STAFF REPORT  
CITY OF SOLANA BEACH

TO:                      Honorable Mayor and City Councilmembers
FROM:                    David Ott, City Manager
MEETING DATE:            July 8, 2009
ORIGINATING DEPT:        Community Development Department
SUBJECT:                 360 N Granados (Case No. 17-07-02; Applicants: Contasti and Hernandez) DRP/SDP Extension Request

BACKGROUND:
On May 11, 2009, Andrew Contasti and Joe Hernandez, the Applicants, submitted a letter and an application for a Development Review Permit (DRP) and Structure Development Permit (SDP) extension (Attachment 1). The Applicants are requesting that the City Council grant a two year time extension for DRP/SDP case number 17-07-02, which was approved at a regularly scheduled City Council Meeting on July 11, 2007.

The Development Review Permit (DRP) and Structure Development Permit (SDP) as approved, was designed to be in conformance with the zoning regulations effective at the time of the project submittal. After the application was submitted and deemed complete, the Scaled Residential Overlay Zone (SROZ) was approved by a vote of the citizens of Solana Beach and became effective. The SROZ requires more restrictive regulations for Floor Area Ratio (FAR) for six areas within Solana Beach. The subject property, 360 North Granados Avenue, is located within one of the six designated areas; therefore, any new development projects within the surrounding area would be required to comply with the new regulations. The project as approved meets the current zoning regulations for FAR.

DISCUSSION:
On July 11, 2007, Resolution 2007-108 was conditionally approved at a regularly scheduled City Council meeting approving a new single family residence on lot 9 of 360 North Granados Avenue. The project was submitted and deemed complete prior to the effective date of the SROZ; therefore the project was reviewed subject to the FAR regulations which were then in effect. The original staff report and signed Resolution (Attachment #2) have been attached for reference.

The building permit plans are required to be in conformance with the additional conditions of the City Council in addition to the Planning, Engineering and Fire

CITY COUNCIL ACTION:

______________________________________________________________________________

AGENDA ITEM
C.1.
Department’s conditions listed in Resolution 2007-108. Any actions required to complete these conditions must take place prior to the issuance of the building permit and/or prior to final occupancy.

The following table shows how the maximum FAR was calculated with the original approval and how the FAR is required to be calculated for the property after the adoption of the SROZ:

<table>
<thead>
<tr>
<th>Original FAR Calculation</th>
<th>SROZ FAR Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Size:</strong> 8,300 square feet</td>
<td><strong>Lot Size:</strong> 8,300 square feet</td>
</tr>
<tr>
<td>.60 of the first 5,000 ft(^2) of lot  = 3,000 ft(^2)</td>
<td>.50 of the first 6,000 ft(^2) of lot  = 3,000 ft(^2)</td>
</tr>
<tr>
<td>.30 for the ft(^2) of the lot between 5,000-20,000  = 990 ft(^2)</td>
<td>.175 for the ft(^2) of the lot between 6,001-15,000  = 403 ft(^2)</td>
</tr>
<tr>
<td>.15 for the remaining ft(^2) of the lot greater than 20,000  = N/A</td>
<td>.10 for the ft(^2) of the lot between 15,001 and 20,000  = N/A</td>
</tr>
<tr>
<td>Max. FAR Allowable  = 3,990 ft(^2)</td>
<td>Max. FAR Allowable  = 3,403 ft(^2)</td>
</tr>
</tbody>
</table>

After the project was conditionally approved the Applicants had the lot surveyed and the size of the lot was determined to be 8,380 ft\(^2\). This increases the original FAR allowable to 4,014 ft\(^2\) and the SROZ FAR allowable to 3,417 ft\(^2\). As approved by the City Council, the square footage of the project is as follows:

- Proposed first floor: 2,015 ft\(^2\)
- Proposed first floor garage: 516 ft\(^2\)
- Proposed second floor: 1,500 ft\(^2\)
- Subtotal: 4,031 ft\(^2\)
- Garage exemption: - 400 ft\(^2\)
- Per Council Condition 4(A)(VII)(i): - 230 ft\(^2\)
- Total ft\(^2\) for approved project: 3,401 ft\(^2\)

The total approved floor area of 3,401 which is below the maximum allowable FAR of the SROZ. Therefore, the original project as conditioned is in compliance with the current zoning regulations for the subject property.

The Development Review Permit (DRP) and Structure Development Permit (SDP) approval is set to expire on July 11, 2009. The Applicants are requesting the full two year time extension for financial reasons as stated in Attachment 1. If the extension is approved they propose to proceed as noted in Attachment 3.

It should be noted that an amendment to SBMC 17.72.110 for permit extensions was introduced at the June 24, 2009 City Council meeting. However, the ordinance will not be in effect, if adopted, until 30 days after it is adopted and therefore, it does not apply to this request.
Solana Beach Municipal Code Section 17.72.110 (Lapse of Approval and Extensions) establishes that City Council action is required to review and act on a request for extension for a DRP and/or SDP permit when they were the original approving body. The City Council may extend the approval of a project if they find that there have been no significant changes in the general plan, zoning ordinance, or character of the area that would cause the approved project to become inconsistent or nonconforming. Also, the granting of an extension should not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff is recommending approval of the request for an extension of application number 17-07-02 (DRP/SDP) to July 11, 2011 based upon the information provided above.

Should the City Council approve this request for an extension, the Applicants will be required to obtain California Coastal Commission approval, a building permit and have commenced construction prior to July 11, 2011. Should the request be denied a new application would be required for development of the site.

Notices of a public meeting for this project were mailed to property owners within 300 feet of the project site more than 10 days prior to the City Council date. As of the date of preparation of this staff report, Staff has not received any letters, emails or phone calls in regard to the extension request.

