

CITY OF SOLANA BEACH

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



AGENDA

Joint ADJOURNED REGULAR Meeting

Tuesday, July 10, 2018 * 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 on Cox Communications-Channel 19, Spectrum(Time Warner)-Channel 24, and AT&T U-verse Channel 99. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's website.

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 courtesy agenda posting. Materials submitted for consideration should be forwarded to the City Clerk's department 858-720-2400. The designated location for viewing public documents is the City Clerk's office at City Hall during normal business hours.

SPEAKERS

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.

AMERICAN DISABILITIES ACT TITLE 2

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

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

CITY COUNCILMEMBERS

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, 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:

FLAG SALUTE:

APPROVAL OF AGENDA:

ORAL COMMUNICATIONS:

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. Comments relating to items on this evening's agenda are taken at the time the items are heard. 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 (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.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Solana Beach School District for Crossing Guard Services. (File 0860-35)

Recommendation: That the City Council

1. Adopt **Resolution 2018-089**

- a. Authorizing the City Manager to sign a Memorandum of Understanding with the Solana Beach School District for crossing guard services.
- b. Authorizing the City Manager to execute an agreement with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one year terms.
- c. Appropriating \$59,242 to the Professional Services expenditure account in the Traffic Safety budget unit and \$38,507 to the Reimbursed Cost revenue account, both in the General Fund.
- d. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

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

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

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. – B.2.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designees 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. Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: District-Based Elections: Receive Input From the Community and Council Consideration to Adopt (2nd Reading) Ordinance 488 Establishing District Boundary Maps and Sequence of Elections Pursuant to Elections Code § 10010. (File 0430-60)

Recommendation: That the City Council

1. Open the public hearing and invite members of the public to provide feedback; and
2. Close the public hearing; and
3. Adopt **Ordinance 488**, an Ordinance of the City of Solana Beach, California, Establishing a By-District Election Process in Four Council Districts With an Elective Office of Mayor Pursuant to California Elections Code § 10010 & California Government Code §§ 34871(C) & 34886, incorporating the adopted map and sequence of elections.

[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.

B.2. Public Hearing: Final Environmental Impact Report (EIR) and an Application for a Development Review Permit (DRP), Structural Development Permit (SDP), Minor Subdivision (SUB), Comprehensive Sign Plan (CSP) for Solana 101, a Mixed Use Development at the Northwest Corner of S. Highway 101 and Dahlia Drive (Case # 17-14-08 Applicant: Zephyr Partners. (File 0600-40)

The proposed Project meets the minimum objective requirements under the SBMC and the HWY 101 Specific Plan, is consistent with the General Plan and the LCP LUP, and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP, SDP and SUB. 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. Certify the FEIR and adopt **Resolution 2018-097**.
3. If the City Council certifies the FEIR and makes the requisite Findings of Fact and approves the project, adopt **Resolution 2018-099** conditionally approving a DRP and subsequent administrative approval of a SDP, for the Solana 101 project, a mixed use development, at the northwest corner of Highway 101 and Dahlia Drive, Solana Beach.
4. Provide direction to Staff either to return to the City Council for consideration of the CSP at a later date or authorize the City Manager and/or Community Development Director to review and approve the CSP.
5. If the City Council certifies the FEIR and approves the DRP and SDP and makes the requisite findings of fact and approves the SUB, adopt **Resolution 2018-098** conditionally approving the SUB and Tentative Map.

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

[Staff Report Attachment 8 - link](#) (redactions are made online only to personal contact info)

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 14, 2017

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 at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS:

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

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

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

- a. Business Liaison Committee – Zito, Edson.
- b. Fire Dept. Management Governance & Organizational Evaluation – Edson, Hegenauer
- c. Highway 101 / Cedros Ave. Development Committee – Edson, Heebner
- d. I-5 Construction Committee – Zito, Edson.
- e. Parks and Recreation Committee – Zito, Edson
- f. Public Arts Committee – Hegenauer, Heebner
- g. School Relations Committee – Hegenauer, Zahn
- h. Solana Beach-Del Mar Relations Committee – Zito, Heebner

ADJOURN:

Next Regularly Scheduled Meeting is January 11, 2018

Always refer the City’s website Event Calendar for updated schedule or contact City Hall.

www.cityofsolanabeach.org 858-720-2425

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 July 10, 2018 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 July 2, 2018 at 6:30 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., July 10, 2018, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk
City of Solana Beach, CA



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: June 27, 2018
ORIGINATING DEPT: City Manager's Office
SUBJECT: **Council Consideration of Resolution No. 2018-089 Approving a Memorandum Of Understanding with the Solana Beach School District for Crossing Guard Services**

BACKGROUND:

Over the past several months, members of the community have voiced their concerns over pedestrian safety crossing the on- and off-ramps to Interstate 5 on Lomas Santa Fe Drive. Particularly concerning is the safety of children walking to and from school as they attempt to cross the on- and off-ramps which has led to a decrease in children walking to school and the implementation of a "walking school bus" by students' parents to safely walk their children to school.

The City Council (Council) directed Staff to initiate a dialogue with the Solana Beach School District (District) to discuss the possibility of partnering to provide crossing guard services at these locations. In addition, the Council approved the Fiscal Year (FY) 2018/19 Work Plan that included a Priority Item to "Explore Partnership with the Solana Beach School District to Provide Crossing Guards on Lomas Santa Fe Drive at the I-5 Interchange".

This item before Council to consider Resolution 2018-089 (Attachment 1) to approve a Memorandum of Understanding (MOU) (Attachment 2) with the Solana Beach School District for Crossing Guard Services. If Council approves the MOU, Staff recommends the Council authorize the City Manager to enter into a Professional Services Agreement with ACMS (Attachment 3) to provide crossing guard services for one year with the option to extend the agreement for up to four additional one year terms.

COUNCIL ACTION:

DISCUSSION:

The City would like to promote walking and biking throughout the community and wants to ensure it is safe to do so. The City and the District expressed an interest to work in cooperation with one another to share the costs and provide professional crossing guard services at this interchange during the hours students walk to and from school. In order to fulfil this need, the City requested quotes from companies who provide crossing guard services.

There are two intersections which pose a safety concern for students who would like to walk or bike to and from school from neighborhoods east of the I-5 freeway to Skyline Elementary School which is west of the I-5 freeway and from neighborhoods west of the interchange to Solana Vista Elementary School which is east of the I-5 freeway: 1) The intersection of Lomas Santa Fe and the I-5 northbound ramp and 2) The intersection of Lomas Santa Fe and the I-5 southbound on-ramp and off-ramp.

Solana Beach School District Memorandum of Understanding

Both the City and the District agree that providing crossing guard services will be beneficial to school children and the public as a whole. In order to provide such services, City and District staff recommend the Council consider the MOU included herein as Attachment 2 for crossing guard services.

The MOU includes a cost-share provision outlined in Sections 3 and 4 whereby the School District will be responsible for sixty-five percent (65%) of the actual costs of providing crossing guard services as outlined in the agreement. The City will be responsible for thirty-five percent (35%) of the costs as well as conducting administration and contract management services. The City shall retain sole discretion in the selection, hiring and provision of crossing guard services, which the City may accomplish through an agreement with an independent contractor. The crossing guard services shall include the provision of personnel equipped and trained in appropriate procedures for crossing pedestrians in accordance with all state and local laws and regulations. The City shall coordinate with the District to establish, and modify if necessary, the location and schedule of the crossing guards.

Staff recommends that City Council consider approval of this MOU with the Solana Beach School District.

Crossing Guard Services Agreement

The City solicited proposals from four companies who offer crossing guard services. After evaluation of the intersections in question by one of the companies, ACMS, it was determined that three guards would be needed to ensure the safety of children crossing

the southbound on-ramp and off-ramp intersection west of I-5 and one would be required at the northbound on-ramp intersection east of I-5.

The results of the proposals are summarized in the table below:

Company Name	Hourly Rate	Number of Guards	Shift	Total Price
Patrol Masters	\$ 44.00	4	2-hour shifts daily per guard	\$ 63,360.00
ACMS	\$ 20.57	4	4-hour shifts daily per guard	\$ 59,241.60
CitiGlobal	*Unable to bid, because 6 hour minimum per shift			
American Guard Services	*No response after several follow-ups			

Patrol Masters currently provides crossing guard services in the cities of Carlsbad and San Marcos. However, ACMS had a strong proposal with good references, was extremely responsive and offered a lower cost. ACMS provides crossing guard services for cities nationwide including numerous cities in California.

Although crossing guards are only needed for about 30 minutes in the morning and 30 minutes in the afternoon, companies who provide these services cannot hire and retain employees to work only one hour per day. To satisfy labor law requirements and attract and retain employees, the companies offer either minimum shifts of four hours per day or they pay extremely high hourly rates for shorter shifts. Patrol Masters chooses to pay high hourly rates for 2-hour daily shifts whereas ACMS pays a lower hourly rate for 4-hour shifts.

The rates of pay include all costs including the recruitment of guards, background clearance, training, insurance, and the supervision and management of the crossing guard program.

ACMS proposes the guards be on site for 1 hour in the morning (8:05 AM-9:05 AM) and 1.0 hour in the afternoon (2:50 PM-3:50 PM). Due to California Labor Laws ACMS will compensate the guards for an extra two hours of work.

For these reasons, Staff initiated negotiations with ACMS for a Professional Services Agreement (PSA). The PSA with ACMS (Attachment 3) is attached for Council consideration.

CEQA COMPLIANCE STATEMENT:

Not a project as defined by CEQA.

FISCAL IMPACT:

The total cost for the first year of the agreement is not to exceed \$59,242. The District will reimburse the City for sixty-five percent of this cost, or \$38,507, with the remaining thirty five percent, or \$20,735, being paid by the City. If the agreement were renewed

for an additional four years with the Solana Beach School District cost-share arrangement in place, the total fiscal impact to the City over the life of the agreement would be \$103,675.

Should the Council approve the MOU and PSA, Staff is recommending that an appropriation be made to the FY 2018/19 Adopted Budget for the cost of the crossing guard contract and for the reimbursement amount that will be received from the Solana Beach School District.

WORK PLAN:

In the FY 2018/19 Work Plan, this item is Community Character – Land Use and Planning – Priority Item 9

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation and provide direction.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council consider adoption of Resolution 2018-089:

1. Authorizing the City Manager to sign a Memorandum of Understanding with the Solana Beach School District for crossing guard services.
2. Authorizing the City Manager to execute an agreement with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one year terms.
3. Appropriating \$59,242 to the Professional Services expenditure account in the Traffic Safety budget unit and \$38,507 to the Reimbursed Cost revenue account, both in the General Fund.
4. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Resolution 2018-089
2. Solana Beach School District Memorandum of Understanding
3. Professional Services Agreement with ACMS

RESOLUTION 2018-089

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE SOLANA BEACH SCHOOL DISTRICT FOR CROSSING GUARD SERVICES

WHEREAS, the City of Solana Beach Fiscal Year 2018/19 Work Plan directed Staff to explore a partnership with the Solana Beach School District (District) to provide crossing guards on Lomas Santa Fe Drive at the I-5 interchange; and

WHEREAS, the City promotes walking and biking throughout the community to promote a healthier lifestyle and reduce vehicular traffic; and

WHEREAS, the safety of Solana Beach students walking to and from school is paramount; and

WHEREAS, the intersections of Lomas Santa Fe and the northbound and southbound ramps of the I-5 freeway were identified as possible locations for crossing guards to facilitate the safe crossing of school children; and

WHEREAS, both the City and the District agree that providing crossing guard services will be beneficial to school children and the public as a whole; and

WHEREAS, the District and the City have agreed to share the costs to provide crossing guard services.

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

1. That the above recitations are true and correct.
2. That the City Council authorizes the City Manager to execute the Memorandum of Understanding between the City and Solana Beach School District.
3. That the City Council authorizes the City Manager to execute an agreement with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one year terms.
4. That the City Council appropriates \$59,242 to the Professional

Services expenditure account in the Traffic Safety budget unit and \$38,507 to the Reimbursed Cost revenue account, both in the General Fund.

5. That the City Council authorizes the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

PASSED AND ADOPTED this 27th day of June 2018, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

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

DAVID A. ZITO, Deputy Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF SOLANA BEACH
AND
SOLANA BEACH SCHOOL DISTRICT**

This Agreement is entered into on June __, 2018 ("Effective Date"), by and between the City of Solana Beach ("City"), and Solana Beach School District ("District," collectively "the Parties"), for the purpose of setting forth the terms of the City's provision of crossing guard services near District school sites and the District's financial contribution for such services.

1. Term. The term of this Agreement shall commence on the Effective Date and expire on June 30, 2019. The Agreement automatically renews annually unless otherwise terminated under paragraph 7.

2. Crossing Guard Services. During the term of this Agreement, the City will provide crossing guard services near the District school site(s) described in Exhibit A for the purpose of increasing the safety of the public attending the District site(s). Crossing guard services provided by the City shall include the provision of personnel equipped and trained in appropriate procedures for crossing pedestrians in marked crosswalks, in accordance with all state and local laws, ordinances, or regulations. The City shall coordinate with the District to establish, and modify if necessary, the location and schedule of the crossing guard services.

3. Financial Contribution. During the term of this Agreement, the District will provide financial assistance to the City for crossing guard services provided by the City near the District school site(s) described in Exhibit A. The Parties acknowledge that the District's agreement to financially contribute to the City's provision of crossing guard services is for the sole purpose of assisting the City in providing such services during the term of this Agreement, which the Parties agree will be beneficial to school children and the public as a whole. The District's financial contribution shall be sixty-five percent (65%) of the actual costs incurred by the City in providing such services near the District school site(s) described in Exhibit A.

4. Billing. The City shall bill the District as follows:

a. The City will submit to the District, on a monthly basis, an invoice for sixty-five percent (65%) of the actual costs of providing crossing guard services under this Agreement. The City shall bill the District on the tenth (10th) day of each month. Payments to the City shall be due no later than thirty (30) days after the District's receipt of the billing.

b. The City's billing shall set forth the costs for crossing guard services actually rendered near District school sites in the immediately preceding billing period. This shall include, at a minimum, a break down and a summary of the actual costs incurred by the City in providing such crossing guard services for the applicable billing period.

c. At the District's request, the City shall timely provide any additional information, as is reasonable, regarding actual costs incurred by the City in providing crossing guard services under this Agreement.

d. All bills submitted under this Agreement shall be written and deposited in the United States mail, first class, post prepaid, and addressed to:

Lisa Davis
Assistant Superintendent, Business Services
Solana Beach School District
309 North Rios Avenue
Solana Beach, CA 92075

5. Crossing Guard Program. The Parties acknowledge and agree that the District's financial contribution shall be limited to the reimbursement of a portion of the City's expenses as provided in Section 3 above during the term of this Agreement. Nothing in this Agreement is to be construed or interpreted as the District or the City having undertaken the responsibility of providing crossing guard services at or near school sites after the termination of this Agreement. The Parties further acknowledge and agree that the City shall, during the term of this Agreement, be solely responsible for operating and managing the crossing guard program contemplated by this Agreement, and that this Agreement shall not be construed or interpreted as having created an employer-employee or independent contractor relationship between the City and District. The City retains sole discretion in the selection, hiring and provision of crossing guard services, which the City may accomplish through an agreement with an independent contractor, without the consent of the District.

6. Indemnification.

a. If the City elects to hire an independent contractor to provide the crossing guard services contemplated by this Agreement, any such agreement with a crossing guard service provider shall provide that such independent contractor will, at a minimum with respect to such independent contractor's fault or comparative fault as applicable, indemnify, hold harmless and defend both the City directly and the District as a third party beneficiary under such independent contractor agreement. The City shall provide a copy of any such agreement with the crossing guard provider to the District within thirty (30) days following City approval of the same.

b. To the extent that the City utilizes any of its employees in connection with providing the crossing guard services contemplated by this Agreement, the City agrees to indemnify, hold harmless, and defend the District, its officers, agents, and employees from and against any and all claims, demands, losses, legal and investigation expenses, or liability of any kind or nature, which the District, its officers, agents, and employees may sustain or incur, or which may be imposed upon them or any of them, for injury to, or death of persons, or damage to property as a result of, arising out of, or in any manner connected with, the performance of the City, its agents, representatives, or employees, under the terms of this Agreement, or with the condition of the City's property, excepting only liability arising out of sole negligence, recklessness or intentional misconduct of the District.

c. The District agrees to indemnify, hold harmless, and defend the City, its officers, agents, and employees from and against any and all claims, demands, losses, legal and investigation expenses, or liability of any kind or nature, which the City, its officers, agents, and employees may sustain or incur, or which may be imposed upon them or any of them, for injury to, or death of persons, or damage to property as a result of, arising out of, or in any manner connected with, the performance of the District, its agents, representatives, or employees, under the terms of this Agreement, or with the condition of the District's property, excepting only liability arising out of sole negligence, recklessness or intentional misconduct of the City.

d. In the event of claims arising out of the concurrent acts or omissions of both the City and the District, the parties agree to be responsible for, and to hold the other party harmless from, any judgment or payment attributed to it by judgment, settlement agreement, or other award. Where a trial verdict or arbitration award allocates or determines the comparative fault of the parties, or where the parties agree to a settlement determining the comparative fault of the parties, the District and the City may seek reimbursement or reallocation of defense costs, settlement payments, judgments, and awards, consistent with such comparative fault.

7. Termination. Either Party may terminate this Agreement, with or without cause, upon thirty (30) days written notice to the other. Notice of termination to the District shall be provided in the same manner as set forth in Section 4(d) above. Notice of termination to the City shall be provided in the same manner, but addressed to:

City of Solana Beach
635 S Highway 101
Solana Beach, CA 92075
Attn: City Manager

8. Entire Agreement. This Agreement constitutes the entire agreement and understanding of the Parties. There are no oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied, not contained herein. All prior understandings, terms, or conditions, written, oral, express, or implied, are superseded by this Agreement. This Agreement may be modified only by mutual written agreement of the Parties.

9. Board Approval. The Parties to this Agreement recognize that, to be enforceable, this Agreement must be approved or ratified by the District's Board of Education at a lawfully called meeting.

[SIGNATURES CONTINUED ON NEXT PAGE]

AGREED

SOLANA BEACH SCHOOL DISTRICT

Lisa Davis
Assistant Superintendent, Business Services

Date

CITY OF SOLANA BEACH

Gregory Wade
City Manager

Date

00177-00005/4274924.1

EXHIBIT A

DISTRICT SCHOOL SITE

During the term of this Agreement, crossing guard services will be provided near the following school site(s):

Three guards will be positioned on Lomas Santa Fe Drive where it intersects the Interstate 5 southbound ramp and one guard where it intersects the Interstate 5 northbound ramp as indicated in the photo below. This is the professional recommendation of the contractor providing the service. The actual configuration of guard numbers and position locations are subject to change pending review and evaluation of the crossing guard program at these sites to ensure student safety.



City of Solana Beach
PROFESSIONAL SERVICES AGREEMENT
FOR Crossing Guard Services

THIS Professional Services Agreement (“AGREEMENT”) is made and entered into this day of _____, 20____ by and between the CITY OF SOLANA BEACH, a municipal corporation (“CITY”), and, ACMS a California corporation, etc., (“CONSULTANT”) (collectively “PARTIES”).

WHEREAS, the CITY desires to employ a CONSULTANT to furnish Crossing Guard Services (“PROFESSIONAL SERVICES”) for a school-year crossing guard program (“PROJECT”); and

WHEREAS, the CITY has determined that CONSULTANT is qualified by experience and ability to perform the services desired by CITY, and CONSULTANT is willing to perform such services; and

WHEREAS, CONSULTANT will conduct all the work as described and detailed in this AGREEMENT to be provided to the CITY.

NOW, THEREFORE, the PARTIES hereto mutually covenant and agree with each other as follows:

1. PROFESSIONAL SERVICES.

- 1.1. **Scope of Services.** The CONSULTANT shall perform the PROFESSIONAL SERVICES as set forth in the written Scope of Services, attached as Exhibit “A” Scope of Services and Fee, at the direction of the CITY. CITY shall provide CONSULTANT access to appropriate staff and resources for the coordination and completion of the projects under this AGREEMENT.
- 1.2. **Project Coordinator.** The Assistant City Manager is hereby designated as the Project Coordinator for CITY and will monitor the progress and execution of this AGREEMENT. CONSULTANT shall assign a single Project Director to provide supervision and have overall responsibility for the progress and execution of this AGREEMENT for CONSULTANT. is hereby designated as the Project Director for CONSULTANT.
- 1.3. **City Modification of Scope of Services.** CITY may order changes to the Scope of Services within the general scope of this AGREEMENT consisting of additions, deletions, or other revisions. If such changes cause a change in the CONSULTANT’s cost of, or time required for, completion of the Scope of Services, an equitable adjustment to CONSULTANT’s compensation and/or contract time shall be made, subject to the CITY’S approval. All such changes shall be authorized in writing, executed by CONSULTANT and CITY.

