.48.020](#), Hillside Overlay Zone, for additional exemptions).

**Section 4.** Section 17.68.040(B)(1)(n) is hereby amended to read as follows:

n. Any new construction, including replacement of an existing structure or structural additions to existing development in residential zones shall require a development review permit if either or both of the following development criteria are satisfied:

- (i) The total of existing square footage plus proposed new square footage of the structure exceeds 60% of the maximum floor area allowable under the applicable floor area ratio.
- (ii) If new square footage is proposed for an existing or new second story, the total of the existing square footage plus proposed new square footage of only the second story of the structure exceeds 40% of the floor area of the first story existing floor area for residential lots of 6,000 square feet or less, or 35% of the floor area of the first story existing floor area for residential lots of greater than 6,000 square feet.

Each property shall receive a one-time exemption from the foregoing development review permit requirement if the proposed new construction does not exceed 500 square feet for a lot of 6,000 square feet or less, 600 square feet for a lot of 6,001 to 12,000 square feet, or 700 square feet for a lot greater than 12,000 square feet and it does not exceed the allowable floor area ratio.

**Section 5.** Sections 17.68.040(F)(1) and 17.68.040(F)(2) are hereby amended to read as follows:

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

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

**Section 6. Severability**

The provisions of this chapter are declared to be severable and if any provision, sentence, clause, section or part of this chapter is held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or

unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter or their application to persons and circumstances.”

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

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Solana Beach, California, on the 19 day of November, 2014; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, on the 10 day of December, 2014, by the following vote:

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

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THOMAS M. CAMPBELL, Mayor

APPROVED AS TO FORM:

ATTEST:

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JOHANNA N. CANLAS, City Attorney

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ANGELA IVEY, City Clerk