**CEQA COMPLIANCE STATEMENT:**
Consideration of a request for an extension of a Development Review Permit and Structure Development Permit is not defined as a project in accordance with the California Environmental Quality Act (CEQA) and is therefore exempt from CEQA.

**FISCAL IMPACT:**
N/A

**WORKPLAN:**
N/A

**OPTIONS:**
- Approve the request for a two year extension setting the expiration date of July 11, 2011.
- Deny the request for an extension.

**DEPARTMENT RECOMMENDATION:**
Staff recommends that the City Council:

1. Find that there have been no significant changes in the General Plan, zoning ordinance, or character of the area that would cause the approved project to become inconsistent or nonconforming, and
2. Find that granting of an extension is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. Grant the request for an extension beginning on July 11, 2009 to set a final expiration date of July 11, 2011 for the approval of 17-07-02 DRP/SDP for the construction of a new 3,401 square foot (not including 400 square feet of garage), two-story residence on property at 360 N. Granados Avenue (Lot 9).

**CITY MANAGER’S RECOMMENDATION:**
Approve Department Recommendation

[signature]

David Ott, City Manager

Attachments:
1. Extension Request Letter dated February 25, 2009
2. July 11, 2007 Staff Report and Resolution 2007-108
3. Proposed Timeline letter dated May 28, 2009
Andy Contasti  
14811 Derringer Road  
Poway, Ca 92064

Planning Department  
City of Solana Beach  
Re: extension of approval  
Lot #9

To whom it may concern:
I am requesting an official extension of time regarding the city’s approval of lot #9 at the former location of 360 N Granados.
Thru no fault of my own we find our self in a financial crisis and can not proceed with our project as planned.

Andy Contasti

RECEIVED
FEB 25 2009
Planning-Comm Gov Dept.
City of Solana Beach
STAFF REPORT
CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: David Ott, City Manager
MEETING DATE: July 11, 2007
ORIGINATING DEPT: Community Development
SUBJECT: A request for a Development Review Permit and a Structure Development Permit to demolish an existing church and construct a new 4,031 square foot, single-family residence on a parcel located at 360 North Granados Avenue, Solana Beach (Case: 17-07-02 DRP/SDP; Applicant: Andrew & Annette Contasti and Joe Hernandez).

BACKGROUND:

The parcel (Lot 9), located at the southeast corner of North Granados Avenue and Cliff Street, in addition to the adjacent parcel to the south (Lot 10) were both formerly utilized by the San Dieguito Mormon Church and St. Demiana Coptic Orthodox Church—herein collectively referenced as “Church.” The 8,300 square foot project site (Lot 9) and the adjacent parcel to the south (Lot 10), are surrounded by single-family residences. This subject site (Lot 9) has been developed as a church for several years and has operated under a county conditional use permit since the late forties. (Attachment 1) This permit request represents the applicant’s proposal to demolish the Church and construct a new two-level, 4,031 square foot single-family residence on Lot 9.

In March 2007, the Solana Beach Civic and Historical Society sought to halt demolition of the Church structure in hopes of obtaining a historical designation for the building and locating the structure elsewhere in Solana Beach. On April 18, 2007, the City Council provided direction to the City Manager to facilitate discussion between the Solana Beach Civic and Historical Society and the Applicant to evaluate potential relocation the Church structure to an offsite location. The Civic and Historical Society subsequently abandoned their attempt to relocate the Church and a Demolition Permit was approved on May 30, 2007. The Applicant has delayed the demolition of the Church structure pending approval of the Development Review Permit and Structure Development Permits. The Applicant is requesting City approval of both a Development Review Permit/Structure Development Permit for the construction of an individual single-family residence on Lots 9, in addition to a separate Development Review Permit/Structure Development Permit for the construction of a single-family residence on Lot 10. It should be noted that the permit request for development of Lot 10, will be reviewed as a separate permit request given that proposed development of each of the residences takes place on individual legal lots. The current address for both lots is 360

CITY COUNCIL ACTION: approved 7/11/07 with additional conditions -

adopt resol. 2007-108

AGENDA ITEM #22

ATTACHMENT 2

[Signature: "Wong. Reso. used -> New Reso this is abrogual"]
North Granados. The permit request at hand includes the Applicant’s proposal to construct a new two-story 4,031 square foot, single-family residence on Lot 9.

**DISCUSSION:**

The subject property is located on the southwest corner of North Granados Avenue and Cliff Street and has a zoning designation of Low Medium Residential (LMR). The lot is 8,400 square feet in size. The Applicant is proposing to construct a new single-family residence comprehensively detailed as follows:

<table>
<thead>
<tr>
<th>Level</th>
<th>Use</th>
<th>Area (ft²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Level</td>
<td>Garage</td>
<td>516</td>
</tr>
<tr>
<td>Lower Level</td>
<td>Living Area</td>
<td>2,015</td>
</tr>
<tr>
<td>Upper Level</td>
<td>Living Area</td>
<td>1,500</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td><strong>4,031</strong></td>
</tr>
</tbody>
</table>

Grading for Lot 9 involves 150 cubic yards of fill. If the developer obtains separate permits for the development of each individual lot, combined grading would involve 450 cubic yards of excavation, 250 cubic yards of fill and 200 cubic yards of import. If the developer grades Lot 9 separately, 150 cubic yards of fill will need to be imported. The maximum height of the structure is proposed to be 24.6 feet above existing grade. This project requires City Council review of the following:

- **DEVELOPMENT REVIEW PERMIT** — A Development Review Permit is required for grading in excess of 50 cubic yards as established by Ordinance 334 and Solana Beach Municipal Code (SBMC) Section 17.68.040 (Development Review Permits). The Applicant’s proposal includes grading in excess of 50 cubic yards.