2. DURATION OF AGREEMENT.

- 2.1. **Term.** The term of this AGREEMENT shall be for a period of one (1) year beginning from the date of execution of the AGREEMENT. Time is of the essence in the performance of work under this AGREEMENT, unless otherwise specified.
- 2.2. **Extensions.** If marked, the CITY shall have the option to extend the AGREEMENT for four (4) additional one (1) year periods or parts thereof for an amount not to exceed fifty nine thousand two hundred forty two dollars (\$59,242.00) per AGREEMENT year. Extensions shall be in the sole discretion of the City Manager and shall be based upon CONSULTANT’s satisfactory past performance, CITY needs, and appropriation of funds by the City Council. The CITY shall give written notice to CONSULTANT prior to exercising the option.

- 2.3. **Delay.** Any delay occasioned by causes beyond the control of CONSULTANT may merit an extension of time for the completion of the Scope of Services. When such delay occurs, CONSULTANT shall immediately notify the Project Coordinator in writing of the cause and the extent of the delay, whereupon the Project Coordinator shall ascertain the facts and the extent of the delay and grant an extension of time for the completion of the PROFESSIONAL SERVICES when justified by the circumstances.
- 2.4. **City's Right to Terminate for Default.** Should CONSULTANT be in default of any covenant or condition hereof, CITY may immediately terminate this AGREEMENT for cause if CONSULTANT fails to cure the default within ten (10) calendar days of receiving written notice of the default.
- 2.5. **City's Right to Terminate without Cause.** Without limiting its rights in the event of CONSULTANT's default, CITY may terminate this AGREEMENT, without cause, by giving written notice to CONSULTANT. Such termination shall be effective upon receipt of the written notice. CONSULTANT shall be compensated for all effort and material expended on behalf of CITY under the terms of this AGREEMENT, up to the effective date of termination. All personal property remaining in CITY facilities or on CITY property thirty (30) days after the expiration or termination of this AGREEMENT shall be, at CITY's election, considered the property of CITY.
- 2.6 **CONSULTANT** shall have the right to terminate this AGREEMENT by giving thirty (30) days written notice to CITY

3. COMPENSATION.

- 3.1. **Total Amount.** The total cost for all work described in the Scope of Services and Fee (Exhibit "A") shall not exceed fifty nine thousand two hundred forty two dollars (\$59,242.00) without prior written authorization from CITY. CONSULTANT shall bill the CITY for work provided and shall present a written request for such payment monthly.
- 3.2. **Additional Services.** CITY may, as the need arises or in the event of an emergency, request additional services of CONSULTANT. Should such additional services be required, CITY and CONSULTANT shall agree to the cost prior to commencement of these services.
- 3.3. **Costs.** Any costs billed to the CITY shall be in accordance with any terms negotiated and incorporated herein as part of Exhibit "A" Scope of Services and Fee.

4. INDEPENDENT CONTRACTOR.

- 4.1. CONSULTANT is, for all purposes arising out of this AGREEMENT, an independent contractor. The CONSULTANT has and shall retain the right to exercise full control and supervision of all persons assisting the CONSULTANT in the performance of said services hereunder, the CITY only being concerned with the finished results of the work being performed. Neither CONSULTANT nor CONSULTANT's employees shall in any event be entitled to any benefits to which CITY employees are entitled, including, but not limited to, overtime, retirement benefits, workers' compensation benefits, injury leave or other leave benefits. CONSULTANT is solely responsible for all such matters, as well as compliance with social security and income tax withholding and all other regulations and laws governing such matters.

5. STANDARD OF PERFORMANCE.

While performing the PROFESSIONAL SERVICES, CONSULTANT shall exercise the reasonable professional care and skill customarily exercised by reputable members of CONSULTANT's profession practicing in the metropolitan Southern California Area, and will use reasonable diligence and best judgment while exercising its professional skill and expertise.

6. WARRANTY OF CONSULTANT'S LICENSE.

CONSULTANT warrants that CONSULTANT is properly licensed with the applicable government agency(ies) for any PROFESSIONAL SERVICES that require a license. If the CONSULTANT lacks such license, this AGREEMENT is void and of no effect.

7. AUDIT OF RECORDS.

- 7.1. At any time during normal business hours and as often as may be deemed necessary the CONSULTANT shall make available to a representative of CITY for examination all of its records with respect to all matters covered by this AGREEMENT and shall permit CITY to audit, examine and/or reproduce such records. CONSULTANT shall retain such financial and program service records for at least four (4) years after termination or final payment under this AGREEMENT.
- 7.2. The CONSULTANT shall include the CITY's right under this section in any and all of their subcontracts, and shall ensure that these sections are binding upon all subcontractors.

8. CONFIDENTIALITY.

All professional services performed by CONSULTANT, including but not limited to all drafts, data, correspondence, proposals, reports, research and estimates compiled or composed by CONSULTANT, pursuant to this AGREEMENT, are for the sole use of the CITY, its agents and employees. Neither the documents nor their contents shall be released to any third party without the prior written consent of the CITY. This provision does not apply to information that (a) was publicly known, or otherwise known to CONSULTANT, at the time that it was disclosed to CONSULTANT by the CITY, (b) subsequently becomes publicly known through no act or omission of CONSULTANT or (c) otherwise becomes known to CONSULTANT other than through disclosure by the CITY. Except for any subcontractors that may be allowed upon prior agreement, neither the documents nor their contents shall be released to any third party without the prior written consent of the CITY. The sole purpose of this section is to prevent disclosure of CITY's confidential and proprietary information by CONSULTANT or subcontractors.

9. CONFLICTS OF INTEREST.

- 9.1. CONSULTANT shall at all times comply with all federal, state and local conflict of interest laws, regulations, and policies applicable to public contracts and procurement practices, including but not limited to California Government Code Section 81000 *et seq.* (Political Reform Act) and Section 1090 *et seq.* CONSULTANT shall immediately disqualify itself and shall not use its official position to influence in any way any matter coming before the CITY in which the CONSULTANT has a financial interest as defined in Government Code Section 87103. CONSULTANT represents that it has no knowledge of any financial interests which would require it to disqualify itself from any matter on which it might perform services for the CITY.
- 9.2. If, in performing the PROFESSIONAL SERVICES set forth in this AGREEMENT, the CONSULTANT makes, or participates in, a "governmental decision" as described in Title 2, Section 18700.3(a) of the California Code of Regulations, or performs the same or substantially all the same duties for the CITY that would otherwise be performed by a CITY employee holding a position specified in the department's conflict of interest code, the CONSULTANT shall be subject to a conflict of interest code requiring the completion of one or more statements of economic interests disclosing the CONSULTANT's relevant financial interests.
- 9.3. If checked, the CONSULTANT shall comply with all of the reporting requirements of the Political Reform Act. Specifically, the CONSULTANT shall file a Fair Political Practices Commission Form 700 (Assuming Office Statement) within thirty (30) calendar days of the CITY's determination that the CONSULTANT is subject to a conflict of interest code. The CONSULTANT shall also file a Form 700 (Annual Statement) on or before April 1 of each year of the AGREEMENT, disclosing any financial interests held during the previous calendar year for which the CONSULTANT was subject to a conflict of interest code.

- 9.4. CITY represents that pursuant to California Government Code Section 1090 *et seq.*, none of its elected officials, officers, or employees has an interest in this AGREEMENT.

10. DISPOSITION AND OWNERSHIP OF DOCUMENTS.

- 10.1. All documents, data, studies, drawings, maps, models, photographs and reports prepared by CONSULTANT under this AGREEMENT, whether paper or electronic, shall become the property of CITY for use with respect to this PROJECT, and shall be turned over to the CITY upon completion of the PROJECT or any phase thereof, as contemplated by this AGREEMENT.
- 10.2. Contemporaneously with the transfer of documents, the CONSULTANT hereby assigns to the CITY and CONSULTANT thereby expressly waives and disclaims, any copyright in, and the right to reproduce, all written material, drawings, plans, specifications or other work prepared under this AGREEMENT, except upon the CITY's prior authorization regarding reproduction, which authorization shall not be unreasonably withheld. The CONSULTANT shall, upon request of the CITY, execute any further document(s) necessary to further effectuate this waiver and disclaimer.

11. INSURANCE

- 11.1. CONSULTANT shall procure and maintain for the duration of the AGREEMENT insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the CONSULTANT, their agents, representatives, employees or subcontractors. Insurance shall be placed with insurers with a current A.M. Best's rating of no less than "A" and "VII" unless otherwise approved in writing by the CITY's Risk Manager.
- 11.2. CONSULTANT's liabilities, including but not limited to CONSULTANT's indemnity obligations, under this AGREEMENT, shall not be deemed limited in any way to the insurance coverage required herein. All policies of insurance required hereunder must provide that the CITY is entitled to thirty (30) days prior written notice of cancellation or non-renewal of the policy or policies, or ten (10) days prior written notice for cancellation due to non-payment of premium. Maintenance of specified insurance coverage is a material element of this AGREEMENT.
- 11.3. **Types and Amounts Required.** CONSULTANT shall maintain, at minimum, the following insurance coverage for the duration of this AGREEMENT:
- 11.3.1. **Commercial General Liability (CGL).** If checked the CONSULTANT shall maintain CGL Insurance written on an ISO Occurrence form or equivalent providing coverage at least as broad which shall cover liability arising from any and all personal injury or property damage in the amount of \$2,000,000.00 per occurrence and subject to an annual aggregate of \$4,000,000.00. There shall be no endorsement or modification of the CGL limiting the scope of coverage for either insured vs. insured claims or contractual liability. All defense costs shall be outside the limits of the policy.
- 11.3.2. **Commercial Automobile Liability.** If checked the CONSULTANT shall maintain Commercial Automobile Liability Insurance for all of the CONSULTANT's automobiles including owned, hired and non-owned automobiles, automobile insurance written on an ISO form CA 00 01 12 90 or a later version of this form or an equivalent form providing coverage at least as broad for bodily injury and property damage for a combined single limit of \$1,000,000.00 per occurrence. Insurance certificate shall reflect coverage for any automobile (any auto).

- 11.3.3. **Workers' Compensation.** If checked the CONSULTANT shall maintain Worker's Compensation insurance for all of the CONSULTANT's employees who are subject to this AGREEMENT and to the extent required by applicable state or federal law, a Workers' Compensation policy providing at minimum \$1,000,000.00 employers' liability coverage. The CONSULTANT shall provide an endorsement that the insurer waives the right of subrogation against the CITY and its respective elected officials, officers, employees, agents and representatives.
- 11.3.4. **Professional Liability.** If checked the CONSULTANT shall also maintain Professional Liability (errors and omissions) coverage with a limit of \$1,000,000 per claim and \$2,000,000 annual aggregate. The CONSULTANT shall ensure both that (1) the policy retroactive date is on or before the date of commencement of the Scope of Services; and (2) the policy will be maintained in force for a period of three years after substantial completion of the Scope of Services or termination of this AGREEMENT whichever occurs last. The CONSULTANT agrees that for the time period defined above, there will be no changes or endorsements to the policy that increase the CITY's exposure to loss. All defense costs shall be outside the limits of the policy.
- 11.4. **Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions are the responsibility of the CONSULTANT and must be declared to and approved by the CITY. At the option of the CITY, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the CITY, its officers, officials, employees and volunteers, or (2) the CONSULTANT shall provide a financial guarantee satisfactory to the CITY guaranteeing payment of losses and related investigations, claim administration, and defense expenses.
- 11.5. **Additional Required Provisions.** The commercial general liability and automobile liability policies shall contain, or be endorsed to contain, the following provisions:
- 11.5.1. The CITY, its officers, officials, employees, and representatives shall be named as additional insureds. The CITY's additional insured status must be reflected on additional insured endorsement form (20 10 1185 or 20 10 1001 and 20 37 1001) which shall be submitted to the CITY.
- 11.5.2. The policies are primary and non-contributory to any insurance that may be carried by the CITY, as reflected in an endorsement which shall be submitted to the CITY.
- 11.6. **Verification of Coverage.** CONSULTANT shall furnish the CITY with original certificates and amendatory endorsements effecting coverage required by this Section 11. The endorsement should be on forms provided by the CITY or on other than the CITY's forms provided those endorsements conform to CITY requirements. All certificates and endorsements are to be received and approved by the CITY before work commences. The CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

12. INDEMNIFICATION.

CONSULTANT agrees to indemnify, defend, and hold harmless the CITY, the Solana Beach School District ("DISTRICT") and their respective officers, officials, agents and employees from any and all claims, demands, costs or liabilities that arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of CONSULTANT, its employees, agents, and subcontractors in the performance of services under this AGREEMENT. CONSULTANT's duty to indemnify under this section shall not include liability for damages for death or bodily injury to persons, injury to property, or other loss, damage or expense arising from the sole negligence or willful misconduct by the CITY, the DISTRICT or their respective elected officials, officers, agents, and employees. CONSULTANT's indemnification obligations shall not be limited by the insurance provisions of this AGREEMENT. Notwithstanding the foregoing, in the event that a court determines that liability for any claim, demand, cost or liability was caused or contributed to by the negligence, recklessness, or willful misconduct of CITY or DISTRICT, liability will be apportioned between the PARTIES and the District, as applicable, based upon their respective degrees of culpability, as determined by the court, and CONSULTANT'S duty to indemnify CITY and DISTRICT will be limited accordingly. The PARTIES expressly agree that any payment, attorney's fees, costs or expense CITY incurs or makes to or on behalf of an injured employee under the CITY's self-administered workers' compensation is included as a loss, expense, or cost for the purposes of this section, and that this section will survive the expiration or early termination of this AGREEMENT.

13. SUBCONTRACTORS.

- 13.1.** The CONSULTANT's hiring or retaining of third parties (i.e. subcontractors) to perform services related to the PROJECT is subject to prior approval by the CITY.
- 13.2.** All contracts entered into between the CONSULTANT and its subcontractor shall also provide that each subcontractor shall obtain insurance policies which shall be kept in full force and effect during any and all work on this PROJECT and for the duration of this AGREEMENT. The CONSULTANT shall require the subcontractor to obtain, all policies described in Section 11 in the amounts required by the CITY, which shall not be greater than the amounts required of the CONSULTANT.
- 13.3.** In any dispute between the CONSULTANT and its subcontractor, the CITY shall not be made a party to any judicial or administrative proceeding to resolve the dispute. The CONSULTANT agrees to defend and indemnify the CITY as described in Section 12 of this AGREEMENT should the CITY be made a party to any judicial or administrative proceeding to resolve any such dispute.

14. NON-DISCRIMINATION.

CONSULTANT shall not discriminate against any employee or applicant for employment because of sex, race, color, age, religion, ancestry, national origin, military or veteran status, disability, medical condition, genetic information, gender expression, marital status, or sexual orientation. CONSULTANT shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their sex, race, color, age, religion, ancestry, national origin, military or veteran status, disability, medical condition, genetic information, gender expression, marital status, or sexual orientation and shall make reasonable accommodation to qualified individuals with disabilities or medical conditions. Such action shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. CONSULTANT agrees to post in conspicuous places available to employees and applicants for employment any notices provided by CITY setting forth the provisions of this non-discrimination clause.

15. NOTICES.

All communications to either party by the other party shall be delivered to the persons listed below. Any such written communications by mail shall be conclusively deemed to have been received by the addressee five (5) calendar days after the deposit thereof in the United States mail, postage prepaid and properly addressed as noted below.

Dan King, Assistant City Manager

City of Solana Beach
635 S. Highway 101
Solana Beach, CA 92075

Name
Address
Address
Address

16. ASSIGNABILITY.

This AGREEMENT and any portion thereof shall not be assigned or transferred, nor shall any of the CONSULTANT's duties be delegated or sub-contracted, without the express written consent of the CITY.

17. RESPONSIBILITY FOR EQUIPMENT.

CITY shall not be responsible nor held liable for any damage to persons or property consequent upon the use, misuse, or failure of any equipment used by CONSULTANT or any of CONSULTANT's employees or subcontractors, even if such equipment has been furnished, rented, or loaned to CONSULTANT by CITY. The acceptance or use of any such equipment by CONSULTANT, CONSULTANT's employees, or subcontractors shall be construed to mean that CONSULTANT accepts full responsibility for and agrees to exonerate, indemnify and hold harmless CITY from and against any and all claims for any damage whatsoever resulting from the use, misuse, or failure of such equipment.

18. CALIFORNIA LAW; VENUE.

This AGREEMENT shall be construed and interpreted according to the laws of the State of California. Any action brought to enforce or interpret any portion of this AGREEMENT shall be brought in the county of San Diego, California. CONSULTANT hereby waives any and all rights it might have pursuant to California Code of Civil Procedure Section 394.

19. COMPLIANCE WITH LAWS.

The Consultant shall comply with all laws, ordinances, regulations, and policies of the federal, state, and local governments applicable to this AGREEMENT whether now in force or subsequently enacted. This includes maintaining a City of Solana Beach Business Certificate.

20. ENTIRE AGREEMENT.

This AGREEMENT sets forth the entire understanding of the PARTIES with respect to the subject matters herein. There are no other understandings, terms or other agreements expressed or implied, oral or written, except as set forth herein. No change, alteration, or modification of the terms or conditions of this AGREEMENT, and no verbal understanding of the PARTIES, their officers, agents, or employees shall be valid unless agreed to in writing by both PARTIES.

21. NO WAIVER.

No failure of either the City or the Consultant to insist upon the strict performance by the other of any covenant, term or condition of this AGREEMENT, nor any failure to exercise any right or remedy consequent upon a breach of any covenant, term, or condition of this AGREEMENT shall constitute a waiver of any such breach of such covenant, term or condition.

22. SEVERABILITY.

The unenforceability, invalidity, or illegality of any provision of this AGREEMENT shall not render any other provision unenforceable, invalid, or illegal.

23. DRAFTING AMBIGUITIES.

The PARTIES agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this AGREEMENT, and the decision of whether or not to seek advice of counsel with respect to this AGREEMENT is a decision which is the sole responsibility of each Party. This AGREEMENT shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the AGREEMENT.

24. CONFLICTS BETWEEN TERMS.

If an apparent conflict or inconsistency exists between the main body of this AGREEMENT and the Exhibits, the main body of this AGREEMENT shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this AGREEMENT, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this AGREEMENT, the Exhibits, and laws, rules, regulations, orders, or codes are not deemed conflicts, and the most stringent requirement shall control. Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this AGREEMENT.

25. EXHIBITS INCORPORATED.

All Exhibits referenced in this AGREEMENT are incorporated into the AGREEMENT by this reference.

26. SIGNING AUTHORITY.

- 26.1. The representative for each Party signing on behalf of a corporation, partnership, joint venture, association, or governmental entity hereby declares that authority has been obtained to sign on behalf of the corporation, partnership, joint venture, association, or entity and agrees to hold the other Party or PARTIES hereto harmless if it is later determined that such authority does not exist.
- 26.2. If checked, a proper notary acknowledgement of execution by CONSULTANT must be attached.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AGREEMENT the day and year first hereinabove written.

CITY OF SOLANA BEACH, a municipal corporation

CONSULTANT, a California corporation

By:

By:

City Manager, Gregory Wade

Signature

Print Name and Title

ATTEST:

City Clerk. Angela Ivey

APPROVED AS TO CONTENT:

Dan King, Assistant City Manager

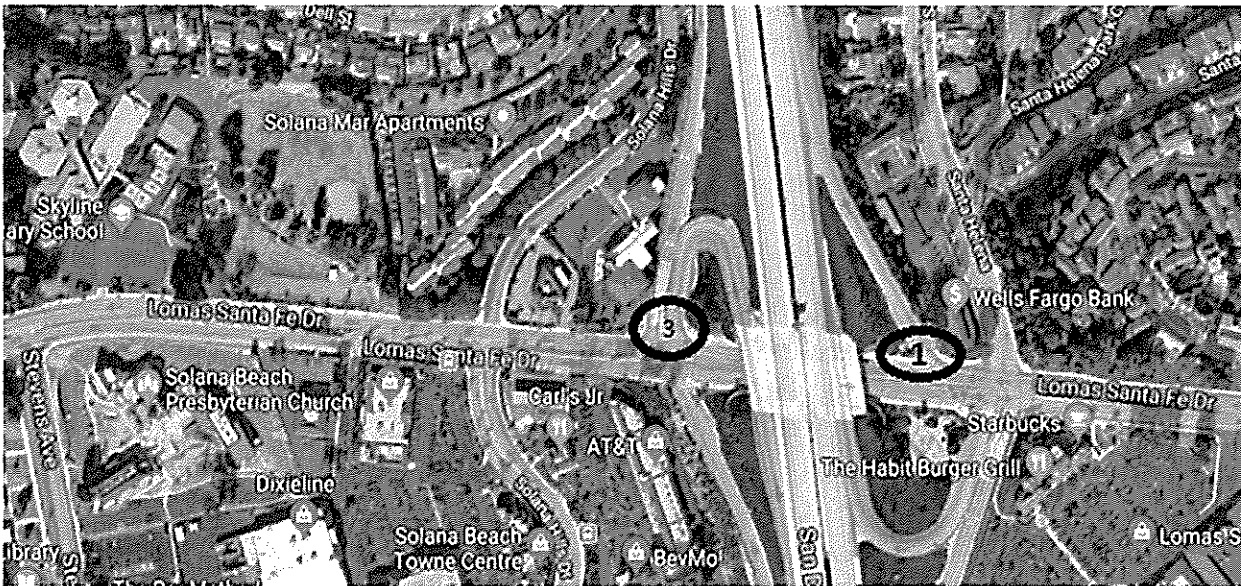
APPROVED AS TO FORM:

City Attorney, Johanna N. Canlas

EXHIBIT "A"
SCOPE OF SERVICES AND FEE

During the term of this Agreement, crossing guard services will be provided near the following school site(s):

Three guards will be positioned on Lomas Santa Fe Drive where it intersects the Interstate 5 southbound ramp and one guard where it intersects the Interstate 5 northbound ramp as indicated in the photo below. The actual configuration of guard numbers and position locations are subject to change pending review and evaluation of the crossing guard program at these sites to ensure student safety.





STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Gregory Wade, City Manager
MEETING DATE: July 10, 2018
ORIGINATING DEPT: City Attorney's Office
SUBJECT: **District-Based Elections: Receive Input From the Community and Council Consideration to Adopt Ordinance 488 Establishing District Boundary Maps and Sequence of Elections Pursuant to Elections Code § 10010.**

BACKGROUND:

On April 11, 2018, the City Council adopted Resolution 2018-042 declaring the City of Solana Beach's intent to transition from an at-large Councilmember election system to a district-based Councilmember election system, outlining specific steps to be undertaken to facilitate the transition and estimating a time frame for action pursuant to Elections Code § 10010. Section 10010 requires a minimum of five public hearings in connection with the establishment of electoral districts. The City published notice of all five Public Hearings required under Section 10010 on May 13, 2018.

The first two (2) of five (5) public hearings pursuant to Elections Code § 10010 were held on May 14 and 15, 2018. These allowed for the Council and community to comment on the composition of the districts. Thereafter, members of the public submitted draft voting district maps, as did the City's demographic consultant. All draft maps were published and made publicly available on May 23, 2018, along with a proposal for sequencing elections in the proposed districts of each draft map. On May 29th and 30th, revisions to two maps drawn by members of the public were submitted by the demographer to the City Clerk and made available to the City Council and to the public.

The third public hearing, held on May 30, 2018, provided the public an opportunity to offer input regarding the content of the draft maps and the proposed sequence of elections. At the close of the public hearing, the City Council determined to proceed with draft maps providing for four Council districts and an elective office of Mayor, and

COUNCIL ACTION:

provided instruction to its demographic consultant for revisions to the draft maps. These maps are known as the "Focus Maps". The five Focus Maps —Maps 404b, 404c, 410c, 410d, 410e, and a proposed sequence of election in each, were published on June 6, 2018 on the City's District Elections webpage: https://www.ci.solana-beach.ca.us/index.asp?SEC=56737889-4955-493D-8FBF-D9F2F8A9BC7A&DE=AC0A0B28-4797-4B86-A194-1DED681A8DAD&Type=B_BASIC

A subsequent Focus Map, Map 410f, was prepared. It was published on the City's District Elections website on June 19, 2018 along with the corresponding revised sequencing of elections.

At the Council's June 26, 2018 meeting, which is also the fourth public hearing, the Council heard public comments on the Focus Maps. Focus Map 410e and the corresponding election sequencing were incorporated into the draft Ordinance 488. Ordinance 488 was introduced establishing district-based elections and the elective office of Mayor.

The action before the City Council is to consider adoption of Ordinance 488 as introduced on June 26, 2018.

DISCUSSION:

Maps 404b, 404c, 410c, 410d, 410e, and 410f all provide for district-based elections of four Councilmembers and an elective office of Mayor. The first elections using the new council districts would occur in 2020. The transition to district-based elections would be complete in 2022 under all maps proposed. However, in the interim between the elections, in the year 2021, the council district boundaries would be reviewed and possibly adjusted as required by law after receipt of the 2020 Census results.

Maps 404b and 410d provide for the election sequencing in 2020 of two Council Members one each representing District 1, District 2, or District 3, and the office of Mayor. In 2022, elections for the remaining two districts would be held. If the City Council were to select this map, the Council would also need to specify the election sequencing.

Map 404c provides for the election sequencing in 2020 of two Council Members one each representing District 1, District 2, or District 4, and the office of Mayor. In 2022, elections for the remaining two districts would be held. If the City Council were to select this map, the Council would also need to specify the election sequencing.

Maps 410c, 410e, and 410f provide for the election sequencing in 2020 of District 1 and District 3, and the office of Mayor. In 2022, elections for District 2 and District 4 would be held.

The purpose of the July 10, 2018 public hearing and council meeting is to allow the public to provide input, including on introduced Ordinance 488 incorporating Focus 410e and sequence of elections.

The City is proceeding under Elections Code section 10010 in order to take advantage of its “safe harbor” provisions, which protect the City from litigation under the California Voting Rights Act, and places a cap on the City’s exposure to attorneys’ fees.

CEQA COMPLIANCE STATEMENT:

California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

FISCAL IMPACT:

While there are no significant fiscal impacts associated with the holding of this public hearing, Staff estimated previously the costs of transitioning to district-based elections to be in excess of \$150,000.

WORK PLAN:

Fiscal Sustainability (D)(1): Transition from At-large to District-Based Councilmember Elections

OPTIONS:

- Consider Adoption Ordinance 488 Establishing a By-District Election Process in Four Council Districts With an Elective Office of Mayor Pursuant to California Elections Code § 10010 & California Government Code §§ 34871(C) & 34886, incorporating the adopted map and sequence of elections.
- Determine not to adopt Ordinance 488 and not institute by-district elections, and defend against a California Voter Rights Act (CVRA) lawsuit, if one is filed.

DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council:

1. Open the public hearing and invite members of the public to provide feedback; and
2. Close the public; and
3. Adopt Ordinance 488, an Ordinance of the City of Solana Beach, California, Establishing a By-District Election Process in Four Council Districts With an Elective Office of Mayor Pursuant to California Elections Code § 10010 & California Government Code §§ 34871(C) & 34886, incorporating the adopted map and sequence of elections.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation.



Gregory Wade, City Manager

Attachments:

1. Ordinance 488

ORDINANCE 488

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ESTABLISHING A BY-DISTRICT ELECTION PROCESS IN FOUR COUNCIL DISTRICTS WITH AND ELECTIVE OFFICE OF MAYOR PURSUANT TO CALIFORNIA ELECTIONS CODE § 10010 & CALIFORNIA GOVERNMENT CODE §§ 34871(C) & 34886

WHEREAS, the City of Solana Beach currently elects its five City Councilmembers using an at-large election system, and the City Council selects a Mayor and Deputy Mayor from among its members; and

WHEREAS, in the at-large election system, candidates may reside in any part of the City and each City Councilmember is elected by the voters of the entire City; and

WHEREAS, the City's current electoral system observes the guarantees of Section 7 of Article I and Section 2 of Article II of the California Constitution, the Equal Protection Clause of the United States Constitution, and the federal Voting Rights Act; and

WHEREAS, in a by-district election system, a candidate for City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, on February 20, 2018, the City received a letter from an attorney, Kevin Shenkman, asserting the City's at-large electoral system violated the California Voting Rights Act, and threatening litigation if the City declined to adopt by-district elections; and

WHEREAS, the letter did not contain any evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act is extremely high, even if the City is successful, and at this time such an expensive defense would severely burden the City's budget and curtail the City's ability to provide needed services to its residents; and

WHEREAS, under the provisions of California Government Code sections 34870-34884, a proposal to adopt a by-district method of election in a general law city must ordinarily be submitted to the voters of the city; and

WHEREAS, California Government Code section 34886 permits the City Council, to change the City's method of election by ordinance, with certain formalities, to a "by-district" system; and

WHEREAS, California Government Code section 34886, as amended effective January 1, 2017, provides:

Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in

subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code); and

WHEREAS, California Government Code section 34871(c) provides for the election of members of the legislative body of a city by districts in four districts, with a separately elected mayor; and

WHEREAS, the City wishes to avoid litigation and take advantage of the provisions of Government Code section 34886, and therefore, pursuant to California Government Code section 34886, it is declared the change in the method of electing members of the City Council of the City Solana Beach made by this Ordinance also implements the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Section 14031 of the California Voting Rights Act, and

WHEREAS, at its regular meeting on April 11, 2018, the City Council adopted a resolution of intent to establish a by-district voting process pursuant to Elections Code section 10010, Resolution No. 2018-042; and

WHEREAS, under the provisions of California Elections Code section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts; and

WHEREAS, before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on May 14, 2018, and May 15, 2018, at which time input from the public on the proposed composition of the districts was invited and heard; and

WHEREAS, on May 23, 2018, consistent with the provisions of California Elections Code section 10010, the City published and made available for public review, thirty (30) draft maps for consideration by the Council, two of which were prepared by the City's demographic consultant, and the rest of which were submitted by members of the public; and

WHEREAS, the potential sequence of elections for each map was also published; and

WHEREAS, between May 29 and May 30, 2018, the City published four revisions to draft maps submitted by the public and already published on May 23, 2018; and

WHEREAS, as required by California Elections Code section 10010, the City held a third public hearing on May 30, 2018, at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, after the close of the public hearings on May 30, the City Council provided instruction to the City's demographic consultant about revisions to draft maps 404 and 410, which had been submitted by members of the public; and

WHEREAS, the revised maps were published as "Focus Maps" and made available for public review on June 6, 2018, and the potential sequence of elections for those maps was published as well; and

WHEREAS, as required by California Elections Code section 10010, the City held a fourth public hearing on June 26, 2018, at which the public was again invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, it is the considered view of the City Council that revised draft map 410e, attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the City of Solana Beach; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code section 34886, an ordinance providing for the election of the members of the City Council of the City of Solana Beach by-district in four single-member districts, and a separately elected office of Mayor.

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

Section 1: Article IA is hereby added to Chapter 2.24 of the Solana Beach Municipal Code as provided below in Sections 2 through 10.

Section 2: SBMC SECTION 2.24.016, ADDED

Section 2.24.016 of the Solana Beach Municipal Code is hereby added to Article 1A as follows:

2.24.016. Four City Councilmembers and Elective Mayor.

Pursuant to California Government Code sections 34886 and 34871(c), commencing with the November 2020 general municipal election, the members of the Solana Beach City Council shall be elected by-districts in four (4) single-member districts with an elective Mayor. Each Councilmember shall serve a term of four years. The Mayor shall be elected by the people of Solana Beach and shall serve a term of four years.

Section 3: SBMC SECTION 2.24.017, ADDED

Section 2.24.017 of the Solana Beach Municipal Code is hereby added to Article 1A as follows:

2.24.017. By-District Electoral System for Four City Councilmembers.

A. Beginning with the general municipal election in November 2020, Councilmembers shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto, which is incorporated herein by this reference, and as subsequently reapportioned as provided by law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the City Council shall be elected from each district, by the voters of that district alone, except for the Mayor, who shall be elected citywide. In accordance with section 2.24.016, each Councilmember shall serve a four-year term until his or her successor has qualified.

B. Except as provided in subdivision (C) hereof, the Councilmember elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a Councilmember shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within 30 days after the termination of residency.

(3) Notwithstanding any other provision of this section, each of the Councilmembers in office at the time this article takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Vacancies in Councilmember offices elected at-large may be filled from the City at-large. At the end of the term of each Councilmember, that member's successor shall be elected on a by-district basis in the districts established in Subsection A and the map contained in Exhibit A hereto, as subsequently reapportioned as provided by law. A vacancy in a Councilmember office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

Section 4: SBMC SECTION 2.24.018, ADDED

Section 2.24.018 of the Solana Beach Municipal Code is hereby added to Article 1A as follows:

2.24.018. Election Schedule for Councilmembers Elected By-District.

A. Consistent with Sections 2.24.016 and 2.24.017, the Mayor and Councilmembers from Council Districts 1 and 3 shall be elected beginning at the General Municipal Election in November 2020, and every four years thereafter.

B. Consistent with Section 2.24.017, the Councilmembers from Council Districts 2 and 4 shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter.

Section 5: IMPLEMENTATION

If necessary to facilitate the implementation of this Ordinance, the City Manager or his or her designee is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

Section 6: ENVIRONMENTAL REVIEW

The City Council finds that the proposed amendments to the Solana Beach Municipal Code are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

Section 7: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Solana Beach hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 8: INCONSISTENCIES

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

Section 9: INTERPRETATION

In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

Section 10: SUNSET PROVISIONS

This Ordinance shall be of no further force and effect if the California Voting Rights Act, Elections Code sections 14025 through 14032, as it now exists or may hereafter be amended, is repealed, or declared by a court of competent jurisdiction to be facially unconstitutional, in whole or in part, or unconstitutional, in whole or in part, as applied to the City of Solana Beach, or is amended such that its provisions no longer apply to the City of Solana Beach. In the event this Ordinance is of no further force and effect pursuant to this section, the City Council shall immediately consider an ordinance repealing Article 1A of Chapter 2.24 of Title 2 of the Municipal Code of the City of Solana Beach. In the event this Ordinance is of no further force and effect pursuant to this section, the incumbent Councilmembers elected pursuant to the provisions of this Ordinance shall complete their terms of office until their successors are qualified, and their successors shall be elected at-large in the order in which the terms of the then-incumbent Councilmembers expire and in accordance with all other provisions of law, until such time as the voters of the City of Solana Beach shall approve a different method of election City Councilmembers in accordance with Government Code section 34871, et seq.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code § 36933.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Solana Beach, California on the 26th day of June 2018; and

THEREAFTER ADOPTED at an adjourned regular meeting of the City Council of the City of Solana Beach, California on the 10th day of July, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DAVID A. ZITO, Deputy Mayor

APPROVED AS TO FORM:

ATTEST

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

Solana Beach - Map 410e

District		1	2	3	4	Total	
Ideal	Total Pop	3,217	3,203	3,285	3,153	12,858	
3,215	Deviation from ideal	2	-12	70	-62	132	
	% Deviation	0.06%	-0.37%	2.18%	-1.93%	4.11%	
Total Pop	% Hisp	8%	32%	17%	5%	16%	
	% NH White	85%	62%	76%	86%	77%	
	% NH Black	0%	0%	1%	1%	1%	
	% Asian-American	5%	4%	5%	6%	5%	
Citizen Voting Age Pop	Total	2,277	2,433	3,140	2,518	10,368	
	% Hisp	4%	11%	10%	5%	8%	
	% NH White	92%	81%	84%	88%	86%	
	% NH Black	0%	0%	0%	1%	0%	
	% Asian/Pac.Isl.	3%	7%	3%	6%	5%	
Voter Registration (Nov 2016)	Total	2,275	1,951	1,919	2,444	8,589	
	% Latino est.	4%	13%	6%	4%	6%	
	% Spanish-Surnamed	4%	12%	5%	3%	6%	
	% Asian-Surnamed	2%	2%	2%	3%	2%	
	% Filipino-Surnamed	0%	1%	0%	0%	0%	
	% NH White est.	91%	91%	89%	92%	91%	
Voter Turnout (Nov 2016)	Total	2,024	1,660	1,650	2,171	7,505	
	% Latino est.	4%	13%	6%	3%	6%	
	% Spanish-Surnamed	3%	12%	5%	3%	5%	
	% Asian-Surnamed	3%	2%	3%	3%	3%	
	% Filipino-Surnamed	0%	0%	0%	0%	0%	
	% NH White est.	91%	91%	89%	92%	91%	
Voter Turnout (Nov 2014)	Total	1,351	846	916	1,432	4,545	
	% Latino est.	4%	10%	4%	3%	5%	
	% Spanish-Surnamed	3%	9%	4%	3%	4%	
	% Asian-Surnamed	3%	2%	3%	3%	3%	
	% Filipino-Surnamed	0%	0%	0%	0%	0%	
	% NH White est.	93%	88%	93%	93%	92%	
ACS Pop. Est.	Total	3,080	3,514	3,664	3,112	13,371	
	age0-19	22%	16%	15%	21%	19%	
	age20-60	52%	59%	57%	39%	52%	
	age60plus	26%	25%	27%	40%	29%	
	Immigration	immigrants	13%	16%	17%	16%	16%
		naturalized	64%	30%	30%	65%	45%
Language spoken at home	english	88%	80%	78%	86%	83%	
	spanish	4%	15%	15%	3%	10%	
	asian-lang	1%	1%	2%	4%	2%	
	other lang	7%	5%	4%	6%	5%	
Language Fluency	Speaks Eng. "Less than Very Well"	4%	6%	7%	4%	5%	
Education (among those age 25+)	hs-grad	26%	32%	32%	25%	29%	
	bachelor	37%	33%	33%	36%	35%	
	graduatedegree	36%	27%	26%	36%	31%	
Child in Household	child-under18	27%	19%	17%	22%	21%	
Pct of Pop. Age 16+	employed	61%	66%	64%	53%	61%	
Household Income	income 0-25k	3%	11%	12%	8%	9%	
	income 25-50k	11%	19%	20%	13%	16%	
	income 50-75k	14%	16%	16%	13%	15%	
	income 75-200k	36%	33%	33%	37%	35%	
	income 200k-plus	36%	21%	18%	29%	25%	
Housing Stats	single family	83%	50%	46%	87%	64%	
	multi-family	17%	50%	54%	13%	36%	
	rented	29%	57%	58%	15%	42%	
	owned	71%	43%	42%	85%	58%	
Total population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.							



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Council Members
FROM: Gregory Wade, City Manager
MEETING DATE: July 10, 2018
ORIGINATING DEPT: Community Development Department
SUBJECT: **Public Hearing: Consideration of Resolution Nos. 2018-097, 2018-098, and 2018-099 Approving the Final EIR and an Application for a DRP/SDP/SUB/CSP for Solana 101, a Mixed Use Development at the Northwest Corner of S. Highway 101 and Dahlia Drive (Case # 17-14-08 Applicant: Zephyr Partners)**

BACKGROUND:

The Applicant, Zephyr Partners, is requesting City Council certification of the Final Environmental Impact Report (FEIR) and approval of a Development Review Permit (DRP), Structure Development Permit (SDP), Major Subdivision (SUB), and a Comprehensive Sign Plan (CSP) to construct the Solana 101 Project (the "Project"). The proposed project is a mixed-use development consisting of 45,587 square feet of commercial office space; 10,562 square feet of internal restaurant space; 2,920 square feet of outdoor dining space; 4,142 square feet of retail space; 25 multi-family residential rental units totaling 33,473 square feet; and two levels of subterranean parking totaling 366 spaces. The site is located within the General Commercial (C) Zone and the South Highway 101/South Sierra District of the Highway 101 Corridor Specific Plan (HWY 101 SP). The eastern half of the site is located within the Scenic Area Overlay Zone (SAOZ). Total building square footage would be 93,764 square feet, not including the 2,920 square feet of outdoor dining area and subterranean parking which totals 138,464 square feet in two below-grade levels.

The existing 84,956 gross square foot (1.95-acre) Project site is composed of five parcels. The purpose of the request for a Major Subdivision for which a tentative map is required is to consolidate the five existing parcels into one 78,043 net square foot (1.79-acre) parcel after dedications on Highway 101, Dahlia Drive, and South Sierra Avenue, and to subdivide the new parcel as a condominium project (common interest development) to allow for condominium ownership of a maximum of 26 commercial

CITY COUNCIL ACTION:

units and one undivided multifamily residential “unit” for 25 rental apartments. The maximum height of the Project was certified on June 4, 2018, was follows:

- The highest point of the Project is 96.1 above Mean Sea Level (MSL) measured at Story Pole #47, with the Project 31.1 feet high at that location.
- The maximum height of the Project is 32.2 feet measured at Story Pole #57 where the project site elevation is 96.0 feet above MSL at that location.

Grading is proposed in the amount of 49,200 cubic yards of soil to be exported off-site. The Engineering Department has added a condition that the Applicant shall participate in the City's Sand Compatibility and Opportunistic Use Program (SCOUP) if the material to be excavated is suitable for beach replenishment purposes.