- **STRUCTURE DEVELOPMENT PERMIT** — A Structure Development Permit is required for all new structures and structural additions greater than 16 feet in height as measured from existing grade. The Applicant is proposing a new structure with a maximum height of 24.6 feet above existing grade.

The topography of the parcel slopes from approximately 108 feet above mean sea level (MSL) at the northeast corner. The southwest corner is approximately 98 feet above MSL. The existing finished floor elevation of the Church structure is at an elevation of 102.94 feet above MSL.

As previously mentioned, the Applicant is proposing to demolish the Church structure located on both this parcel (Lot 9) and the adjacent parcel to the south (Lot 10) in order to construct a new 4,031 square foot, two-level, single-family residence (Attachment 2). The maximum height of the development is proposed at 24.6 feet above existing grade.

Combined quantities of grading proposed with the individual permit requests for the development of Lot 9 and Lot 10 total approximately 700 cubic yards. This amount includes 450 cubic yards of cut, 700 cubic yards of fill and 250 cubic yards of import. If the developer
obtains approval for development of single-family residences on each of the lots (which are subject to separate discretionary review/approval), then grading of both lots will take place concurrently. The proposed grading will provide level building pads, usable yard areas and allow for storm water drainage. The finished floor level of the residence and garage is approximately 104.00 MSL and 106.00 MSL respectively, which is approximately one (1) foot higher than the existing finished floor level of the Church.

The proposed project is not subject to Ordinance No. 357 because the application was deemed complete prior to the ordinance effective date of March 24, 2007. This application was deemed complete as of February 24, 2007. Thus, review of the project has been conducted in accordance with pre-existing development standards.

The following is a discussion of the development standards established by the applicable sections of the Zoning Ordinance:

**Permitted Uses and Structures - SBMC Section 17.20.020**

**Principal and Conditional Uses** - Permitted uses and structures in the LMRd Zone include the use of a single-family residence designed and used to house not more than one family, including all domestic employees of such family. No conditional uses or uses allowed subject to limitations set forth in this zone, such as an accessory living unit, are proposed. This application is consistent with Section 17.20.020 of the City’s Municipal Code.

**Property Development Regulations - SBMC Section 17.20.030**

**Minimum Lot Sizes and Dimensions** - Required lot size in the LMR Zone is 10,000 square feet. Required dimensions for a corner lot are 60 feet of street frontage, 65 feet of width and 100 feet of depth. Lot 9 is 8,300 square feet, has 70 feet of street frontage, is 70 feet wide and has 120 feet of depth. While Lot 9 is less than 10,000 square feet, it is a legal lot that can accommodate the proposed structure without deviating from other development regulations and is consistent with Section 17.20.030.B of the City’s Municipal Code.

**Density Regulations** - One principal dwelling unit per lot is allowed in the LMRd Zone. This application is consistent with Section 17.20.030.B of the City’s Municipal Code.

**Minimum Floor Area** - Minimum floor area for each dwelling unit is 650 square feet and this application for a 4,031 square foot dwelling unit is consistent with Section 17.20.030.C of the City’s Municipal Code.

**Minimum Yard Area** - Minimum yard areas (setbacks) with the “d” Setback Designator are established at 25 feet from the ultimate right-of-way or front property line, 5 feet from the interior side property line and 10 feet from the side street ultimate right-of-way, and 25 feet from the rear property line. The application is consistent with Section 17.20.030.D of the City’s Municipal Code.
Maximum Floor Area Ratio (FAR) - Pursuant to the development standards for the LMR Zone that were in effect at the time the project was deemed complete, the FAR for the proposed project is established at:

- 60% for the first 5,000 square feet of lot area;
- 30% for any lot area between 5,000 and 20,000 square feet.

The Applicant’s lot size is 8,300 square feet. Thus, the maximum allowable FAR for this project is 3,990 square feet (3,000 + 990 = 3,990) calculated as follows: (.60 x 5,000 = 3,000) and (.30 x 3,300 = 990). The project proposes gross floor area\(^1\) of 3,631 square feet (4,031 - 400 = 3,631). Gross floor area excludes 200 square feet each for the two parking spaces in the garage (400 square feet). The proposed gross floor area of 3,631 square feet is less than the maximum allowable floor area of 3,990 square feet and the application is consistent with Section 17.20.030.F of the City’s Municipal Code.

The proposed residence includes an approximately 210 square foot covered outdoor deck or logia in the southwest corner of the upper level. To ensure that the development of the subject property is not intentionally or unintentionally converted to gross floor area at a future date, staff has added a condition of project approval which requires the property owners to execute a deed restriction (or covenant against the property) to the benefit of the City for recordation at the San Diego County Recorder’s Office. This deed restriction limits the conversion of the covered upper level deck to gross floor area, through the addition of windows or other features, per Solana Beach Municipal Code, Section 17.08.030. The deed restriction is required to be recorded prior to building permit issuance. As conditioned, the Applicant’s project conforms to the Maximum Floor Area Ratio regulations applicable to the LMR Zone at the time the project was deemed complete.

Although the permit request for the proposed project is not subject to review under development standards established by voter-approved Ordinance No. 357, a preliminary analysis of the project (in accordance with staff's interpretation of Ordinance No. 357) indicates that the maximum allowable FAR for the 8,300 square foot lot within the Scaled Residential Overlay Zone (SROZ) would be 3,577.5 square feet. The project proposes gross floor area\(^2\) of 3,631 square feet (4,031 - 400 = 3,631). Gross floor area excludes 200 square feet for each of the two parking spaces in the garage (400 square feet).

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\(^1\) Gross Floor Area: The area included within the surrounding exterior finished wall surface of a building or portion thereof, including lofts and mezzanines, but exclusive of required parking (200 square feet per space), courtyards, and basements (must have 60 percent or more of the story height below pre-existing or finished grade, whichever is lower). Solana Beach Municipal Code Section 17.08.030.
Ordinance No. 357 maximum FAR

<table>
<thead>
<tr>
<th>Garage</th>
<th>516 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lower Level Living Area</td>
<td>2,015 square feet</td>
</tr>
<tr>
<td>Upper-Level Living Area</td>
<td>1,500 square feet</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>4,031 square feet</strong></td>
</tr>
<tr>
<td>Excluding Required Parking</td>
<td>- 400 square feet</td>
</tr>
<tr>
<td><strong>Total Proposed FAR (Ord. 357)</strong></td>
<td><strong>3,631 square feet</strong></td>
</tr>
</tbody>
</table>

[Maximum Allowable FAR (Ord. 357) 3,577.5 square feet]

**Maximum Building Height**—Development standards within the LMRd Zone establish a maximum height limit of 25 feet. The residential structure is proposed to be a height of 24.6 feet above existing grade. The project design includes a chimney which is two feet higher than the surrounding ridge line and complies with SBMC 17.08.03. A condition of approval requires that prior to framing inspection the Applicant submit final height certificates prepared by a licensed land surveyor to certify that the final height of the structure, including roofing materials, does not exceed 24.6 feet above existing grade. As conditioned, the final height of the structure shall not exceed 25 feet as measured from finished and existing grade and be consistent with Section 17.20.030.G of the City’s Municipal Code.

**Specific Requirements - SBMC Section 17.20.040**

**Fences, Walls and Retaining Walls**—With several specific exceptions, no fence, wall, retaining wall or combination thereof over 42 inches in height is allowed within a required minimum front or side street yard area; and, no fence, wall, retaining wall or combination thereof over 6 feet is allowed within a required minimum side or rear yard area. A condition of approval requires fences, walls, retaining walls, to comply with these residential fence, wall and retaining wall height regulations. The retaining wall along the eastern boundary is a stepped retaining wall and each of the two walls will be 3 to 4 feet high meeting these requirements.

**Landscaping Regulations – SBMC Section 17.56**

15.56.020. Provisions for new or rehabilitated landscapes—This Section of the SBMC requires that the developer shall install landscaping in single-family and multifamily projects. Section 15.56.020.B.1 exempts homeowner-provided landscaping at single-family projects. However, because the Applicant is not the homeowner, this project is not exempt.

**Permitted Uses — SBMC Section 17.20.020**

Permitted Uses and Structures—This section provides that permitted uses with a zoning designation in the MR Zone include and support the use of a single-family residence designed and used to house not more than one family including all domestic employees of
such family. The Applicant is proposing the use of the property with a single-family residence with no accessory uses or structures. Therefore the proposal is consistent with Section 17.20.020 of the City's Municipal Code.

Public Hearing Notices – SBMC Section 17.72.010

The public noticing of this project was mailed to residents and owners within 300 feet of the property. Staff additionally distributed public notice to surrounding property owners and residents advertising the date of the City Council public hearing. Staff also published notice of the public hearing in the Legal Advertisements section of the North County Times ten days prior to the public hearing.

Structure Development Permit/View Assessment Process— Story poles were erected on the property in accordance with SBMC 17.63. A Story Pole Height Certificate was issued by a licensed land surveyor on February 7, 2007, which showed the maximum height of the proposed structure at 24.6 feet above existing grade. Notices of the Applicant's Structure Development Permit request were prepared and mailed to all property owners and residents within 300 feet of the subject property. The deadline for requesting view assessment lapsed on April 5, 2007 with no application for view assessment filed. Therefore, the application for a Structure Development Permit is consolidated and the matter will be heard by the City Council according to the procedures set forth for a Development Review Permit.

All requirements have been met for the approval of the Structure Development Permit. The project has been conditioned to require final height certificates necessary to demonstrate that the final height of the structure (including roofing materials) shall not exceed the height of story poles established and viewed during the 30-day review period. As of the date of preparation of this staff report, staff has received no public comment or correspondence on the project.

FINDINGS:

The following is a discussion of the required findings necessary for the City Council to approve the application for a Development Review Permit and Structure Development Permit as set forth in Title 17 (Zoning) of the Solana Beach Municipal Code (SBMC).

In accordance with SBMC Section 17.68.040.H (Development Review Permit), the following findings are required to be made by the City Council in order to approve the Applicants request for a Development Review Permit.

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

General Plan Consistency: The proposed project, as conditioned, is consistent with the General Plan and the land use designation of Low-Medium Residential (LMR), which allows for the development of single-family residences on legal
parcels. Further, the proposed development is consistent with the objectives of the General Plan because it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods.

Zoning Ordinance Consistency: The proposed project, as conditioned, is consistent with all applicable requirements of the SBMC Title 17 (Zoning Ordinance), such as Permitted Uses and Structures (SBMC Section 17.20.020), which provides for uses of the property consistent with the zoning regulations. Further, the proposed project adheres to all property development regulations established for the LMR Zone and cited by SBMC Section 17.020.030. Such regulations are all met in the design of the proposed project and include: minimum yard dimensions (i.e., setbacks), maximum floor area ratio, maximum building height and parking. Other applicable requirements of development within the LMR Zone relevant to this project include SBMC 17.20.040 (Fences and Walls) and SBMC 17.20.080 (Landscaping Requirements).