In 2015, a different mixed-use development project was proposed on the project site by a different applicant, American Assets Trust (AAT). The AAT project proposed to construct a specialty supermarket, commercial office space, retail and restaurant space, 31 multi-family residential units, and two floors of underground parking totaling 341 spaces. The applicant for the AAT project ultimately did not pursue the project and assigned the project application to Zephyr. In 2017, the current Applicant proposed a new mixed-use development project which was determined to be the new proposed project. As explained in further detail in the CEQA Compliance section of this Staff Report and in Section 1.3 of the EIR, the AAT project is now included as an EIR alternative to the proposed project. After the AAT applicant decided not to pursue the previous project, the current Applicant met with community members and City Staff in 2016 to identify project goals. Some of these goals included: avoidance of three-story buildings; design of project office, retail, restaurant and residential uses to have an individual and unique character; provision and enhancement of pedestrian facilities along Highway 101 and throughout the project site; provision of two parking garage entrances; provision of reverse diagonal parking on South Sierra Avenue; and incorporation of sustainable features and building practices.

Project plans are provided in Attachment 1. The CSP is provided in Attachment 2. The FEIR is provided in Attachment 6. Staff notes that the Project plans under consideration by the City Council propose a modified design from the Applicant's original submittal to address community input received during the 45-day public review period for the Draft EIR (DEIR). The modifications are minor in nature and do not substantively alter the Project, nor do they create any impact that was not already considered and evaluated in the DEIR. Therefore, the FEIR is adequate as prepared.

The proposed Project meets the following thresholds for the requirement of a DRP: 1) new commercial development or construction located within any commercial zone resulting in more than 500 square feet; 2) a commercial development with 20 or more residential units; 3) any new common interest development; 4) any development on property located within the SAOZ; and 5) grading in excess of 100 cubic yards. A SDP is required as the Project exceeds a height of 16 feet above existing grade. A SUB is required for the creation of five or more condominiums. The Project plans are provided in Attachment 1. An Environmental Impact Report (EIR) was prepared for the Project in

accordance with the California Environmental Quality Act of 1970 (CEQA). The Final EIR (FEIR) is provided in Attachment 5.

The issues before the Council are: 1) whether to certify the Final EIR for the proposed Project; and, 2) if the Council certifies the EIR, whether to approve, approve with conditions, or deny the Applicant's request for a DRP, SDP, CSP; and, if the Council certifies the FEIR and approves the DRP, whether to approve, approve with conditions, or deny the Applicant's request for a SUB. If the Council approves the DRP, the SDP would be approved administratively.

DISCUSSION:

The existing site is bounded by South Highway 101 on the east, Dahlia Drive on the south, South Sierra Avenue on the west, and commercial development (CVS Pharmacy) on the north. If the Project is approved, the five existing parcels will be combined into one parcel that would be considered to be a "through lot" per the Solana Beach Municipal Code (SBMC), with two front yards (one facing S. Highway 101 and one facing S. Sierra), a street side yard (facing Dahlia), and an interior side yard (facing the CVS Pharmacy to the north). The site is rectangular in shape and varies from an elevation of approximately 61 to 68 feet above MSL, sloping generally upward from west to east. The north half of the site (existing Parcel 3 on the site plan) consists of a former mobile home park, including 24 vacant concrete pads formerly used for trailers and mobile homes and an access driveway. The southeast corner of the site (existing Parcel 4 on the site plan) includes a one-story building that was a former gas station and is currently occupied by a small business, a vacant coffee kiosk, two sign poles, and asphalt driveways and parking. The southwest portion of the site is occupied by two vacant one-story single-family residences and a detached garage (existing Parcels 1 and 2 on the site plan), a vacant one-story commercial building with a detached structure (existing Parcel 5 on the site plan), and asphalt driveways, parking areas, and non-native landscaping. The site also includes utility poles, chain link fencing, other fencing, and debris. All existing structures and other site features would be demolished and removed should the proposed Project receive City Council and Coastal Commission approval.

The Applicant is proposing to construct a new mixed-use development consisting of the following:

- 45,587 square feet of commercial office space;
- 10,562 square feet of restaurant space;
- 4,142 of retail space in five buildings;
- 2,920 square feet of outdoor dining space;
- 25 multi-family residential rental units in two buildings totaling 33,473 square feet;
- Two floors of parking in an underground parking garage totaling 138,464 square feet;
- Landscape and hardscape;
- A rainwater feature;
- A public art feature; and

- Associated signage

The residential buildings would be composed of seven different unit designs consisting of 18 two-bedroom/two-bathroom units and 7 one-bedroom/one-bathroom units, ranging in size from 940 to 1,310 square feet. The Proposed project's floor area ratio (FAR) would be 1.1, not counting the proposed subterranean parking garage. The proposed Project's multi-family residential and commercial buildings would be located on an east/west open space corridor and courtyard that would also serve as a public walkway from S. Highway 101 through the development to S. Sierra Avenue.

Parking for the proposed Project would be provided in a two-level subterranean parking garage, which would be accessed via two ramps. A curb cut off Dahlia Drive would provide vehicular access to the required parking and motorcycle spaces for the commercial uses on both levels of the parking garage, while a curb cut off South Sierra would provide vehicular access to the required parking spaces for the residential uses on the upper level of the parking garage. A total of 361 parking spaces are required for this Project, including 53 for the residential use and 308 for the commercial uses; the proposed Project provides a total of 366 parking spaces, including 10 accessible spaces as required by the Americans with Disabilities Act (ADA) Standards for Accessible Design.

In order to construct the proposed Project, the Applicant is requesting that the Council consider approval of a DRP, SDP, SUB and CSP for the project. A DRP is required for the following reasons: 1) new commercial development or construction located within any commercial zone resulting in more than 500 square feet; 2) a commercial development with 20 or more residential units; 3) any new common interest development; 4) any development on property located within the SAOZ; and 5) grading in excess of 100 cubic yards. A SDP is required because the proposed structure will exceed 16 feet in height as measured from the existing grade. A SUB is required for the creation of five or more condominiums. The CSP is required for all commercial, office, industrial, and civic uses consisting of four or more tenant or occupant spaces on a premises or lot or two or more lots subject to a common development permit or plan. Staff notes that although a restaurant with a bar or cocktail lounge requires approval of a Conditional Use Permit (CUP), the Applicant is not requesting approval of CUPs for the any of the proposed restaurant spaces at this time. As such, each restaurant operator will be required to apply for a CUP at a later date if the FEIR is certified, the subject Project is approved and the proposed restaurant uses require approval of a CUP.

Table 1, below, provides a synopsis of the specific zoning regulations for the development of the property compared to the Applicant's proposed design. The development standards that apply to this Project are provided in the HWY 101 SP and the Solana Beach Municipal Code (SBMC).

Table 1

LOT INFORMATION																			
<p>Property Address: Northwest Corner of S. Highway 101 and Dahlia Drive</p> <p>Lot Size: 84,955 ft² (1.95 acres) gross area (combined area of 5 existing parcels) 78,043 ft² (1.79 acres) net area (area of new parcel after consolidation and dedication)</p> <p>Maximum FAR and Allowable Floor Area: 1.2 or 100,946 ft² (calculated based on gross floor area)</p> <p>Proposed FAR: 1.12 or 95,471 ft²*</p> <p>Below Max. Floor Area By: 5,476 ft²</p> <p>Maximum Building Height: 35 ft.</p> <p>Proposed Building Height: 32.2 ft.</p> <p>* Includes portions of enclosed hallways and patios</p>	<p>Zone: C (General Commercial), HWY 101 SP</p> <p>Overlay Zone: SAOZ</p> <p>Density Allowed: 20 du/ac or 35.8 Dwelling Units</p> <p>Density Requested: 13.97 du/ac or 25 Dwelling Units</p> <p>Setbacks:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">Required:</th> <th style="width: 20%; text-align: center;">Proposed:</th> </tr> </thead> <tbody> <tr> <td>Front (S. HWY 101):</td> <td style="text-align: center;">10 Ft.</td> <td style="text-align: center;">10-12 Ft.</td> </tr> <tr> <td>Front: (S. Sierra):</td> <td style="text-align: center;">10 Ft.</td> <td style="text-align: center;">10-20 Ft.</td> </tr> <tr> <td>Side (Street, Dahlia):</td> <td style="text-align: center;">0 Ft.</td> <td style="text-align: center;">15 Ft.</td> </tr> <tr> <td>Side (Interior):</td> <td style="text-align: center;">0 Ft.</td> <td style="text-align: center;">5 Ft.</td> </tr> </tbody> </table>		Required:	Proposed:	Front (S. HWY 101):	10 Ft.	10-12 Ft.	Front: (S. Sierra):	10 Ft.	10-20 Ft.	Side (Street, Dahlia):	0 Ft.	15 Ft.	Side (Interior):	0 Ft.	5 Ft.			
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PROPOSED PROJECT INFORMATION																			
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Total Non-Residential:	60,291 ft ² or 64.3%																		
Total Residential:	33,473 ft ² or 35.7 %																		
<p>Required Permits:</p> <p>DRP: 1) new commercial development in excess of 500 ft²; 2) commercial development with 20 or more residential units; 3) any new common interest development; 4) any development on property located within the SAOZ; and 5) grading in excess of 100 cubic yards.</p> <p>SDP: For construction in excess of 16 feet in height measured from existing grade.</p> <p>SUB: For any common interest development consisting of five or more lots or parcels.</p> <p>CSP: New commercial, office, industrial and civic uses consisting of four or more tenant or occupant spaces on a premises or lot or two or more lots subject to a common development permit or plan.</p>																			
<p>Proposed Grading: Cut: 49,200 yd³ Fill: 0 yd³ Export: 49,200 yd³</p>																			
<p>Required Parking: 361 spaces</p> <p>Proposed Parking: 366 spaces</p> <p>Proposed Fences and Walls: None</p>	<p>Existing Development: Vacant mobile home park, vacant and occupied commercial structures, vacant single-family residences, driveways and parking areas, fencing, sign poles, utility poles, and non-native landscaping.</p> <p>To be demolished: Yes To Remain: N/A Other: N/A</p>																		

As shown, the proposed structure meets or exceeds the required setbacks listed in the HWY 101 SP. The project also complies with the HWY 101 SP regulations for maximum building height, Floor Area Ratio (FAR), density, and maximum residential floor area in a mixed use development.

Resolution 2018-097 (Attachment 3) provides draft findings for the City Council's consideration for certification of the EIR. Resolution 2018-099 (Attachment 5) provides the full text of the pertinent regulations for the DRP, SDP, and CSP, and Staff has prepared draft findings of approval of the DRP and SDP for the Project for Council's consideration based upon the information provided in this Staff Report. Resolution 2018-098 (Attachment 4) provides the full text of the pertinent regulations for the SUB, and Staff has prepared draft findings of approval of the SUB for Council's consideration based on the information provided in this Staff Report. (The applicable SBMC sections for the DRP, SDP, and SUB are provided in italicized text.) The Council may direct Staff to modify any of the Resolutions to reflect the findings and conditions it deems appropriate as a part of the public hearing process. If the Council determines the EIR should not be certified and the Project is to be denied, Staff will prepare appropriate resolutions for consideration at a subsequent Council meeting.

The following is a discussion of the findings for a DRP, SDP, and SUB, as each applies to the proposed Project, as well as a discussion of the development plans and recommended conditions as contained in the attached Resolutions (Attachments 3, 4, and 5), and well as a discussion regarding the EIR, mitigation measures, and project alternatives.

Development Review Permit Compliance

In addition to meeting the zoning requirements, the project must also be found in compliance with development review criteria pursuant to SBMC 17.68.040. The proposed project requires a DRP for the following reasons: 1) new commercial development or construction located within any commercial zone resulting in more than 500 square feet; 2) a commercial development with 20 or more residential units; 3) any new common interest development; 4) any development on property located within the SAOZ; and 5) grading in excess of 100 cubic yards. The project must also comply with the development review criteria contained in SBMC Section 17.68.040 Development Review Permits.

The following is a list of the development review criteria topics:

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

The City Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. The Resolution (Attachment 5) provides the full discussion of the findings.

1. The proposed development is consistent with the general plan and all applicable requirements of the zoning ordinance including special regulations, overlay zones, and specific plans.
2. The proposed development complies with the development review criteria.
3. All required permits and approvals issued by the city, including variances, conditional use permits, comprehensive sign plans, and coastal development permits have been obtained prior to or concurrently with the development review permit.
4. If the development project also requires a permit or approval to be issued by a state or federal agency, the city council may conditionally approve the development review permit upon the applicant obtaining the required permit or approval from the other agency.

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

Relationship with Adjacent Land Uses

The subject lot is located within the General Commercial (C) Zone and within the S. Highway 101/S. Sierra District of the HWY 101 SP area. The Project is also located within the Coastal Zone. As a condition of project approval, the Applicant will be required to obtain a Coastal Development Permit, Waiver, or Exemption from the California Coastal Commission prior to the issuance of a building permit.

Surrounding properties to the north and south are also located within the C Zone and the S. Highway 101/S. Sierra District of the HWY 101 SP and are developed with commercial uses. The property immediately east of South Highway 101 is developed with the Coastal Rail Trail (a linear park) and the North County Transit District (NCTD) railroad right-of-way; the South Cedros District of the HWY 101 SP is east of the NCTD railroad. A pedestrian bridge directly across from the southeast corner of Dahlia and South Highway 101 provides access across the NCTD railroad tracks from the Coastal Rail Trail to the South Cedros District. Properties to the west, across South Sierra Avenue, are zoned High Residential (HR), which has a maximum allowable density of 13-20 dwelling units per acre, and are developed with multifamily residential developments; these properties are not within the HWY 101 SP area.

The proposed Project is consistent with the General Plan, which designates the property as General Commercial (C) and allows resident and visitor serving commercial uses and retail uses of a larger scale than those permitted in Special Commercial areas, but which still have a minimal disturbance to nearby residential neighborhoods.

Residential uses are allowed as a secondary use in conjunction with permitted commercial uses at a maximum density of 20 units per acre.

The Project could be found to be consistent with the following General Plan policies in the City's Land Use (LU) Element for mixed-use land uses:

Policy LU-1.6: Encourage the establishment of mixed-uses that provide for housing and jobs near transit routes, shopping areas, and recreational uses to promote public transit use, walking, and biking.

Policy LU-1.7: Encourage and facilitate neighborhood serving restaurants, including outdoor dining/sidewalk cafes, in mixed-use areas and along the Highway 101 corridor.

Policy LU-1.8: Within mixed-use areas, encourage an overall high-quality streetscape design, where feasible and appropriate, that includes bike lanes; on-street parking; minimal curb cuts; enhanced crosswalks; appropriate sidewalk widths; parkways; street trees, planters, and wells; street lighting; street furniture; wayfinding; kiosks; enhanced paving; public art; and other features that contribute to the character of Solana Beach.

The project could be found to be consistent with the following General Plan goals and programs in the City's Housing Element:

Goal 1: The adequate provision of a range of safe and decent housing opportunities that will meet Solana Beach's share of the existing and future housing needs of the region.

Goal: Increased energy conservation and waste reduction in new and existing residential and mixed-use development.

Program 1: Encourage mixed-use development.

The Solana Beach City Council adopted a Local Coastal Plan (LCP) Land Use Plan (LUP) on February 27, 2013 (amended and certified on June 11, 2014). Although the LUP has been certified by the California Coastal Commission, the Local Implementation Plan (LIP) portion of the LCP has not yet been certified; as such, the provisions of the LUP are considered by the Coastal Commission to be advisory rather than mandatory at this time. The purpose of the LUP is to implement the State's goals for the coastal zone. The City's LUP provides long-term goals that promote the beneficial use of lands in the city and the beach and shoreline for residents and visitors alike. The LCP LUP designates the property General Commercial(C). This land use category is intended to provide for commercial activities and services of a more intensive nature and includes both visitor serving land uses and land uses likely to be patronized by residents. These uses would be located primarily along major transportation routes and would include major shopping facilities and service centers. In addition, the general commercial uses are intended to accommodate and promote tourist-oriented commercial and pedestrian-

oriented uses along Highway 101. The property is not located within either Visitor Serving Commercial Overlay in the LUP.

The proposed Project could be found to be consistent with LCP/LUP. In particular, the proposed Project could be found to be consistent with the policies in Chapter 5 – New Development, which includes general policies for new development, and policies for commercial development, residential development, and archaeology. The proposed Project could also be found to be consistent with the policies in Chapter 7 – Public Works, including policies for circulation and traffic.

The proposed mixed use development is also consistent with the permitted uses for the C Zone found in SBMC Sections 17.28.010, 17.24.020, and 17.28.030, which allow for a mixed use development with a maximum of 20 dwelling units per net acre. The maximum number of units permitted is determined by multiplying the net acreage of the lot by the maximum dwelling unit density permitted for the zone. The net lot area is 78,043 square feet or 1.79 acres. Therefore, the maximum allowable density for the lot is calculated as follows:

$$1.79 \text{ acres} \times 20 \text{ dwelling units per acre} = 35.8 \text{ units (or 36 units)}$$

The Project is proposing 25 residential units or 14 dwelling units per acre. The HWY 101 SP indicates that residential dwellings in a mixed use development may be permitted in any portion of the building (or buildings) pursuant to a DRP, provided that total residential development does not exceed 40 percent of gross allowable floor area. As designed, the residential floor area is 35.7 percent of the total floor area.

The SBMC requires developments of five or more units for rent or for sale to comply with the SBMC affordable housing requirements (Chapter 17.70). The Applicant has indicated that the residential units will be for rent. According to SBMC Section 17.70.025, the developers of “for rent” residential projects are required to pay the Affordable Housing Impact Fee in order to satisfy the inclusionary affordable housing requirements. The Affordable Housing Impact Fee is more fully discussed later in this report.

No adverse effects upon neighboring properties have been identified or are anticipated to occur from implementation of the Project. As conditioned, the proposed Project gives consideration to the protection of surrounding areas from potential adverse effects and provides protection of the property from adverse surrounding influences such as negative impacts of light, air, and noise.

Building and Structure Placement

The Project includes a total of seven buildings, with the commercial uses in five buildings and the residential uses in two buildings. All parking would be provided in a two-level underground parking garage. Commercial offices would occupy both floors of three 2-story buildings, including one building on the west side of the project site facing S. Sierra Avenue and two office buildings located in the center of the site. A fourth two-story building, facing the northeast corner of S. Highway 101, is designed with a ground

floor restaurant with office space on the second floor. A fifth commercial building, fronting S. Highway 101, would include a “to-go” restaurant on the ground floor and another restaurant on the southeast corner of S. Highway 101 and Dahlia Drive. The two restaurants would be separated on the ground floor by an outdoor area, with retail space on the second floor that connects the two first-floor restaurants. Outdoor dining areas are proposed on the east side of the proposed “to go” restaurant facing S. Highway 101, and on the east and south sides of the restaurant at the corner of S. Highway 101 and Dahlia.

The 25 multi-family units are proposed to be located in two separate 2-story structures located on the south side of the site, with one building facing Dahlia Drive and the southwest corner of Dahlia and S. Sierra Avenue, and the other building located parallel to it on the north, with its west end facing S. Sierra. The residential buildings would be separated by an at-grade walkway and second-level walkway directly above it, which provide access to the majority of the ground floor units in the north residential building and the second-floor units in both residential buildings. The ground floor units in the south building and the ground floor unit at the west end of the north building would take access from the public sidewalk. The residential buildings propose seven different floor plans consisting of eighteen (18) 2-bedroom/2-bathroom units, and seven 1-bedroom/1-bathroom units, with the units ranging in size from 940 to 1,310 square feet. Each unit proposes private open space in the form of patios for the units on the ground floor and balconies for the units on the second floor.

The HWY 101 SP includes development standards for mixed use development based on the zone in which the project is located, including required setbacks, maximum FAR, and building height, which are The Proposed Project could be found to be consistent with LCP/LUP. in Table 1. The development standards provide quantitative regulations for private development in the specific plan area. The proposed Project meets or exceeds all required setbacks, is below the maximum allowable height, and is below the maximum allowable FAR. The HWY 101 SP refers to the SBMC for required parking and landscaping.

In addition to the development standards noted above, the HWY 101 SP includes design guidelines that provide qualitative direction for public and private development in the specific plan area. The design guidelines for the S. Highway 101/S. Sierra District of the HWY 101 SP include automobile-oriented retail uses facing Highway 101 and a transitional edge facing residential neighborhoods on S. Sierra Avenue. Site planning guidelines for the S. Highway 101/S. Sierra District call for projects to provide a visually open building edge on S. Highway 101 that allows deep views into parcels; additionally, no more than 40 percent of the setback can be occupied by buildings and the remaining frontage will have a minimum 20-foot additional setback. The proposed Project could be found to meet these guidelines in several ways.

Rather than a single building façade along S. Highway 101, the Project proposes separate buildings to break up the building mass, with the northern-most and middle commercial buildings separated by an open space that extends into and through the entire site and connects with the sidewalk on S. Sierra. This open space includes a continuous walkway flanked with planters, seating, patios, and turf area. The first floor

“to go” restaurant and the southernmost restaurant are also separated by open space that connects to the internal walkway. The majority of the southern-most restaurant is one story with outdoor dining space located at the corner, which provides a stepped effect into the development from the intersection that minimizes bulk at the corner. The site plan also varies the setbacks of the buildings that face S. Highway 101, from 10 feet to a maximum of 12. The design guidelines also call for buildings to step away from the setback line on S. Highway 101, with second stories located a minimum of 15 feet from the setback line. Both of the 2-story buildings that face Highway 101 meet or exceed this requirement.

The design guidelines for mixed use development in the District include providing residential use on the east side of S. Sierra to offer a compatible transition between residential uses on the west side of S. Sierra and office uses to the east. They provide for residential frontage on the ground floor and above, or commercial on the ground floor and residential above. The proposed Project is designed such that the west ends of both 2-story residential buildings would face S. Sierra, with the driveway ramp to the residential portion of the parking structure and a 2-story office building comprising the remaining frontage. The office building on Sierra Avenue has been set back to allow for a 15-foot landscape buffer between the sidewalk and the building face, with a sidewalk width of eight feet. The Project proposes a five-foot landscaped parkway planter between S. Sierra and the new sidewalk adjacent to S. Sierra along the façade of the proposed residential buildings, and landscaped planters between the proposed new reverse-angle parking spaces and the proposed new sidewalk adjacent to the office façade along S. Sierra.

The development standards for mixed use development do not require a minimum setback on Dahlia Drive, and the design guidelines do not specifically address site planning for projects that front Dahlia. The façade of the 2-story residential building that fronts on Dahlia is proposed to be set back a minimum of 15 feet to allow for a 15-foot landscape buffer between the sidewalk. The building façade is further articulated via patios adjacent to the sidewalk on the ground floor and balconies on the second floor.

The HWY 101 SP and the C Zone require a maximum height limit of 35 feet for structures on S. Highway 101. The highest portion of the project was certified at 96.0 MSL with the tallest portion of the Project certified at 32.2 feet above the proposed grade. As a result of the View Assessment and environmental review process, the overall height and massing of several areas of the building have been reduced as discussed later in this report. As designed, differing roof lines and styles are proposed across the entire project and include flat, shed, and barrel roof styles.

The proposed Project would include excavation onsite of approximately 49,200 cubic yards in order to provide two levels of subterranean parking.

Landscaping

The landscaping development standards for mixed use developments in the C Zone in the HWY 101 SP refer to the SBMC. Per SBMC 17.56.040, the proposed development is subject to the City’s Water Efficient Landscape Regulations. In addition, the HWY 101

SP provides area-wide and district-specific design guidelines for landscaping on both public and private property. The HWY 101 SP calls for area-wide landscaping that creates an overall unity for the Specific Plan area through coordination of landscape character of public and private areas. In particular, landscaping for this site should create a memorable, unified image along Highway 101 and a residential character along the east side of S. Sierra that is similar to that of the residential development on the west side of S. Sierra.

The existing site contains developed areas and disturbed vegetation consisting of non-native ornamental and non-native annual plant species. No native species or vegetation communities were identified within the proposed Project area. The conceptual landscaping plan for the Project proposes 11,668 square feet of irrigated landscape area, 2,354 square feet of BMP (best management practices for stormwater management) planting area, 703 square feet of non-irrigated landscape area, and 20,371 square feet of hardscape areas. Landscaping would include a variety of trees, shrubs, succulents, grasses, synthetic turf, and groundcover throughout the site; no natural turf is proposed. The landscape concept for the S. Highway 101 frontage of the proposed Project includes planters in the public right-of-way, and trees and other landscaping in planters between the sidewalk and the buildings. The proposed landscaping is consistent with the City's recently constructed landscape theme for the public right-of-way along S. Highway 101. Street trees in planters are proposed in the parkways along Dahlia Drive and S. Sierra Avenue, with trees and planters provided between the sidewalk and buildings.

The proposed landscape species would include native plants and well-adapted species that are responsive to the local climate and limited water resources. The landscape plan would include a water-efficient drip irrigation system and low to moderate water use plants. BMP stormwater infiltration systems would be integrated into the landscape plan through the use of planters along the perimeter of the project site. The landscape plan also incorporates gathering spaces into the open space design concept, including areas for seating, dining, lounging, and playing. A focal rainwater element would be located along Highway 101, which would channel roof drainage through an overhead tunnel with a waterfall to a BMP planter.

The Applicant's conceptual landscape plan has been reviewed by the City's third-party landscape architect who has recommended approval of the conceptual landscape plan. The Applicant would be required to submit detailed construction landscape drawings that would be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect would perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible. Staff notes that since all required parking would be provided in underground parking garages, the Applicant is not required to comply with the landscape requirements of the Off-Street Parking Design Manual (OSPDM).

Roads, Pedestrian Walkways, Parking, and Storage Areas

Mixed use projects in the HWY 101 SP are required to comply with parking standards in the SBMC. As shown in Table 2 below, the proposed Project meets or exceeds the parking requirements for automobile, bicycle, and motorcycle parking.

TABLE 2			
AUTOMOBILE PARKING REQUIREMENTS			
	Development Standards**	Square Footage** / Number of Units	Number of Spaces
Residential:			
• 2-Bedroom Units	2 spaces per unit	18 units	36
• 1-Bedroom Units	1.5 spaces per unit	7 units	11
• Guest	1 space per each 4 units	25 units	6
Office:	1 space/300 ft ² gfa	45,587 ft ²	152
Retail:	1 space/200 ft ² gfa	4,142 ft ²	21
Restaurant/Outdoor Dining:	1 space/100 ft ² gfa	13,482	135
Total Auto Parking Spaces Required:			361
Total Auto Parking Spaces Provided:			366
*Per the SBMC, whenever the computation of the number of off-street parking spaces required results in a fractional parking space, one additional parking space shall be required.			
**Square footage (ft ²) calculated in gross floor area (gfa)			

All the required automobile and motorcycle parking spaces would be provided in a two-level subterranean parking garage that extends below the majority of the project site. The parking garage is designed with the residential parking on the west side of Level 1, directly below the residential land uses to allow for close proximity to residences and short walking distances. Residential parking would be secured with gate access. Residents would have key cards for access to the residential parking. A total of 47 automobile parking spaces, including two disabled accessible vehicle spaces and one disabled accessible van space, would be provided in the residential parking area. Six residential guest parking spaces would be located in the commercial parking area for guests of the residential units because guests would not have access to the gated residential parking area. A total of 313 commercial spaces would be available on both Level 1 and Level 2 of the parking structure. Level 1 would provide a total of 111 commercial parking spaces, including six disabled accessible vehicle spaces and one disabled accessible van space. Level 2 would provide a total of 202 commercial parking spaces. A total of 51 parking spaces would be designated for electric and alternative fuel vehicles, 11 spaces would be equipped to charge electric vehicles, and 11 spaces would be prewired to be EV charging capable.

The SBMC requires that developments with over 100 spaces shall designate at least one percent of the total parking space area for motorcycle parking, or four motorcycle parking spaces for this project, the design of which shall conform with the OSPDM. The proposed Project provides 4 motorcycle parking spaces on Level 1 in accordance with the OSPDM.

The SBMC requires that general commercial and office uses with 10 or more parking spaces shall provide at least one bicycle parking space per 10 full automobile parking spaces, or 31 spaces for this project, and shall conform with the OSPDM. The SBMC indicates that locking bicycle facilities should be conveniently located near the entrances to buildings for which they serve and when possible, provide weatherproofing or under cover. Design standards for bicycle spaces are prescribed in the OSPDM. The proposed Project will provide at least 32 bicycle parking spaces in several locations onsite. Bicycle parking would be provided in several locations onsite. The residential portion of the parking garage would also provide a dedicated bike storage area to serve the proposed residential uses.

Vehicular access to the two-level subterranean parking garage would be provided via one driveway off of Dahlia Drive and one driveway off South Sierra Avenue. Both entrances would provide full movement driveways allowing inbound and outbound movements. The South Sierra Avenue entrance would be for residents only and the Dahlia Drive entrance would be for the commercial office, retail, and restaurant patrons and employees, the general public, and guests of the residences. The Project driveways are proposed to be unsignalized.

The SBMC requires that developments of 25,001 square feet and larger provide a minimum of one loading space, a minimum of 10 feet wide and 35 feet deep. The Project proposes a loading space on the ground floor of the project site, accessible through a roll-up door from a driveway on Dahlia Drive. The loading space would be adjacent to the restaurant/retail space and includes a roll-up door, similar to a home garage. In addition to the on-site loading area, a parallel curb space for delivery both truck staging and passenger/rideshare loading has been provided at the east end of Dahlia Drive in front of the restaurant and proposed onsite commercial loading zone bay.

The Project also would provide additional parking spaces in the public right-of-way, including three parking parallel spaces south of the garage entrance and seven reverse-diagonal parking spaces on S. Sierra Avenue north of the garage entrance, which would be an extension of the existing reverse diagonal street parking to the north; 11 standard diagonal parking spaces on S. Highway 101, including two ADA parking spaces; and four parallel parking spaces on Dahlia Drive.

The project site is located within 0.5 miles of the Solana Beach Transit Center. An existing NCTD bus stop is located on the eastern edge of the project site along S. Highway 101. The bus stop and shelter are proposed to be relocated a short distance to the north (in front of the existing CVS site) to accommodate the proposed new on-street diagonal parking spaces on S. Highway 101.

Pedestrian access to the project site would be provided via new and/or improved perimeter sidewalks along S. Highway 101, Dahlia Drive, and S. Sierra Avenue. The east-west combined walkway/open space design of the proposed project also allows for public access through the project site from S. Highway 101 to South Sierra Avenue, as per the design guidelines of the South Highway 101/South Sierra District of the HWY 101 SP. Three staircases, located at the northwest corner along South Sierra Avenue,

the northeast corner along Highway 101 and near the “to go” restaurant space, would provide access to the site from the underground parking structure. Elevators would also be provided in these areas. Pedestrian access to multi-family residential units would be available from Highway 101, Dahlia Drive, and South Sierra Avenue. Pedestrians would access the second level residential units and the underground parking structure via elevators or stairs.

As designed, the Project proposes a 10-foot dedication along approximately half of the northern property frontage on S. Highway 101. Improvements to S. Highway 101 would include closing the two existing driveways and improvements to the existing sidewalk, curb, and gutter. A 10-foot dedication along the entire length of Dahlia Drive is proposed to provide half-width road improvements including curb, gutter, sidewalk, on-street parallel parking and a proposed loading and passenger loading area at the easternmost curbside area of the street. Dedications between five and eight feet are proposed along S. Sierra to provide half-width road improvements, parallel and reverse-diagonal on-street parking, curb, gutter, and sidewalk. A portion of the sidewalk along S. Sierra is proposed to be provided via a pedestrian easement to accommodate the reverse-diagonal parking spaces.

Grading

Grading is proposed in the amount of 49,200 cubic yards of soil to be exported off-site. The project site varies from an elevation of approximately 61 to 68 feet above MSL, sloping upward from west to east. The Project has been designed to generally follow the existing contour. The majority of the proposed grading would be required to provide two levels of subterranean parking.

The Engineering Department has included a condition of approval that the Applicant shall participate in the Sand Compatibility and Opportunistic Use Program (SCOUP) and deposit soil exports on city beaches if the Applicant’s soil engineer determines that any or all of the soil to be exported is compatible with beach sediments in accordance with the SCOUP Plan prepared by Moffatt & Nichol, dated March 2006, available on the SANDAG website.

Lighting

Conditional approval of this Project includes the requirement that all new exterior lighting fixtures be in conformance with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060). All light fixtures will be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area. Adequate lighting shall be provided in all parking areas used by the public for safe pedestrian and vehicular movement. A minimum lighting level of 0.2 foot-candles is required for all parking areas. All lights provided to illuminate any loading space or parking area shall be designed, adjusted, and shielded to avoid casting light toward public roads and adjoining residential properties.

Open Space

The Project is a mixed use development on a lot within the C Zone and, pursuant to the SBMC, does not require common usable open space for residential units. However, as designed, each of the proposed residential units has its own patio or balcony that is directly accessed from the unit. A synthetic turf area is proposed adjacent to the residential portion of the Project.

Fences, Walls, and Retaining Walls

The Project does not propose perimeter or interior walls or fences. Staff notes that if any walls or fences are proposed, they would be required to comply with SBMC 17.60.070.

Scenic Area Overlay Zone Compliance

The eastern half of the site is located within the Scenic Area Overlay Zone (SAOZ) on the City's Zoning Map. The purpose of the specific requirements of the SAOZ is to regulate development in areas of high scenic value to preserve and enhance the scenic resources present within, and adjacent to, such areas and to assure the exclusion of incompatible uses and structures. It is further recognized that the preservation and enhancement of scenic resources within the City of Solana Beach provides important social, recreation, and economic benefits for both residents and visitors.

Specific review criteria are required for properties within the designated areas of the SAOZ. These are established to ensure that proposed development does not interfere with or degrade those visual features of the site or adjacent sites that contribute to its scenic attractiveness, as viewed from the scenic highway or the adjacent scenic, historic, or recreational resource. The following specific criteria shall be evaluated when they are applicable:

1. Building Characteristics
2. Building and Structure Placement
3. Landscaping
4. Roads, Pedestrian Walkways, Parking and Storage Areas
5. Aboveground Utilities
6. Grading
7. Signs
8. Lighting

An application for development in the SAOZ also requires submittal of a view analysis consisting of an accurate representation of the development as viewed from at least three separate and critical points exterior to the development site and which show the treatment of the scenic resources present on the site as related to those resources which are adjacent to the site. To depict representative existing views and the aesthetic character of the project site, visual renderings were created of the Project from three key vantage points (KVP). Computer-generated visual simulations of the developed project site were created to allow for a comparison of the project area after project implementation. Additionally, story poles were placed on site to function as a visual

approximation of the proposed Project's scale. The view analysis is provided in Section 4.1 (Aesthetics) of the EIR – see Figure 4.1-2 (KVP Locations) and Figures 4.1-3 through 4.1-5, which are the visual renderings from each KVP.

The site is bounded by S. Highway 101 on the east, S. Sierra Avenue on the west, Dahlia Drive on the south, and commercial development on the north. Highway 101 is designated as a scenic roadway in the City's Conservation and Open Space Element of the General Plan. The site is located within a view corridor in the Conservation and Open Space Element (View Corridor #24 in the City's Local Coastal Plan (LCP)), which emanates from a point on Granados Avenue south of Corto Street looking to the west, and is within 100 feet of the Coastal Rail Trail, which is a significant recreational and scenic resource. The proposed Project would be visible from all three KVPs, from S. Highway 101, from the Coastal Rail Trail, and from View Corridor #24. However, the Project would not block views of key scenic resources and open space areas within the city (including beaches, the Pacific Ocean and San Elijo Lagoon) as viewed from S. Highway 101, from View Corridor #24, or from the Coastal Rail Trail.

The following section describes how the Development Review Criteria (SBMC 17.48.010(F)) apply to this project.

Building Characteristics

All development shall be compatible with the topography, vegetation, and colors of the natural environment and with the scenic, historic and recreation resources of the designated areas.

The proposed Project has been designed to generally follow the topography of the site, which slopes generally upward from an elevation of approximately 61 above MSL on the west to 68 feet MSL on the east. The existing vegetation onsite is non-native and ornamental and is proposed to be replaced with native and well adapted species that are responsive to the local climate and that coordinate with the landscaping theme in the public rights-of-way along S. Highway 101. The proposed Project's color palette would include warm earth tones. Materials for the exterior of the proposed Project include cement plaster with a smooth finish, siding, masonry, exterior porcelain wall tile, metal siding, metal roofing, and canvas awnings, with accented balconies and raised planters.

Building and Structure Placement

The placement of buildings and structures shall not detract from the visual setting or obstruct significant views, and shall be compatible with the topography of the site and adjacent areas. In prime viewshed areas designated in the General Plan, building and structures should not be placed along bluff-top silhouette lines or on the adjacent slopes within view from a lagoon area, but should be clustered along the bases of the bluffs and on the mesa tops set back from the bluff-top silhouette lines. Buildings and structures should be sited to provide unobstructed view corridors from the nearest scenic highway, or view corridor road. These criteria may be modified when necessary

to mitigate other overriding environmental considerations such as protection of habitat or wildlife corridors.

As noted above, the project site is located within a view corridor in the Conservation and Open Space Element and is within 100 feet of the Coastal Rail Trail, which is a significant recreational and scenic resource. The proposed Project would be visible from all three KVPs, from S. Highway 101, from the Coastal Rail Trail, and from View Corridor #24. However, the Project would not block views of key scenic resources and open space areas within the city. The proposed Project has been designed to generally follow the topography of the site. The site is not located along a bluff-top within a prime viewshed as designated in the General Plan or on adjacent slopes within view from a lagoon area.

The proposed design went through the required 30-day public noticing period required for the Structure Development Permit because the proposed Project will exceed 16 feet in height from the pre-existing grade. The entire process is discussed further in this report. The Applicant redesigned the Project to address four claims for view assessment that were received, and the claimants subsequently withdrew their claims. Therefore, it could be found that the proposed design, as redesigned, would not obstruct significant views.

Landscaping

The removal of native vegetation shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in paragraphs (F)(4), (5) and (6) of this subsection. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.

The existing site contains developed areas and disturbed vegetation consisting of non-native ornamental and non-native annual plant species. No native species or vegetation communities were identified within the proposed project area. The project is required to comply with the Water Efficient Landscaping Regulations of SBMC 17.56, which require native, non-invasive plant species for any new landscaping. The conceptual landscaping plan includes native plant species and well-adapted species that are responsive to the local climate and limited water resources. The landscape plan would include a water-efficient drip irrigation system and low to moderate water use plants.

Proposed landscaping has been conditioned so that the landscaping shall be maintained to ensure that it does not exceed the height of the adjacent rooflines when installed or at maturity.

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 shall be screened from view, to the maximum extent feasible, from either the scenic highway or

the adjacent scenic, historic, or recreational resource. Acceptable screening methods shall include, but are not limited to, the use of existing topography, the strategic placement of buildings and structures, or landscaping and plantings which harmonize with the natural landscape of the designated area.

All required parking would be provided in a two-level subterranean parking garage and therefore would be screened from view. The project proposes two access driveways to the underground parking garage. The portion of the parking garage that provides residential parking would be accessed via a driveway off S. Sierra, while the remainder of the parking would be accessed via a driveway off Dahlia. The required commercial loading area would take access via Dahlia Drive and is proposed to be located inside a portion of the restaurant building located at the southwest corner of S. Highway 101 and Dahlia, and therefore would be screened from view. A connected pedestrian walkway and open spaces would provide common pedestrian access into and through the proposed project.

Aboveground Utilities

Utilities shall be constructed and routed underground except in those situations where natural features prevent undergrounding or where safety considerations necessitate aboveground construction and routing.

The Engineering Department has placed a condition on the Project that requires any new utility services including, but not limited to, electrical and telephone, to be undergrounded. There are no existing overhead utilities surrounding this Project. There are a few above ground utility cabinets which will be either relocated, undergrounded, or eliminated.

Grading

The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either the scenic highway or the adjacent scenic, historic, or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area. However, design emphasis shall be placed on preserving the existing quality of scenic resources rather than concealment of disturbances or replacement in kind. In portions of the scenic area overlay zone containing sensitive lands, grading may be severely restricted or prohibited.

The entire site has been disturbed as a result of previous development and the topography no longer exists in a natural condition, nor are there sensitive lands. The proposed Project has been designed to follow the existing topography of the site, which varies from an elevation of approximately 61 to 6 feet above MSL, sloping upward in an easterly direction. The majority of the grading would be required to provide the subterranean parking garage.

Signs

Off-site signs shall be prohibited in areas subject to the scenic area overlay zone, except temporary real estate signs pursuant to SBMC 17.64.060. The number, size, location, and design of all other signs shall be consistent with the Comprehensive Sign Ordinance (Chapter 17.64 of the SBMC) and shall not detract from the visual setting of the designated area or obstruct significant views.

The Applicant provided a proposed Comprehensive Sign Plan, which is discussed in detail later in this Staff Report. The comprehensive sign plan has been reviewed and complies with the Chapter 17.64 of the SBMC. As designed, the Project signs could be found not to detract from the visual setting of the designated area or obstruct significant views.

Lighting

The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting permitted in the designated area. All exterior lighting, including lighting in designated "dark sky" areas, shall be in conformance with SBMC 17.60.060 (Exterior Lighting Regulations).

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

Major Subdivision Compliance

The Subdivision Map Act (SMA) (Government Code Section 66426) requires a tentative and final map (a major subdivision) for all subdivisions creating five or more condominiums as defined by Section 783 of the Civil Code, subject to certain exceptions. The Project requires approval of a major subdivision pursuant to Title 16 (Subdivisions) of the SBMC because the Applicant proposes to consolidate the existing parcels into one parcel and subdivide the new parcel as a common interest development to allow for condominium ownership of a maximum of 26 commercial units (the commercial office, retail, and restaurant spaces) and one undivided multifamily residential unit for 25 rental apartments.