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

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

The proposed single-family residence is designed in a manner that is compatible with other nearby development because the proposed use is the same as other nearby development and will have the same or similar operational effects as the other nearby single-family residences. The proposed development complies with the setback, height, and floor area ratio requirements established by the LMR Zone and would be compatible with existing and potential future development designed to be consistent with the same development regulations. No adverse effects upon neighboring properties have been identified from this development. The surrounding areas are protected from potential adverse effects by the fact that the adjacent parcel to the south is being developed by the same Applicant, public streets are adjacent to both the west and north of the parcel and both required yard setbacks and a vertical elevation difference with the residence to the east provides an adequate buffer. These same factors provide protection of the property from adverse surrounding influences such as negative impacts to light, air and noise.
An analysis of the development characteristics of nearby residences was completed to compare the proposed residence with nearby residential development. The area analyzed included lots within the same LMR Zone that are located on the east side of North Granados and the west side of Glenmont Avenue southward to El Viento and northward approximately half way to Lynnwood Avenue. The average lot size in the area analyzed is approximately 8,500 square feet and ranges from 8,300 to 16,600 square feet. The average total floor area of structures is approximately 1,700 square feet and ranges from 947 to 3,721 square feet. The proposed 4,031 square foot (3,631 gross square foot) residence is approximately 2,300 square feet larger than the existing residences. The maximum size of future residences under Ordinance No. 357 would be approximately 3,600 gross square feet. The proposed residence is approximately the same size as the maximum size of future residences in the area analyzed.

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

The site layout and design of the proposed project, as conditioned, visually and functionally enhances its intended use as a single-family residence because the traditional architectural design of the structure is compatible with nearby structures, provides adequate setback distances from adjacent development to accommodate landscape screening and is consistent with the design and orientation of developments within the LMR Zone. The proposed development meets applicable development regulations such as setbacks, height, and floor area ratio.

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

The Applicant is not intending to occupy the residence, therefore a Landscape Plan is required. The Landscaping Plan submitted provides for planting materials compatible with the climate and water-efficient irrigation system and shows that the developer will install front and rear yard landscaping prior to occupancy. The project site was previously developed and contained no native vegetation. The proposed project, as conditioned, will require replacement vegetation and landscaping pursuant to Section 17.56 of the SBMC. This will assure that the landscaping will be compatible with the vegetation of the surrounding area, trees and other large plantings shall not obstruct significant views when installed or at maturity, and drought tolerant plant materials and
water conserving irrigation systems shall be incorporated into all landscaping.

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

The proposed project involves the construction of a single-family residence. Thus, common access roads and pedestrian walkways are not required. Parking and outside storage areas will be screened from view to the extent feasible through their overall placement and through the provision of landscaping as required by conditions of project approval.

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

Grading in the amount of 700 cubic yards has been proposed to provide for level building pads, usable yard areas and stormwater drainage. Proposed grading is planned to be within 3 feet or less of the existing elevation so as to blend with the existing terrain both on and adjacent to the site. The landscaping required as a condition of approval will vegetate disturbed slopes, thereby preventing potential erosion problems.

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

The project, as conditioned, is consistent with the City’s Exterior Lighting Regulations in that all new exterior lighting fixtures shall be in conformance with the City-wide lighting regulations of the Zoning
Ordinance (SBMC 17.60.060). These regulations require that all light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area. This project is not located within the Dark Sky Overlay Zone.

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

Given the nature of the proposed development as a single-family residence located within the LMR Zone, recreational facilities are neither proposed nor required.

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

All required permits, including the Structure Development Permit, are being processed concurrently with the Development Review Permit. As previously indicated, all permit processing requirements for the Structure Development Permit have been satisfied in accordance with the City's View Assessment Ordinance (SBMC Section 17.63). As a condition of project approval, a Coastal Development Permit will be required to be obtained from the California Coastal Commission prior to issuance of building permits.

Conditions from the Planning, Engineering and Fire Departments have been incorporated into the attached Resolution 2007-100. As conditioned, all required findings can be made for the Development Review Permit and Structure Development Permit. Staff, therefore, recommends that the City Council approve the proposed project and adopt the attached Resolution of Approval.

CEQA COMPLIANCE STATEMENT

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the State CEQA Guidelines.

FISCAL IMPACT:

No significant direct impacts identified.

OPTIONS:

The City Council has the following options:

- Accept staff's recommendation adopting the attached Resolution 2007-100;
• Approve the project subject to additional specific conditions that are necessary for the City Council to make all required findings for the approval of the Development Review Permit and Structure Development Permit;

OR

• Deny the project if all required findings for the Development Review Permit and Structure Development Permit cannot be made.

**WORKPLAN:**

N/A

**DEPARTMENT RECOMMENDATION:**

Staff recommends the City Council:

1. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and

2. Adopt the attached Resolution 2007-100 conditionally approving a Development Review Permit and Structure Development Permit to construct a new single-family residence on Lot 9 at 360 North Granados Avenue, subject to the conditions of approval stated therein.

**CITY MANAGER’S RECOMMENDATION:**

Approve Department Recommendation

[Signature]

David Ott, City Manager

**Attachments:**
1. Project Plans
2. Site Photographs
3. Compatibility Analysis
4. Resolution 2007-100
RESOLUTION NO. 2007-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING A DEVELOPMENT REVIEW PERMIT AND STRUCTURE DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AT 360 NORTH GRANADOS AVENUE (LOT 9).

APPLICANT:  CONTASTI/HERNANDEZ

CASE NO.:  17-07-02 DRP/SDP

WHEREAS, Andrew and Annette Contasti and Joe Hernandez (hereinafter referred to as 'Applicant') has submitted an application for a Development Review Permit and Structure Development Permit pursuant to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, on July 11, 2007, the City Council held a duly noticed public hearing to consider the permit request; and

WHEREAS, at the hearing the City Council received and considered evidence concerning the proposed application; and

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

WHEREAS, the City Council of the City of Solana Beach found the application request exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines, and

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

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

1. That the foregoing recitations are true and correct.

2. That the request for a Development Review Permit and Structure Development Permit for a single-family residence on property at 360 North Granados Avenue, submitted February 1, 2007 and on file with the Community Development Department, is conditionally approved based upon the following findings and subject to the following conditions of approval:
3. FINDINGS

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

I. The proposed project, as conditioned, is consistent with the General Plan and the land use designation of Low-Medium Residential, which allows for the development of single-family residences on legal parcels. Further, the proposed development is consistent with the objectives of the General Plan because it encourages the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods. The proposed project, as conditioned, is consistent with all applicable requirements of the SBMC Title 17 (Zoning Ordinance), such as Permitted Uses and Structures (SBMC Section 17.20.020), which provides for uses of the property consistent with the zoning regulations. Further, the proposed project adheres to all property development regulations established for the LMRd Zone and cited by SBMC Section 17.020.030. Such regulations are all met in the design of the proposed project and include: minimum yard dimensions (i.e. setbacks), maximum floor area ratio, maximum building height and parking. Other applicable requirements of development within the LMRd Zone relevant to this project include SBMC 17.20.040 (Fences and Walls) and SBMC 17.20.080 (Landscaping Requirements).

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

a. Relationship with Adjacent Land Uses — The proposed single-family residence is designed in a manner that is compatible with other nearby development because the proposed use is the same as other nearby development and will have the same or similar operational effects as the other nearby single-family residences. The proposed development complies with the setback, height, and floor area ratio requirements established by the LMRd Zone and would be compatible with existing and potential future development designed to be consistent with the same development regulations. No adverse effects upon neighboring properties have been identified from this development. The surrounding areas are protected from potential adverse effects by the fact that the adjacent parcel to the south is being developed by the same applicant, public streets are adjacent to both the west and north of the parcel and both required yard setbacks and a vertical elevation difference with the residence to the east provides an adequate buffer. These same factors provide
protection of the property from adverse surrounding influences such as negative impacts to light, air and noise.

An analysis of the development characteristics of nearby residences was completed to compare the proposed residence with nearby residential development. The area analyzed included lots within the same LMRd Zone that are located on the east side of North Granados and the west side of Glenmont Avenue southward to El Viento and northward approximately half way to Lynnwood Avenue. The average lot size in the area analyzed is approximately 8,500 square feet and ranges from 8,300 to 11,000 square feet. The average total floor area of structures is approximately 1,700 square feet and ranges from 947 to 3,721 square feet. The proposed 4,031 square foot (3,631 gross square foot) residence is approximately 2,300 square feet larger than the existing residences. The maximum size of future residences under Resolution #357 would be approximately 3,402.5 gross square feet. The proposed residence is approximately 228.5 square feet larger than the maximum size of future residences in the area analyzed.

b. **Building and Structure Placement** — The site layout and design of the proposed project, as conditioned, visually and functionally enhances its intended use as a single-family residence because the traditional architectural design of the structure is compatible with nearby structures, provides adequate setback distances from adjacent development to accommodate landscape screening and is consistent with the design and orientation of developments within the LMRd Zone. The proposed development meets applicable development regulations such as setbacks, height and floor area ratio.

c. **Landscaping** — The project site was previously developed and contained no native vegetation. The proposed project, as conditioned, will require replacement vegetation and landscaping pursuant to Section 17.56 of the SBMC. This will assure that the landscaping will be compatible with the vegetation of the surrounding area; trees and other large plantings shall not obstruct significant views when installed or at maturity; and drought tolerant plant materials and water conserving irrigation systems shall be incorporated into all landscaping.

d. **Roads, Pedestrian Walkways, Parking and Storage Areas** — The proposed project involves the construction of a single-family residence. Thus, common access roads and pedestrian walkways are not required. Parking and outside storage areas
will be screened from view to the extent feasible through their overall placement and through the provision of landscaping as required by conditions of project approval.

e. **Grading** — Grading in the amount of 150 cubic yards has been proposed to provide for level building pads, usable yard areas and storm water drainage. Proposed grading is planned to be within 2.5 feet or less of the existing elevation so as to blend with the existing terrain both on and adjacent to the site. The landscaping required as a condition of approval will vegetate disturbed slopes, preventing potential erosion problems.

f. **Lighting** — The project, as conditioned is consistent with the City's Exterior Lighting Regulations in that all new exterior lighting fixtures shall be in conformance with the City-wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). These regulations require that all light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area. The project site is not located within the Dark Sky Overlay Zone; therefore, regulations established by SBMC Section 17.60.060.C (Dark Sky Areas) do not apply.

g. **Usable Open Space** — Given the nature of the proposed development as a single-family residence located within the LMRd Zone, recreational facilities are neither proposed nor required.

III. All required permits, including the Structure Development Permit, are being processed concurrently with the Development Review Permit. All permit processing requirements for the Structure Development Permit have been satisfied in accordance with the City's View Assessment Ordinance (SBMC Section 17.63). As a condition of project approval a Coastal Development Permit will be required to be obtained from the California Coastal Commission prior to issuance of building permits.