There are two categories of subdivisions: 1) a standard subdivision, which results in entirely divided interests, where each owner owns the entire interest in the property with no common ownership, such as in a typical subdivision with public streets and infrastructure, where each parcel is individually owned; and 2) a common interest development (CID), which results in all or part of the project being an undivided interest, with two or more owners holding a single common interest. A condominium development is a type of CID, which is regulated by State law, including, but not limited to, the SMA, the Subdivided Lands Act (SLA), and the Davis-Stirling Common Interest Development Act (DSA). Pursuant to the SMA (Government Code Section 66472), a map of the condominium project need not show the buildings or manner in which the

buildings or airspace above the property shown on the map are to be divided; however, the SMA does not limit the power of the legislative body to regulate the design or location of buildings in a project by or pursuant to local ordinances. The DSA requires CIDs to be managed by a formal association.

The Applicant indicates the following: "The property is, and is intended to be under single ownership. In the event there are multiple owners in the form of condominium ownership of the commercial offices, retail, and restaurant spaces, an association would be formed and the maintenance and operations of the common utilities would be managed per the provisions outlined in the covenants, conditions, and restrictions (CC&Rs) to be provided prior to recordation of the final map." Staff notes that if the final map is not recorded, the development would not function as a CID.

The Project must comply with the required findings for major subdivisions contained SBMC Section 16.12.090 (Major Subdivisions). This section specifies that the City Council may approve, or conditionally approve, a tentative map only if all of the findings can be made. The nine findings are provided below in italics, with a discussion below each finding.

- 1. That the proposed map is consistent with applicable general and specific plans and with applicable zoning provisions of this code.*

The proposed tentative map could be found to be consistent with the General Plan, which designates the property as General Commercial (C) and allows resident and visitor-serving commercial uses and retail uses of a larger scale than those permitted in Special Commercial areas, but which still have a minimal disturbance to nearby residential neighborhoods. Residential uses are allowed as a secondary use in conjunction with permitted commercial uses at a maximum density of 20 units per acre. The density of the project is 14 dwelling units per acre.

The site is located within the C Zone and the South Highway 101/South Sierra District of the HWY 101 SP. The design of the subdivision, as conditioned, could be found to be consistent with all applicable provisions of the Title 17 (Zoning) and the HWY 101 SP, including allowable uses, minimum lot area, required street frontage, maximum allowable density, minimum yard dimensions, and all other applicable zoning provisions. The proposed tentative map is also consistent with all applicable provisions of Title 16 (Subdivisions) of the SBMC.

Condominium ownership is permissible with approval of a DRP. If the City Council approves the DRP for this project, the finding that the proposed tentative map is consistent with applicable general and specific plans and with applicable zoning provisions of the SBMC could be made.

- 2. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans and with applicable land use and zoning provisions of this code.*

The design and improvements of the proposed subdivision are consistent with the General Plan, the HWY 101 SP, the LCP LUP and the SBMC. The proposed subdivision would consolidate five existing parcels into one parcel and allow separate condominium ownership of a maximum of 26 commercial units in the development and would not, on its own, impact the design or improvement of the Project. If the final map is not recorded, the design and improvements of the Project could remain the same; the only difference would be that the property would remain under single ownership. If the City Council can make the required findings for the DRP, the subject finding could be made.

3. *That the site is physically suitable for the proposed type of development.*

The site was previously developed for a variety of uses and its existing condition, when cleared and graded, would be suitable for the proposed Project. If the final map is not recorded, the Project could remain the same; the only difference would be that the property would remain under single ownership. If the City Council approves the DRP for the project, the finding could be made that the site is physically suitable for the proposed type of development.

4. *That the site is physically suitable for the proposed density of development.*

The maximum allowable density for this site is 20 dwelling units per net acre, or 36 dwelling units for this 1.79 net acre site. The Project proposes 25 multifamily dwelling units, or 14 dwelling units per acre. The density of the proposed development complies with the SBMC and the HWY 101 SP for mixed use development. The density would remain the same if the final map was not recorded. Therefore, if the City Council can make the required findings for the DRP, the finding that the site is physically suitable for the proposed density of development could be made.

5. *Unless an Environmental Impact Report was prepared in respect to the project and a finding was made pursuant to Section 21081(c) of the Public Resources Code, that specific economic, social, or other considerations make feasible the mitigation measures or project alternatives identified in the environmental impact report;*

A Final EIR and Mitigation Monitoring and Reporting Program (MMRP) were prepared for the Project in accordance with the California Environmental Quality Act of 1970. The EIR found that Project impacts would be less than significant or would be less than significant with mitigation in all the topic areas analyzed. If the City Council makes the required findings to certify the Final EIR and approve the MMRP, the subject finding could be made.

6. *That the design of the subdivision or the type of improvements are not likely to cause serious public health problems.*

A Final EIR and MMRP were prepared for the Project. The proposed Project was reviewed against the applicable environmental issues and standards contained in the Initial Study Checklist in Appendix G of the CEQA Guidelines. Environmental topics that could cause serious public health problems were analyzed, including air quality, geology/soils, greenhouse gas emissions (GHG's), hazards and hazardous materials, hydrology and water quality, public services, transportation/traffic, public utilities, service systems, and energy. The EIR found that Project impacts would be less than significant or would be less than significant with mitigation in all the topic areas analyzed. The subdivision allows a common interest development for condominium ownership of a maximum of 26 commercial units within the Solana Beach 101 project. The proposed development and the types of improvements would be the same if the Project were to be approved with or without approval of a major subdivision. If the City Council certifies the Final EIR and approves the MMRP for the Project, the finding could be made that the design of the subdivision or types of improvements are not likely to cause serious public health problems.

7. *That the design of the subdivision or the type of improvements will not conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the City Council may approve a map if they find that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public.*

There are no existing easements of record or easements established by court judgement, acquired by the public at large, for access through or use of property within the proposed subdivision. The project site is composed of five parcels. The subdivision consolidates the existing parcels into one parcel and subdivides the new parcel as a common interest development to allow for condominium ownership of a maximum of 26 commercial units and one undivided multifamily residential unit for 25 rental apartments. The improvements consist of a mixed use development including commercial office, retail, restaurant and multi-family residential use, and associated below-grade parking in a mix of one and two story buildings along with onsite landscaping and other surface improvements. As there are no easements recorded or established on the on the property, there will be no conflict with the design of the subdivision or the type of improvements on the property. As such, this finding could be made by the City Council.

8. *That all requirements of the CEQA, as amended, and the environmental protection provision of this code have been met.*

A FEIR and MMRP were prepared for the Project in accordance with the California Environmental Quality Act. The FEIR concluded that all potential impacts would be less than significant with mitigation incorporated. The

mitigation measures are included as conditions of approval. The City Council must certify the EIR and adopt the MMRP in order to approve the SUB. As a result, if the City Council certifies the EIR and adopts the MMRP, the finding that all requirements of CEQA and the environmental protection provision of this code have been met could be made.

9. *That the proposed map meets the requirements or conditions of Title 16 (Subdivisions) or the Subdivision Map Act.*

The proposed map has been reviewed and could be found to meet the requirements or conditions of Title 16 (Subdivisions) and the Subdivision Map Act.

10. *In the case of conversions of residential real property to a common interest development, that all required notices and reports to tenants have been or will not be sent as required by law.*

The project site is composed of five parcels, one of which has an abandoned single-family residence and another of which is the site of an abandoned mobile home park. No residential tenants live onsite. No public notices for this Project are required to be mailed to tenants onsite pursuant to SBMC Section 17.72.030 (Public Hearing and Notice Requirements) due to its vacant status.

11. *Subject to the exceptions contained in Government Code Section 66474.4, the property is not subject to a contract entered into pursuant to the Land Conversion Act of 1965 (Williamson Act) and the parcels resulting from the subdivision would be too small to sustain agricultural use. The determination of ability to sustain agricultural use shall be made according to the provisions to Government Code Section 66474.4.*

The property is not subject to a contract entered into pursuant to the Williamson Act contract. The property has a zoning designation of C (General Commercial) and was used previously for commercial and residential uses. The proposed mixed use development is consistent with the current zoning for the property.

According to SBMC 16.16.120, if the design of a common interest development is subject to review and approval pursuant to the City zoning provisions, such review and approval shall be obtained prior to or concurrently with the approval of the tentative map. Therefore, if the City Council certifies the EIR and approves the DRP and SDP, and if the findings for approval of the SUB can be made, the City Council can approve the SUB for the proposed Project.

Structure Development Permit Compliance

The Project must also be found to comply with all of the requirements of SBMC Chapter 17.63, View Assessment, and requires an SDP given that proposed structures exceed 16 feet in height.

As part of the permit application for the previously proposed American Assets Trust (AAT) project, temporary story poles were erected on the project site in December 2015 to show the height and general outline of the previously proposed structures. After notice was issued to residents within 300 feet of the project site, the City received two claims of potential view impairment. The claims were evaluated by the VAC on March 17, 2015 and the VAC recommended denial of the project due to the inability to make the required findings. Given that the AAT project did not proceed, these two claims were given a “pending” status and were considered valid claims for the currently proposed Project.

As part of the proposed Project’s permit application, revised story poles were installed and certified on November 17, 2017 to show the height and outline of the currently proposed structures. As certified, the story poles show a maximum building height of 32.5 feet from the proposed grade. A public notice was issued to residents within 300 feet of the project area on February 16, 2018, notifying them of the proposed Project. A corrected notification was subsequently issued on February 21, 2018. The deadline for residents to submit a view assessment claim was March 19, 2018. Two new applications for view assessment were received, in addition to the two “pending” claims from the previous AAT project, for a total of four view assessment claims.

The Project was reviewed by the VAC on May 15, 2018. The Commission voted to continue the project to a later date to give the Applicant time to work with the claimants and revise the proposed Project. In response, the Applicant proposed a revised project design that reduces the proposed building heights. The highest point of the revised string line was certified at the location of Story Pole #47 at a height of 96.1 feet above MSL. The string line of the tallest portion of the structure as measured from the lower of the existing or proposed grade was certified at 32.2 feet above the existing grade at the location of Story Pole #57. The heights of the story pole string lines were lowered to reflect the revised building heights, although the original story poles were not changed. The heights of the string lines were certified by a licensed land surveyor on May 29, 2018.

The project was scheduled for the June 19, 2018 meeting. The Commission again voted to continue the meeting to a later date to give the Applicant additional time to work with the claimants to revise the proposed project. After working further with the view claimants, the Applicant again redesigned the proposed Project by reducing the height of the residential, retail, and restaurant buildings, and the claimants withdrew their applications for view assessment. As a result, the SDP will be issued administratively with the DRP should the Council make the findings to certify the EIR and approve the project. The Applicant will be required to show compliance with the approved maximum height and three-dimensional building envelope that was approved by the SDP at the time of submittal for a building permit and also prior to requesting a framing inspection.

Comprehensive Sign Plan (CSP)

Pursuant to Chapter 17.64 (Comprehensive Sign Ordinance) of the SBMC, a CSP is required for commercial centers consisting of four or more tenant or occupant spaces. A

CSP was prepared to be evaluated with the project and is provided in Attachment 2. Notwithstanding any other provision of Chapter 17.64, within the Scenic Area Overlay Zone (SBMC 17.48.010) the total signage allowance for all signs on a premises shall not exceed one square foot for each linear foot of street frontage. No establishment shall have an aggregate sign area greater than 100 square feet. The SBMC and the HWY 101 SP permit the following on-premises signs for the proposed Project:

- Freestanding Signs: A 32 square foot freestanding sign, however, an additional freestanding monument sign is permitted for each street frontage that exceeds 250 feet. All three street frontages surrounding the project site exceed 250 feet. The maximum area per freestanding sign can be increased to a maximum of 66 square feet where the sign serves multiple tenants of a community shopping or office center. A 25 percent increase in sign area is allowed if only one freestanding sign is used where more than one freestanding sign is permitted. Building frontage is the lineal footage of all building elevations containing a public entrance and which face a public street or on-premises parking lot, excluding driveways and aisles.
- Wall Signs. A maximum signage allowance for wall signs of one square foot of signage per one linear foot of building frontage.
- Projecting Signs. One projecting sign per tenant, per business frontage; provided such signs are spaced at least 20 feet apart. Projecting signs shall not exceed 10 square feet in area nor extend more than five feet from the building. Projecting signs shall provide a minimum sidewalk clearance of eight feet.
- Business Center Entrance Monument Signs. In addition to the permitted freestanding signs, commercial developments at least one-half acre in size with four or more separate businesses are allowed one property entrance monument sign for identification of the development. The sign shall not exceed a height of eight feet from the finished grade, nor be greater than 66 square feet per sign face. The sign shall be located at an entrance to the property and may be located within the setback. The signs shall be designated and placed in a manner which does not create a dangerous condition of public property. Items of information shall be limited to the name of the development or center, numeric address, and name of the city.

Per the SMBC, the Project is permitted two 66 square foot freestanding signs, or one 82 square foot freestanding sign, as described above. The Applicant proposes one 82 square foot free-standing sign, as permitted. As a commercial property over 1/2 acre in size and with more than four individual businesses, the Project is allowed one business center entrance monument with the name of the complex, address numerals, and city name. In lieu of such a sign, the Applicant is requesting that the parking entrance sign on Dahlia be considered as the business center entrance monument sign. This includes a custom, wall-mounted, two-sided, externally and/or internally lighted, vehicular-oriented blade or projecting sign on the south elevation with project identification and parking garage entry information. While projecting signs are typically limited to 10

square feet, the Applicant is requesting that the parking identification sign be allowed to be 66 square feet per side as permitted for a freestanding sign.

The Applicant is requesting secondary entry signs, including a wall-mounted or awning-mounted, externally and/or internally lighted sign at the north entry with project identification, as well as a wall mounted sign identification added to the Project's west entry from Sierra Drive to provide clarity to the multiple points of entry into the Project. The Applicant has requested that the parking entrance sign on Dahlia be considered in lieu of allowed a freestanding sign which is allowed on this frontage as this is the primary entrance for visitors to the site. The Applicant proposes a parking entry sign on the south (Dahlia Drive) entrance to the retail/visitor parking garage and a parking entry sign on the west (S. Sierra) entrance to the residential parking garage. The proposed CSP also provides for a tenant directory, tenant signs, pedestrian information/directional signs, address numerals, residential monumentation, and miscellaneous signage.

At the time of writing this report, Staff has not had adequate time to review the proposed CSP to assess its compliance with the SBMC. Therefore, Staff recommends that the CSP either be returned to the City Council at a later date or that the City Council authorize the City Manager and/or Community Development Director to conduct that review and approval. The Community Development Director has the authority to approve, conditionally approve, or deny the CSP, unless the comprehensive sign plan is approved by the decision-making body at the time of approval or conditional approval of the development permit or plan for the property,

Public Art

The City's Master Art Policy (MAP) indicates that when a commercial project exceeds a building valuation of \$500,000, the Applicant is required to pay the Public Art Fee of 0.5% of the total building valuation. If the Applicant incorporates public art into the proposed development project in accordance with the procedures of the MAP, the Public Art Fee can be refunded at the final inspection of the public art installation. The Applicant has indicated that they want to incorporate art into the proposed Project to satisfy the requirements of the MAP, however, no definitive art plan has been submitted for consideration. Therefore, the applicant shall be conditioned to pay the Public Art Fee.

Inclusionary Affordable Housing

The developer of a for-rent residential project that includes five or more dwelling units is required to pay the Affordable Housing Impact Fee (AHIF) to mitigate the rental residential project's impact on the need for affordable housing in the City. The AHIF for the project is calculated by multiplying the gross square footage of the rental market rate units by the AHIF of \$25.28. The total square footage is 33,473 square feet; therefore the calculation is as follows:

$$33,473 \times \$25.28 = \$846,197.00$$

PUBLIC HEARING NOTICE:

Notice of the City Council Public Hearing for the project 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 scheduled public hearing date of July 10, 2018. After publication and mailing of the public hearing notice, as of the date of preparation of this Staff Report, Staff has not received any letters in support of or in opposition to the proposed project.

Conditions from the Planning, Engineering and Fire Departments have been incorporated into the Resolutions of Approval (Attachments 4 and 5).

In conclusion, if the City Council certifies and FEIR and adopts the findings of fact, the proposed project, as conditioned, could be found to meet the requirements and policies of the General Plan, the SBMC zoning regulations, and the HWY 101 SP and could be found to meet the findings required to approve a DRP, SDP, and SUB. If the City Council adopts Resolution 2018-099 approving the DRP and SDP, the CSP will also be considered approved.

CEQA COMPLIANCE:

An Environmental Impact Report (EIR) has been prepared for this Project in conformance with the California Environmental Quality Act of 1970 (CEQA). The EIR has been prepared as a Project EIR pursuant to Section 15161 of the State CEQA Guidelines.

The Final EIR (FEIR) is provided in Attachment 6. The Final EIR consists of four parts:

- Part I: Introduction
- Part II: Mitigation Monitoring and Reporting Program (MMRP)
- Part III: Comments and Responses to Comments
- Part IV: The Revised Draft EIR and its Appendices, with revisions incorporated as identified

Overview

In 2015, American Assets Trust (AAT) submitted an application to construct a different project on the site, consisting of a specialty supermarket, commercial office space, retail and restaurant space, 31 multi-family residential units, and two floors of underground parking totaling 341 spaces (the "previous project"). As explained in greater detail in Chapter 1 of the EIR, a Notice of Preparation (NOP) of the EIR was prepared for the previous project in compliance with State CEQA Guidelines Section 15082. On July 1, 2015, the NOP was distributed by the City. The NOP was circulated to interested agencies, groups, and individuals for a period of 45 days, during which time comments were solicited pertaining to environmental issues/topics that the EIR should evaluate. A scoping meeting was held on July 20, 2015. Comments were recorded from 16 speakers, several of whom also provided written comments on the NOP. As discussed

in the Executive Summary of the EIR, the City received comment letters on the NOP from 18 residents in the surrounding neighborhoods and one local business owner. All verbal and written comments were reviewed and considered during the preparation of the EIR and are provided in Appendix A of the EIR. At the end of the 45-day NOP review and comment period, the State of California Governor's Office of Planning and Research, State Clearinghouse (SCH) issued a project number (2015071004) for the EIR.

In 2016, Zephyr Partners (the Applicant) proposed a new mixed-use development project (the "proposed project" in the EIR) on the project site. Initially, the Zephyr project was proposed as an alternative to the AAT project (at the time referred to as the "Zephyr Alternative"). In 2016, AAT rescinded their project application and the Zephyr project was determined to be the new "proposed project." The AAT project is now included as an EIR alternative in Chapter 6 of the EIR. The Zephyr proposed project is wholly located within the footprint of the previous AAT project footprint and proposes similar residential and commercial uses; therefore, the Zephyr project was considered to be a modification to the AAT previous project and relied upon the 2015 NOP.

As the CEQA lead agency for the proposed project, the City prepared a Request for Proposals (RFP) seeking a qualified consultant team to prepare an EIR for the proposed project. Harris and Associates was chosen to prepare the Draft EIR to analyze the potential environmental impacts associated with the proposed project. The Draft EIR was distributed to the public and public agencies on April 19, 2018 for a 45-day review period for the purpose of providing comments "*on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided and mitigated*" (State CEQA Guidelines Section 15204). The 45-day public review period began on April 19, 2018 and ended on June 4, 2018. Following the close of the public review period, Harris and Associates prepared written responses to the comments received, made revisions to the text of the Draft EIR, and on July 2, 2018, published the Final EIR.

The proposed project was reviewed against the applicable environmental issues contained in the Initial Study Checklist in Appendix G of the CEQA Guidelines. Environmental topics for which potentially significant impacts have been identified are addressed in Chapter 4 (Existing Conditions, Impacts, and Mitigation) of the EIR for the proposed project, and include: aesthetics; air quality; cultural resources; geology/soils; greenhouse gas emissions (GHG's); hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services and recreation; transportation/traffic; public utilities, service systems, and energy; and biological resources. Agricultural resources and mineral resources were found not to be significant and therefore were not discussed in detail in the EIR. Section 15128 of the CEQA Guidelines requires that an EIR contain a brief statement disclosing the reasons why various possible significant effects of a proposed project were found not to be significant and, therefore, have not been discussed in detail in the EIR; this discussion is provided in Section 5.1 of the EIR.

The EIR considered a reasonable range of project alternatives, including a no project alternative. The FEIR concludes that the potential impacts associated with the proposed project, through the incorporation of mitigation measures, will be mitigated to a level of insignificance. The FEIR discusses the project alternatives, the issue areas, and the mitigation measures in detail; they are summarized below.