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

I. The height of the proposed structure as indicated on the project plans is detailed at 24.6 feet as measured from finished and existing grade. Notices of the Applicant's Structure Development Permit request were prepared and mailed to all property owners and residents within 300 feet of the subject property. The deadline for requesting view assessment lapsed on April 7, 2007 with staff receiving one
application for view assessment. Prior to review of the project by the View Assessment Committee, the appellant submitted written indication that the application for view assessment had been withdrawn. As a result, all requirements of the Structure Development Permit have been met. As a condition of project approval, prior to final inspection, the Applicant shall be required to demonstrate through the submittal of a final height certificate prepared and signed by a licensed land surveyor, that the final height of the structure (including roofing materials) shall not exceed the elevation of story poles established and viewed during the 30-day review period and that the final height of the structure does not exceed the heights reviewed by Council and proposed during review of the project.

4. CONDITIONS OF APPROVAL

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

A. Community Development Department Conditions:

I. The Applicant shall pay required Public Facilities Fees, as established by SBMC Section 17.72.020 and Resolution 1987-36. Public facilities fees are calculated at 1% of the building permit valuation minus credit per square foot given for existing structures to be demolished. Credit established shall be calculated at 1% of the value of the building to be demolished. To determine credit established for existing structures, building plans must accurately detail existing square footage to be demolished.

II. Prior to final inspection, the Applicant shall submit for approval by the Community Development Director, a final height certificate prepared by a licensed land surveyor, demonstrating that the height of the structure (including roofing materials) does not exceed 24.6 feet as measured from the lower of finished or pre-existing grade. Additionally, said height certificate shall demonstrate the following:

i. The final height of the structure (including roofing materials) shall not exceed an elevation of 124.36 feet above mean sea level; and

ii. The final height for the structure (including roofing materials) shall not exceed 24.6 feet as measured from finished and existing grade.
III. Fences, walls, retaining walls, hedges, and other dense landscaping shall comply with the residential fence and wall height regulations (SBMC 17.20.040), as well as, additional special regulations cited by the Municipal Code and pertinent to fences and walls (SBMC 17.60.070).

IV. The Applicant shall submit a landscape documentation package as required in Section 17-07-030 of SBMC. This will provide replacement vegetation and landscaping compatible with the vegetation of the surrounding area. The Applicant is encouraged to provide native or naturalized non-native vegetation. Trees and other large plantings shall not obstruct significant views when installed or at maturity. Drought tolerant plant materials and water conserving irrigation systems shall be incorporated into all landscaping.

V. All new exterior lighting fixtures shall be in compliance with the City-wide lighting regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities that render them detrimental to the surrounding area.

VI. The Applicant shall obtain all California Coastal Commission required approvals prior to issuance of any grading or building permits.

VII. The Applicant shall submit for approval by the Community Development Director, revised development plans that reflect the Applicant’s offer to reduce the proposed height and size of the single-family residence. The revised plans shall demonstrate the following:

i. Reduce the elevation of the roof above mean seal level a minimum of two feet (from 126.36 to 124.36) by lowering the building pad elevation, decreasing the top plate framing height for the first or second stories, or a combination of both measures;

ii. Create additional architectural articulation of the west elevation by recessing portions of the first story a minimum of two feet so as to create a two-foot overhang of the second floor and provide additional architectural details that break up the flat plane of the western building elevation;

iii. Reduce the floor area of the residence a minimum of 230 square feet by eliminating an approximately one-foot wide slice of the two-story portion of the structure from the west elevation to the east elevation; and
iv. Remove or obliterate the striping on the existing pavement outside of the traveled way on the east side of North Granados Avenue and the south side of Cliff Street. If the existing striped pavement, previously used for parking by the Church, is on private property, the area shall be included in the landscape plans and be landscaped. If the existing striped pavement is within the public road right-of-way, the Applicant is encouraged to obtain an encroachment permit and replace the existing pavement with landscaping that will not obstruct sight distance for vehicles.

B. Fire Department Conditions:

I. Fire mitigation fees shall be paid based on gross square footage and type of construction.

II. Fire plan review fees shall be paid based on current schedule.

III. If subsequently proposed, security gates for vehicles or pedestrians, or both, shall be provided with an electronic switch keyed to the Fire Department’s security key system. This switch shall activate the gate and hold the gate in an open position until released by the Fire Department key. A manual override lock release system must be provided in the event of power failure. Manual gates shall have a Fire Department lock box installed with the gate key inside.

IV. Approved address signage must be placed in a position to be plainly visible from the street fronting property.

V. A fire sprinkler system meeting the requirements of NFPA Standard #13, 13D, 13R and local amendments must protect the project.

VI. All plans for any fire alarm, fire sprinkler system, or fixed extinguishing system shall be submitted to the Fire Department for approval prior to installation.

VII. Roof covering must be Class A minimum, no wood shakes or shingles allowed.

VIII. During formal plans review of any building or project, additional Fire Department requirements may be imposed.

C. Engineering Department Conditions:
I. The Applicant shall obtain an encroachment permit in accordance with Chapter 11.20 of the Solana Beach Municipal Code, prior to the construction of any improvements within the public right-of-way, including, but not limited to temporary construction staging and equipment and demolition of existing surface improvements.

II. The Applicant shall submit proof to the Engineering Department that the required California Coastal Commission permits have been obtained prior to the recording of any lot line adjustments/plat maps and issuance of building permits and/or grading permits.

III. Obtain a grading permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. Conditions prior to the issuance of a grading permit shall include, but not limited to the following:

   a) The grading plan shall be prepared by a registered engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the Solana Beach Municipal Code.

   b) A soils report shall be prepared by a registered soil engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control and soil integrity. The grading plan shall incorporate all recommendations contained in the soils report.

   c) Letters of permission to grade shall be obtained from adjoining property owners for grading that is within three feet of the property line or on adjacent properties.

   d) All retaining walls and drainage structures shall be shown. Retaining walls shown on the grading plan shall conform to the San Diego Regional Standards or be designed by a licensed civil engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at grading plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the City of Solana Beach Municipal Code.

   e) An Erosion Control Plan shall be prepared. Best management practices shall be developed and implemented to manage storm water and non-storm water discharges from the site at all times during excavation and grading activities. Erosion prevention shall be emphasized as the most important measure for keeping sediment on site during excavation and grading activities.
Sediment controls shall be used as a supplement to erosion prevention for keeping sediment on site.

f) The Applicant shall demonstrate to the satisfaction of the City Engineer that the project does not increase storm water runoff or peak discharge from the existing condition, and that the requirements of SBMC 13.10 Storm Water Management and the RWQCB Final Order R9-2007-0001 are met.

g) All site and roof drainage shall be directed toward pervious areas on site and not toward the side properties or the public right of way.

h) No cross lot drainage shall be allowed, except where existing.

i) Obtain and submit grading securities in a form prescribed by the City of Solana Beach Municipal Code grading ordinance.

j) Pay grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.

IV. Prior to obtaining a building permit, submit a building pad certification statement from a soils engineer and an engineer or land surveyor licensed in Land Surveying per SBMC 15.40.200.

V. A sewer permit and encroachment permit are required for private sewer lateral. Prior to obtaining a building permit, the Applicant shall pay in full the one-time sewer capacity/connection fees of $4500.00 per equivalent dwelling unit (EDU) for the additional sewer connection in addition to the existing connection for the church. The Applicant shall also pay in full the prorated annual sewer charge for the remainder of the fiscal year. The annual fee is $484.13 per EDU. The existing church connection may be utilized for either lot 9 or lot 10, whichever coincides most closely with the location of the existing lateral. If the lowest point of the pad elevation of each dwelling is lower than the upstream Manhole rim elevation, a backflow prevention device shall be installed on each lot. Whether applicant pumps up to main sewer line, or gravity flows down to main sewer line the applicant shall record a document holding the City of Solana Beach harmless in case of sewer backup into dwelling(s) due to blockage in main. The applicant shall coordinate with the Public Works inspector to allow the inspector to inspect the entire length of the private sewer lines before backfilling.
D. Other Conditions:

I. Prior to occupancy, the applicant shall underground all new utility services, including but not limited to electrical and telephone.

II. Prior to occupancy, the applicant shall complete to the satisfaction of the City Engineer all grading, paving, landscaping and drainage improvements. Provide As-Built soils report.

III. Prior to occupancy, the applicant shall submit certification from a registered civil engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans.

IV. Prior to occupancy, the applicant shall remove or repair failed or inadequate pavement from centerline adjacent to the site.

V. Prior to occupancy, the Applicant shall have a licensed landscape architect or contractor, certified irrigation designer or other licensed or certified professional in a related field, conduct a final field observation and provide a certificate of substantial completion to the City. The certificate shall specifically indicate that plants were installed as specified, that the irrigation system was installed as designed, and that an irrigation audit has been performed, along with a list of any observed deficiencies.

VI. The applicant shall comply with all applicable sections of the City of Solana Beach Municipal Code and Engineering Standards

VII. Proper dust control measures shall be utilized by the Applicant such as watering down the site operations and periodic sweeping of the streets adjacent to the site to reduce the impact of construction activities on neighboring properties.

VIII. Construction equipment shall only be operated on Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m. and on Saturdays between the hours of 8:00 a.m. and 7:00 p.m. No construction equipment shall be operated on Sundays or legal holidays as referenced in SBMC Section 7.34.100 (Construction Hours and Noise Levels).

IX. All development on the site shall substantially conform to the final development plan approved by the City Council, with subsequent revisions approved by the Community Development Director.

X. All debris and/or materials that leave the property shall be cleaned up on a daily basis.
5. EXPIRATION: The Development Review Permit and Structure Development Permit for the project will expire on July 11, 2009, unless the Applicant has obtained building permits, has commenced construction prior to that date and diligently pursues construction to completion. Any extension of the permit expiration may be granted by the City Council.

6. INDEMNIFICATION AGREEMENT: In the event of litigation, the Applicant shall enter into an Indemnification Agreement with the City of Solana Beach whereby the Applicant agrees to bear the cost associated with defending the project approvals in court. If the City chooses to hire its own attorney, then the City must pay its own costs. The City will immediately notify the Applicant of any challenge or suggested challenge. The Agreement shall be approved by the City Attorney.

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

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 11th day of July 2007, by the following vote:

AYES: Councilmembers – Heebner, Kellejian, Roberts, Campbell

NOES: Councilmembers – None

ABSENT: Councilmembers – Nichols

ABSTAIN: Councilmembers – None

LES A HEEBNER, Mayor

APPROVED AS TO FORM:

JAMES P. LOUGH, City Attorney

ATTEST:

ANGELA IVEY, City Clerk
City of Solana Beach  
5/28/2009  
360 N Granados Ave  
Request for extension.

As per your request our intentions are as follows
6/09 secure extension of city approval
7/09 secure building permit
8/09- 2/10 locate and secure construction financing
3/10 Construction (grading)
4/10- 11-10 Construction (building)

Above time frame is dependent on many factors including but not limited to time to process plans thru the city, Locating and securing a construction loan of permitted project.

SIGNED AS PER CITY REQUEST
6/22/09

[Signature]