Summary of EIR Impact Analysis and Mitigations

The EIR's conclusions for the environmental topics are addressed in Chapter 4 of the EIR, including potentially significant project impacts and levels of significance, and, if applicable, mitigation measures (MM) and levels of significance after mitigation. In identifying the following impacts, the City has considered project design features, as well as the applicable plans, programs, regulations, and policies. The project design features are part of the proposed project that the City has considered and will be made conditions of project approval. The City requires that the proposed project be implemented consistent with the project description, project design features and applicable plans, programs, regulations and policies to which the proposed project is subject.

The FEIR concludes that the proposed project would have less than significant impacts and require no mitigation measures in the following areas:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services and Recreation
- Transportation/Traffic
- Public Utilities, Service Systems and Energy

The FEIR concludes that implementation of the proposed Project could result in potentially significant impacts that would be mitigated to below a level of significance with in the following areas:

- Biological Resources (Mitigation measure BIO-1)
- Cultural Resources (Mitigation measure CUL-1, CUL-2, CUL-3, CUL-4)
- Geology/Soils (Mitigation measure GEO-1)
- Greenhouse Gas Emissions (Mitigation measures GHG-1, GHG-2)
- Hazards and Hazardous Materials (Mitigation measure HAZ-1)
- Noise (Mitigation measures NOI-1, NOI-2, NOI-3, NOI-4)

The FEIR and the MMRP contains a detailed discussion of the environmental analysis and a description of each of the above-noted mitigation measures.

Summary of Alternatives

The CEQA Guidelines require identification and evaluation of alternatives to determine if they would lessen or avoid the significant impacts identified in Chapter 4 for the proposed project. CEQA also requires consideration of a “No Project Alternative” and identification of the environmentally superior alternative from among the project alternatives. If the “No Project Alternative” is the environmentally superior alternative, the EIR needs to identify an environmentally superior alternative from among the other alternatives. CEQA Guidelines also state that an EIR should identify any alternatives that were considered by the lead agency but were rejected and briefly explain the reasons underlying the lead agency’s determination and rejection of any alternatives.

The DEIR analyzed project alternatives consistent with the CEQA Guidelines. The alternatives analyzed include the following:

- No Project/No Build Alternative
- No Project/American Assets Trust Alternative
- Reduced Project/Affordable Housing Alternative
- Transit Priority Project Alternative

A comparative environmental analysis is provided for each of the alternatives in Chapter 6 of the EIR; Table 6-1 provides a comparison between the proposed project and each project alternative with regard to potentially significant impacts. A brief summary of the project alternatives is provided below.

No Project/No Build Alternative: Under the No Project/No Build Alternative, the proposed mixed-use development would not be constructed. The site would stay in its current partially developed and mostly abandoned condition and no changes would occur. This alternative would avoid all of the significant and mitigatable impacts of the proposed project including cultural resources, geology and soils, GHG emissions, hazards and hazardous materials, noise, and biological resources.

No Project/American Assets Trust Alternative (AAT): The No Project/AAT Alternative demonstrates the type of project that could be developed on the site, consistent with the land uses and zoning allowed in the City’s General Plan and the HWY 101 SP. This alternative would construct a new mixed-use development on the project site consisting of 14,137 SF of commercial office space; 10,215 SF of retail and restaurant space; 24,284 SF of a commercial specialty grocery; and 31 multi-family residential units. The existing on-site buildings would be demolished. A two-level subterranean parking garage would provide 341 on-site parking spaces. Vehicular access to the project site would be provided via one driveway on Dahlia Drive, which would be a full movement driveway allowing inbound and outbound movements. No vehicular access from South Sierra would be provided. This alternative provides a mix of uses that would result in greater traffic and GHG impacts than the proposed project. It would not result in a reduction of any impacts identified for the proposed project.

Reduced Project/Affordable Housing Alternative: The Reduced Project/Affordable Housing Alternative would construct a new mixed-use development on the project site. The existing on-site buildings would be demolished. The proposed development would include 24,000 SF of commercial office space; 3,800 SF of restaurant space; and 49 multi-family residential units. Of the 49 multi-family residential units, four units would be available to very low income qualified tenants. No retail uses would be provided. A two-level subterranean parking garage would provide 243 on-site parking spaces. Vehicular access to the project site would be the same as the proposed project with two driveways, one on Dahlia Drive and one on South Sierra Avenue. This alternative would reduce average daily trips (ADT) compared to the proposed project due to the reduction in food & beverage, retail and commercial office uses on the site. The reduction in ADT would result in a reduction in vehicle miles travelled (VMT) and subsequently a reduction in GHG impacts due to transportation. This alternative would increase the number of residential units from 25 (under the proposed project) to 49 units. It would utilize a density bonus incentive by providing four very low-income rental units. This alternative was evaluated because it would result in fewer vehicle trips than the proposed project and, by reducing vehicle miles traveled, would reduce the amount of GHG and other pollutant emissions associated with the proposed project.

Transit Priority Project Alternative: The Transit Priority Project (TPP) Alternative would change the mix of land uses on the project site to meet the definition of a TPP as identified in PRC Section 21155(b) and Senate Bill 375. To qualify as a TPP, the project land uses would be altered to: 1) contain at least 50 percent residential use, based on total building square footage and, if the project contains between 26 percent and 50 percent nonresidential uses, a floor area ratio of not less than 0.75; 2) provide a minimum net density of at least 20 dwelling units per acre; and 3) be located within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. The first two requirements would be met by modifying the proposed land uses on the project site. This could be done many different ways; however, for purposes of this analysis, the TPP would provide 39 residential units totaling 53,555 SF and a mix of commercial office, retail, and restaurant space totaling 41,915 SF. This alternative was evaluated because it would result in fewer vehicle trips than the proposed project and, by reducing vehicle miles traveled, would reduce the amount of GHG and other pollutant emissions associated with the proposed project. The third requirement would be met due to the location of the project site within one-half mile of the Solana Beach transit station.

Areas of Controversy

Section 15123 of the CEQA Guidelines requires the summary of an EIR to include areas of controversy known to the Lead Agency including issues raised by agencies and the public. On July 1, 2015, a Notice of Preparation (NOP) for the AAT project EIR was distributed. In accordance with Section 15082 of the CEQA Guidelines, the NOP was circulated to interested agencies, groups, and individuals for a period not less than

30 days, during which time comments were solicited pertaining to environmental topics and issues that the EIR should evaluate. The NOP comment period ended on August 17, 2015. In addition, a public scoping meeting was held on July 20, 2015. The City received comments on the NOP prepared for the proposed project from 18 residents in the surrounding neighborhoods and one local business owner. The areas of concern identified in the comments include: proposed site uses; scale and size of project; size of buildings; view of hillsides; nighttime lighting; air quality emissions from construction; project GHG emissions; site and cumulative parking availability; safety of underground garage parking; provision of only one project driveway; increased traffic on surrounding roadways; water demand and usage; site drainage; and Highway 101 Corridor Specific Plan conformance. These issues have been addressed in FEIR. The NOP and associated comment letters are provided in Appendix A of the FEIR.

Comments Received on Draft EIR

During the public review period for the Draft EIR, the City received six comment letters by the following agencies, organizations, and individuals:

1. Governor's Office of Planning and Research, State Clearinghouse
2. California Department of Toxic Substance Control
3. California Native American Heritage Commission
4. San Diego Association of Governments (SANDAG)
5. Viejas Tribal Government
6. Gary Martin

The FEIR includes responses to these comments as required, based on the CEQA Guidelines Section 15088 – Evaluation of and Response to Comments, sub-section (c), which states:

“The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.”

A brief summary of the comments and response to comments is provided below.

1. Governor's Office of Planning and Research, State Clearinghouse

This comment letter serves as notification that the project has complied with the State Clearinghouse review requirements. Response to comments determined no response is necessary.

2. California Department of Toxic Substance Control

This comment letter requests that the EIR address issues including: hazardous wastes/substances; discharge of wastewater into a storm drain; historical use of hazardous building materials; historical use of pesticides; aerially deposited lead due to project's location adjacent to Highway 101; site contamination associated with rail operations due to the project's location relative to the NCTD railroad right-of-way; historical use of PCB transformers; oil gas sampling; evaluation of soil import and export; and methods of soil remedial evaluation. The response to comments determined the following: the issue was adequately addressed in the DEIR and no additional discussions, evaluations, investigations, or mitigations are required; or clarifying language was added to the DEIR to discuss how the impact had been addressed adequately, and that the addition of the discussion would not result in a new significant impact.

3. California Native American Heritage Commission

This comment letter requests that the EIR address issues including: adding a mitigation measure to specifically address Tribal Cultural Resources separately and distinctly from Archaeological resources; to update incorrect information in a mitigation measure for the Most Likely Descendent Timeline; to revise pre-excavation agreement requirements; to remove confidential sections of Appendix C; and to recommend that lead agencies consult with California Native American tribes as early as possible in the project planning process. The response to comments determined the following: mitigation measure(s) provided for the project adequately address the issue; the identified mitigation measure has been updated; the City removed Appendix C as a precaution; and the City consulted with California Native American tribes appropriately.

4. SANDAG

This comment letter requests that the EIR address issues including: request to include planned transit routes/services; and request that the project incorporate transportation demand management (TDM) strategies. The response to comments determined that no further response is necessary and/or that the EIR meets the intent of the comment and no revisions or additions to the EIR are necessary.

5. Viejas Tribal Government

This comment letter states that the site may contain many sacred sites associated with the Kumeyaay people and requests that all sites be avoided. The response to comments determined that the Draft EIR adequately addresses this issue and no revisions or additions to the EIR are necessary.

6. Gary Martin

This comment letter requests that the EIR address issues including: design recommendations regarding incompatible aesthetics (reducing scale and massing of proposed buildings, revising façades of buildings); incompatible density of the proposed buildings; inadequate landscaping; insufficient commercial delivery ramp along Dahlia Drive; request to add a parking space for delivery trucks on Dahlia Drive; insufficient on-street parking; inconsistency of proposed sidewalk widths with HWY 101 SP; and includes suggestions/recommendations to address many of these comments. The response to comments determined the following: no further response is necessary as the project is consistent with the design, scale, massing, and density of the surrounding development and/or with the SBMC and HWY 101 SP, but that the City Council can consider the various suggestions/recommendations at the public hearing for the FEIR; that the project accomplishes the suggestion/recommendation in the comment and no revisions or additions to the project or EIR are necessary, but that the City Council can consider the various suggestions/recommendations at the public hearing for the FEIR; or that significant impacts would not occur and no revisions or additions to the EIR are necessary. Staff notes that although the response to comments determined the EIR is adequate to address the subject comments, the Applicant has modified the project to address many of the issues identified. The modifications are minor in nature and do not substantively alter the project, nor do they create any impact that was not already considered and evaluated in the DEIR and the FEIR is adequate as prepared.

Full written responses to these comments on the Draft EIR can be found in the Part III of the FEIR. Any revisions to the Draft EIR mitigation measures included in the response to comments are indicated as underlined text (e.g., underlined text), and deletions are indicated as strikethrough text (e.g., ~~strikethrough-text~~). In the revised Draft EIR, text changes resulting from the comments received are also indicated as underlined and/or as strikethrough text, with a vertical line in the outside margin of the page. The revisions to the text changes include additional discussion of certain topics and changes to language for the purpose of increased clarity. Additionally, the City removed Appendix C from its website in response to a request by the Native American Heritage Commission to protect potentially confidential information related to tribal cultural resources.

As noted in the summary of responses to comments (above) and as discussed in detail in the FEIR, the revisions do not affect the conclusions of the EIR and the FEIR is adequate as prepared. No revisions or additions to the project or EIR are necessary.

Staff notes that the revisions to the Draft EIR mitigation measures (Mitigation Measures CUL-1 and CUL-4, which were made in response to the comments from the Native American Heritage Commission) have been incorporated into the mitigation measures provided in Resolution 2018-099 for approval of the DRP/SDP, and in the MMRP, which is included in the FEIR.

If the project is approved by the City Council, a Notice of Determination (Section 15375) will be filed.

FISCAL IMPACT: N/A

WORK PLAN: N/A

OPTIONS:

FEIR:

- Certify the FEIR and approve Staff recommendation adopting the attached Resolution 2018-097.
- Deny certification of the FEIR. If the City Council does not certify the FEIR, Staff would return a Resolution for Denial of the certification of the EIR at a later date.

DRP/SDR/CSP:

- If the City Council certifies the FEIR, approve Staff recommendation to conditionally approve the DRP and SDP as provided in Resolution 2018-097.
- If the City Council certifies the FEIR, approve Staff recommendation to approve the DRP and SDP as provided in Resolution 2018-099 subject to additional specific conditions necessary for the City Council to make all required findings for the approval of a DRP and SDP. Staff would return a revised Resolution of Approval at a later date.
- If the City Council certifies the FEIR but cannot make all required findings for the DRP and SDP, deny the project. Staff will return a Resolution of Denial for the project at a later date.
- If the City Council denies certification of the FEIR, deny the project. Staff would return a Resolution of Denial for the project at a later date.

SUB:

- If the City Council certifies the FEIR and approves the DRP and SDP, approve staff recommendation to conditionally approve the SUB as provided in Resolution 2018-098.
- If the City Council certifies the FEIR but denies the DRP and SDP, deny the SUB. Staff would return a Resolution of Denial for the project at a later date.

DEPARTMENT RECOMMENDATION:

The proposed Project meets the minimum objective requirements under the SBMC and the HWY 101 SP, is consistent with the General Plan and the LCP LUP, and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP, SDP and SUB. 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. Certify the FEIR and adopt Resolution 2018-097.
3. If the City Council certifies the FEIR and makes the requisite Findings of Fact and approves the project, adopt Resolution 2018-099 conditionally approving a DRP and subsequent administrative approval of a SDP, for the Solana 101 project, a mixed use development, at the northwest corner of Highway 101 and Dahlia Drive, Solana Beach.
4. Provide direction to Staff either to return to the City Council for consideration of the CSP at a later date or authorize the City Manager and/or Community Development Director to review and approve the CSP.
5. If the City Council certifies the FEIR and approves the DRP and SDP and makes the requisite findings of fact and approves the SUB, adopt Resolution 2018-098 conditionally approving the SUB and Tentative Map.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager

Attachments:

1. Project Plans
2. Comprehensive Sign Plan
3. Story Pole Plans
4. Resolution 2018-097, certifying the EIR and adopting Findings of Fact and MMRP
5. FEIR Findings of Fact – Exhibit A to Resolution 2018-097
6. Resolution 2018-098, approving SUB
7. Resolution 2018-099, approving DRP and SDP
8. FEIR

Design Team Directory



Owner:
Zephyr
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Encinitas, CA 92024

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San Diego, CA 92108

Contact: Bryan Spicer
Email: bryan.spicer@kjjff.com
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MEP Engineer:
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San Diego CA 92123

Contact: Tony Fearnard
Email: tony@fearnardandassociates.com
Office: (619) 277-0555
Cell: (619) 277-0008

Architect:
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1805 Newton Ave., Ste A
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Contact:
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Cell: (619) 889-2422

Steve Miles
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Cell: (619) 889-0017

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Contact: Gregory M. Shields
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Cell: (619) 882-0820

Dry Utilities:
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8470 Piedmont Creek Lane, Suite 200
San Diego, CA 92126

Contact: Joel Padovan
Email: padovan@buskoutility.com
Office:
Cell:

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Development Permit

Solana Beach 101

Highway 101 & Dahlia Drive
Solana Beach, CA 92075

Project Number	1806
Original Date	22 November 2016
Drawn	TD
Checked	SM
Resubmittal #1	23 January 2017
Resubmittal	24 January 2017
Resubmittal	22 March 2017
Resubmittal	10 May 2017
Resubmittal	28 June 2017
Resubmittal	15 September 2017
Resubmittal	22 June 2018

NOT FOR CONSTRUCTION
SHEET SIZE: 24" x 36"
DO NOT SCALE DRAWINGS

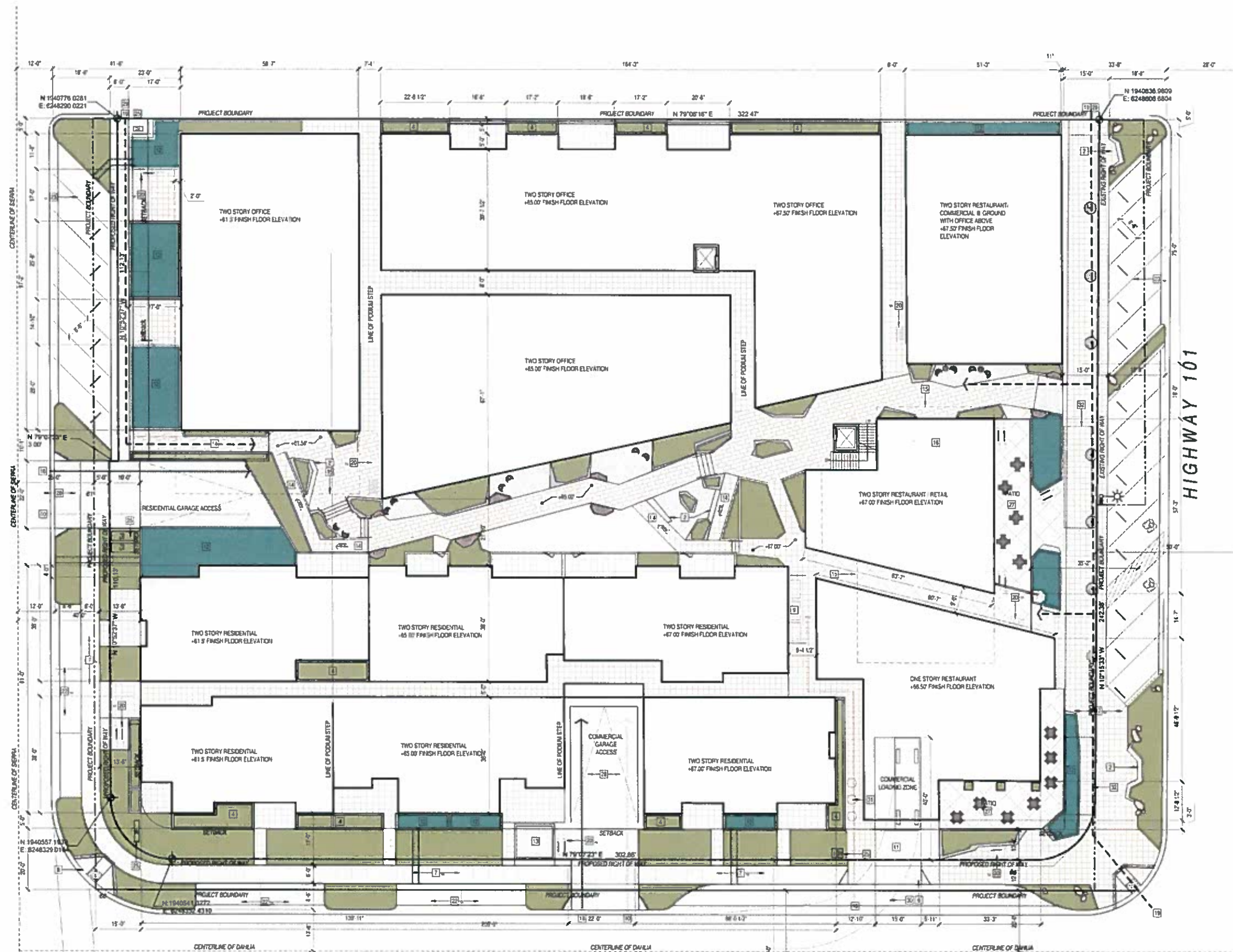
Title Sheet

1/8" = 10'

T0.0

Sheet Number 02

SIERRA AVENUE



Site Plan Notes

- 1 Storm Drain (Per Civil)
- 2 Block
- 3 Wet Pond
- 4 Plan for Landscape Drawings
- 5 Wetland
- 6 New Driveway and Curb Cut
- 7 New Sidewalk
- 8 New Pedestrian Curb Ramp per ADP
- 9 Access and Recycling Enclosures
- 10 Trash Access
- 11 Commercial Loading Areas
- 12 BMP Plan
- 13 Electrical Panel Access
- 14 ADA Ramp 1/12 Max Slope
- 15 Line of Sighting Prior Overlay Allow
- 16 Parking Garage Exit Sign
- 17 Curbcut Paving
- 18 ADA Access to Garage
- 19 Accessible Path
- 20 Block Paving (2' Min)
- 21 Wet Pond
- 22 Paved Parking Spaces
- 23 Diagonal Parking Spaces
- 24 Plan for Landscapes
- 25 Water Service per Civil Plans
- 26 Bus Stop
- 27 On-street Dining Area
- 28 Parking Garage Ramp - Vehicle Access Point
- 29 Pedestrian Access
- 30 Plan of Travel Blocking w/for Loading Truck
- 31 Max Study for Servicing Drains Trap
- 32 Underground Hydrostatic Storage Tank (See Civil Drawings)

General Notes

- 1 Refer to the Civil drawings for existing proposed utilities, BMP requirements, and the work.
- 2 Building envelope design must comply with The City of Solana Beach sign design regulations.
- 3 Prior to building address numbers, verify and update from the street to avoid blocking the property.
- 4 For plan dimensions refer to Architectural Plans (Plan sheets).
- 5 For all existing and proposed R.O.W. setbacks, property line definitions, and curb to property line setbacks refer to Civil drawings (parking and proposed boundary) within project by the engineer.
- 6 For all proposed setbacks and easements within site to Lot coverage.
- 7 Note cycle and Bicycle Parking Spaces to comply with CDOPDM.
- 8 Prior to equipment setbacks for the various proposed parking.

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Solana Beach 101

Highway 101 & Dahlia Drive
 Solana Beach, CA 92075

Development Permit

Project Number	1608
Design Date	22 November 2016
Drawn	TJ-SM
Checked	SM
Resubmittal - 24 January 2017	
Resubmittal - 22 March 2017	
Resubmittal - 10 May 2017	
Resubmittal - 26 June 2017	
Resubmittal - 15 September 2017	
Resubmittal - 22 June 2018	

NOT FOR CONSTRUCTION
 SHEET SIZE: 24" x 36"
 DO NOT SCALE DRAWINGS

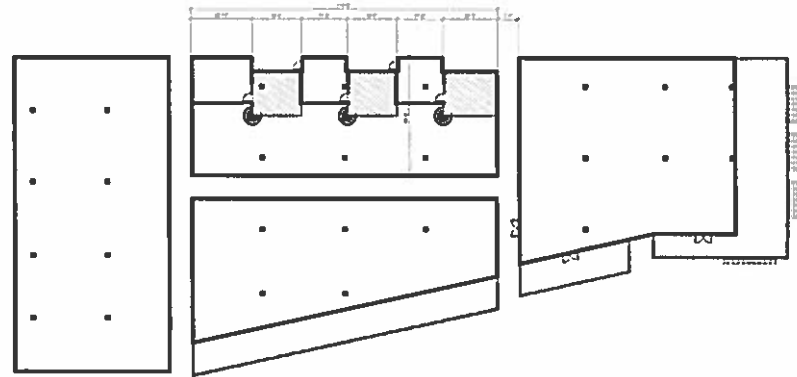
Proposed Site Plan

1/16"=1'-0"

A1.0

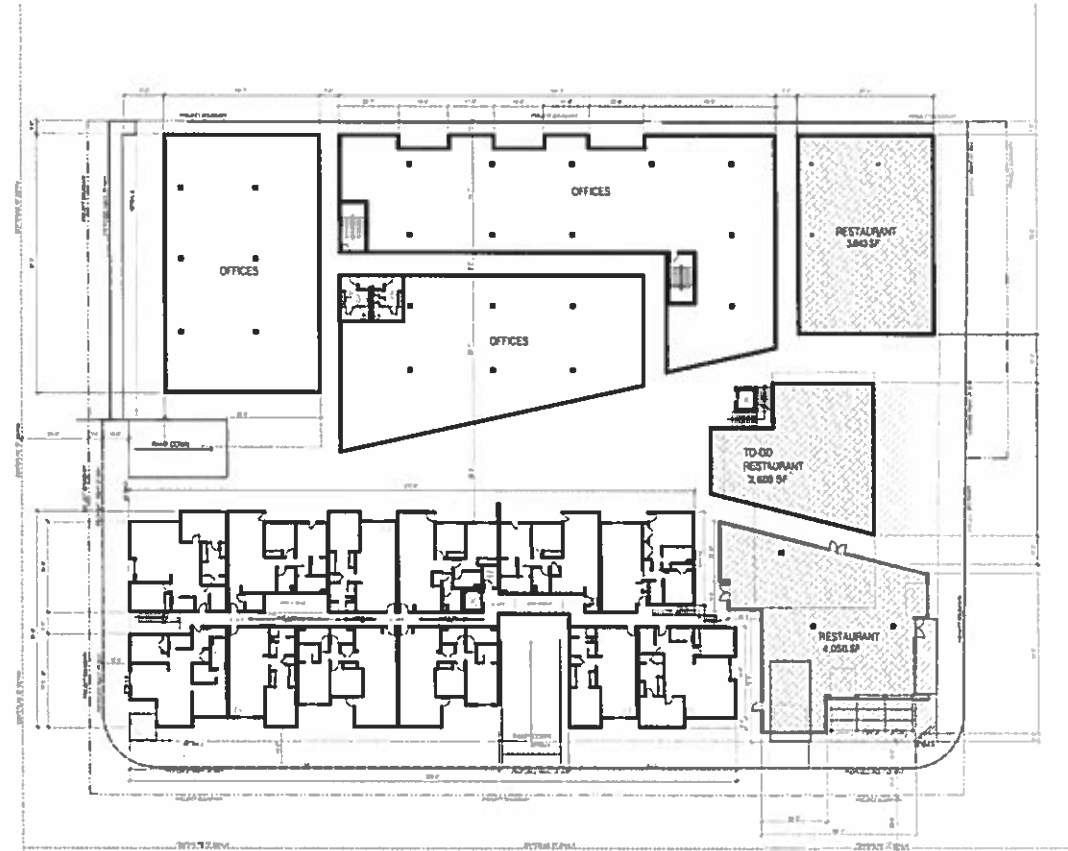
Site Plan
 scale: 1/16" = 1'-0"





2nd Floor Mezzanine FAR Calculation

scale: 1/32"=1'-0"



F&B Area Calculation (for Number of Parking Requirement only)

scale: 1/32"=1'-0"

FAR CALCULATIONS:
 * NOTE: All dimensions are measured from exterior wall surface

LEGEND	
	GROSS FLOOR AREA INCLUDED IN F.A.R. TABULATION (per SBMC Section 17.08.030. and 17.52.040)
	F&B BUILDING AREA INCLUDED IN PARKING CALCULATION (per SBMC Section 17.52.040)
	F&B OUTDOOR AREA INCLUDED IN PARKING CALCULATION (per SBMC Section 17.52.040)

TOTAL F&B GROSS AREA INCLUDED IN PARKING CALCULATION
 (3,843 + 2666 + 4050) BUILDING AREA
 + (780 + 2159) OUTDOOR AREA
 = 13,480 SF

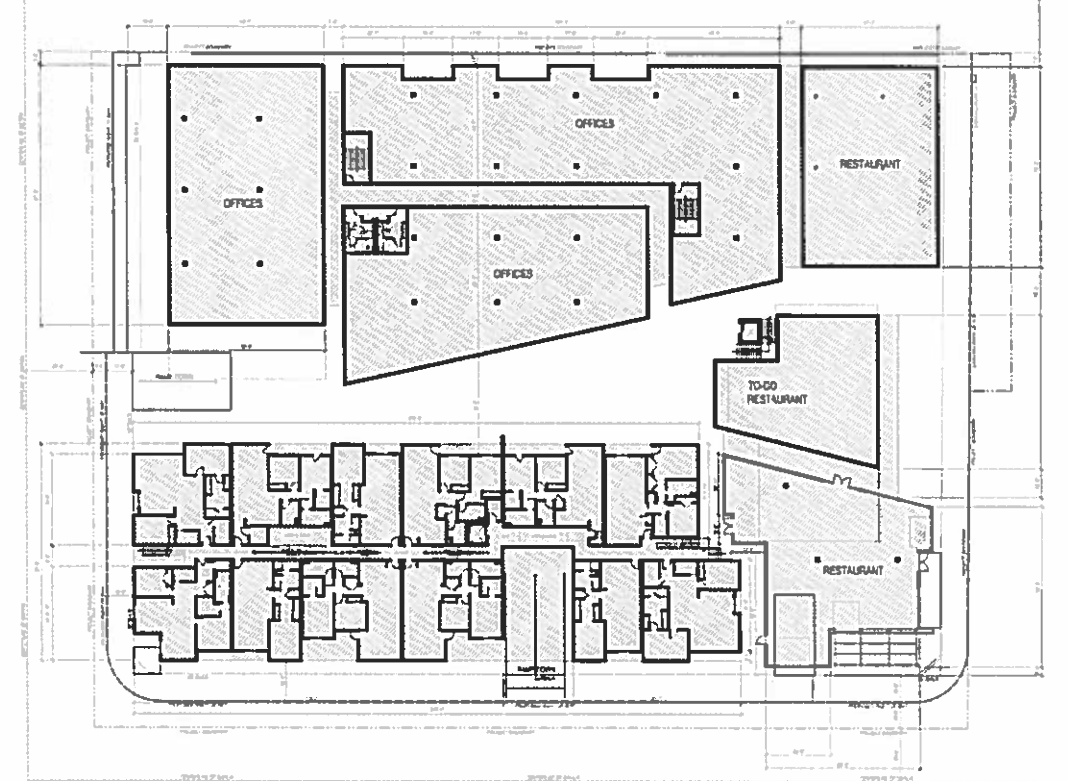
A.L.T.A. SURVEY GROSS AREA = 84,958 SF
 ALLOWABLE F.A.R. = 1.2 (SBMC TABLE 17.24.000-C)
 => ALLOWABLE GROSS FLOOR AREA PER ZONING = 84,958 X 1.2 = 101,947 SF

FAR TABULATION				
	RETAIL	F&B	OFFICE	RESIDENTIAL
sq ft	GROSS	GROSS	GROSS	GROSS
1ST FLOOR		12268	22447	17497
2ND FLOOR	4142		23143	15976
TOTAL	4142	12268	45587	33473
TOTAL GROSS (FAR)	95471			



2nd Floor FAR Calculation

scale: 1/32"=1'-0"



1st Floor FAR Calculation

scale: 1/32"=1'-0"

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Development
 Permit

Project Number	1608
Design Date	22 November 2016
Drawn	TD/SM
Checked	SM

Solana Beach 101

Highway 101 & Dahlia Drive
 Solana Beach, CA 92075

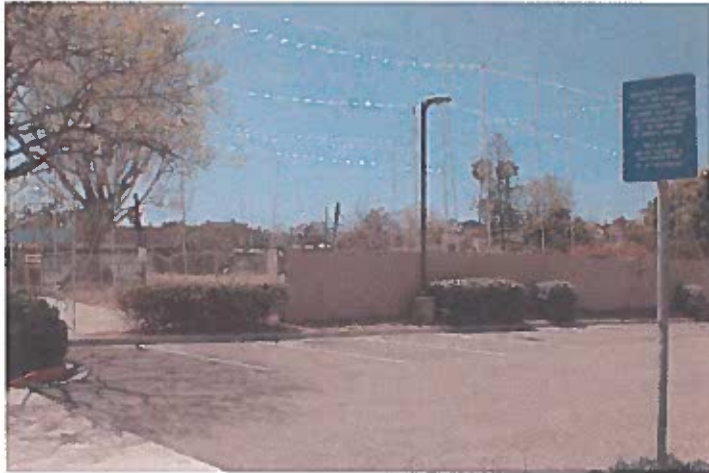
Resubmittal	24 January 2017
Resubmittal	22 March 2017
Resubmittal	10 May 2017
Resubmittal	26 June 2017
Resubmittal	15 September 2017
Resubmittal	22 June 2018

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 SHEET SIZE: 24" x 36"
 DO NOT SCALE DRAWINGS

FAR Calculations

1/32"=1'-0"

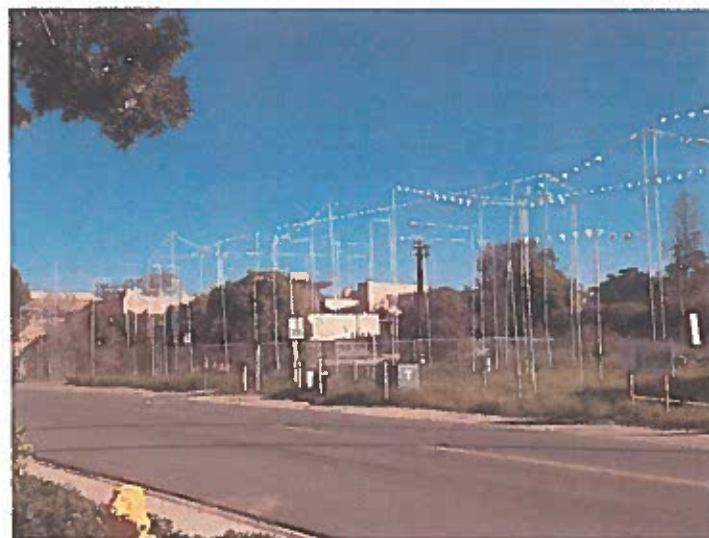
A1.1



5 Highway 101 Sidewalk view Southwest



4 Sierra Avenue looking Southeast



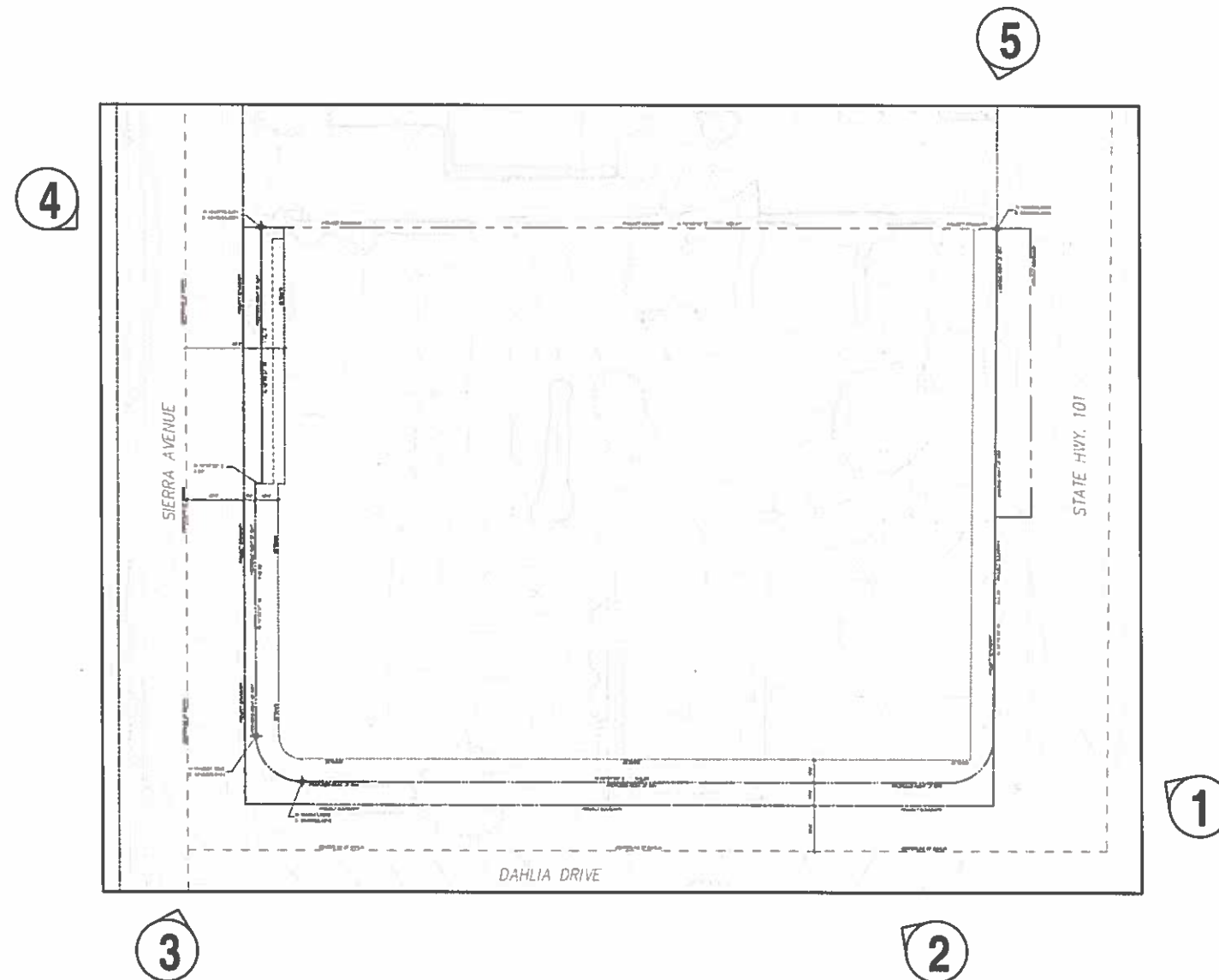
3 Sierra Avenue looking Northeast



2 Dahlia Drive looking West



1 Highway 101 looking West



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Development
 Permit

Project Number	1806
Original Date	22 November 2016
Drawn	TD/SM
Checked	SM

Solana Beach 101

Highway 101 & Dahlia Drive
 Solana Beach, CA 92075

Resubmitted - 24 January 2017
Resubmitted - 22 March 2017
Resubmitted - 10 May 2017
Resubmitted - 26 June 2017
Resubmitted - 15 September 2017

NOT FOR CONSTRUCTION
 SHEET SIZE: 24" x 36"
 DO NOT SCALE DRAWINGS

Existing Site Photos

A1.2

TENTATIVE MAP

SHEET 1 OF 5

POR. BLOCK 24 SOLANA BEACH MAP NO. 1749

SEASCAPE SHORES MAP NO. 6941

SOLANA BEACH & TENNIS CLUB MAP NO. 7466

GENERAL NOTES (CONTINUED):

UTILITIES:
 WATER: SANTA FE IRRIGATION DISTRICT
 5920 Linea Del Cielo
 Rancho Santa Fe, CA 92067
 GAS & ELECTRIC: SDG & E
 101 ASH ST.
 SAN DIEGO, CA 92101
 FIRE & POLICE PROTECTION: CITY OF SOLANA BEACH
 CABLE T.V. TIME WARNER/AT&T
 SCHOOL: SOLANA BEACH SCHOOL DISTRICT
 309 North Rios Ave.
 Solana Beach, CA 92075
 SEWER: CITY OF SOLANA BEACH
 THIS PROJECT SITE IS LOCATED WITHIN THE SOLANA BEACH DRAINAGE BASIN, WHICH CONVEYS SEWER FLOWS TO THE SOLANA BEACH SEWER PUMP STATION. ULTIMATELY SEWAGE FROM THIS BASIN IS TREATED AND DISPOSED OF AT THE SAN ELIJO JOINT POWERS AUTHORITY WATER RECLAMATION FACILITY.
 FOR SITE DRAINAGE PATTERN SEE SHEET C-4.

STREET IMPROVEMENTS:
 • NEW CURB, GUTTER, AND SIDEWALK ALONG EAST SIDE OF SIERRA AVENUE AND NORTH SIDE OF DAHLIA DRIVE
 • NEW WATER AND FIRE SERVICE
 • NEW SEWER SERVICE

LEGEND:

- PROPERTY LINE
- PROPOSED CONTOUR
- PROPOSED BLDG. LIMIT (GROUND FLOOR)
- EXISTING LOT LINE
- PROPOSED DRIVEWAY
- PROPOSED FIRE HYDRANT
- MODIFIED 1.0' WIDE CURB OUTLET
- PROPOSED WATER SERVICE
- PROPOSED FIRE SERVICE W/BACKFLOW PREVENTOR
- PROPOSED BIOFILTRATION BMP
- EXISTING SEWER LATERAL
- PROPOSED STREET TREE PER LANDSCAPE PLANS
- PROP OFFSITE PARKING
- UNDERGROUND RAINSTORE HMP STORAGE

OWNER:

ZEPHYR
 700 SECOND STREET
 ENCHILITAS, CA 92024
 CONTACT:
 RYAN HERRILL
 TEL: (858)461-6670

CIVIL ENGINEER AND SURVEYOR:

PROJECT DESIGN CONSULTANTS
 701 B STREET, SUITE 800
 SAN DIEGO, CA 92101
 TEL: (619)235-6471
 REGISTERED CIVIL ENGINEER: GREGORY M. SHIELDS
 LICENSED SURVEYOR: GARY HUIS

M.W. STEELE GROUP
 ARCHITECTURE | PLANNING
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Development Permit

Project Number:	4242(0)
Original Date:	22 November, 2016
Drawn:	Jo Villa
Checked:	Rafael Rodriguez

Resubmittal:	24 January 2017
Resubmittal:	22 March 2017
Resubmittal:	10 May 2017
Resubmittal:	26 June 2017
Resubmittal:	15 September 2017
Resubmittal:	22 January 2018
Resubmittal:	22 March 2018
Resubmittal:	22 June 2018

Solana Beach 101

Highway 101 & Dahlia Drive
 Solana Beach, CA 92075

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 SHEET SIZE: 24" x 36"
 DO NOT SCALE DRAWINGS

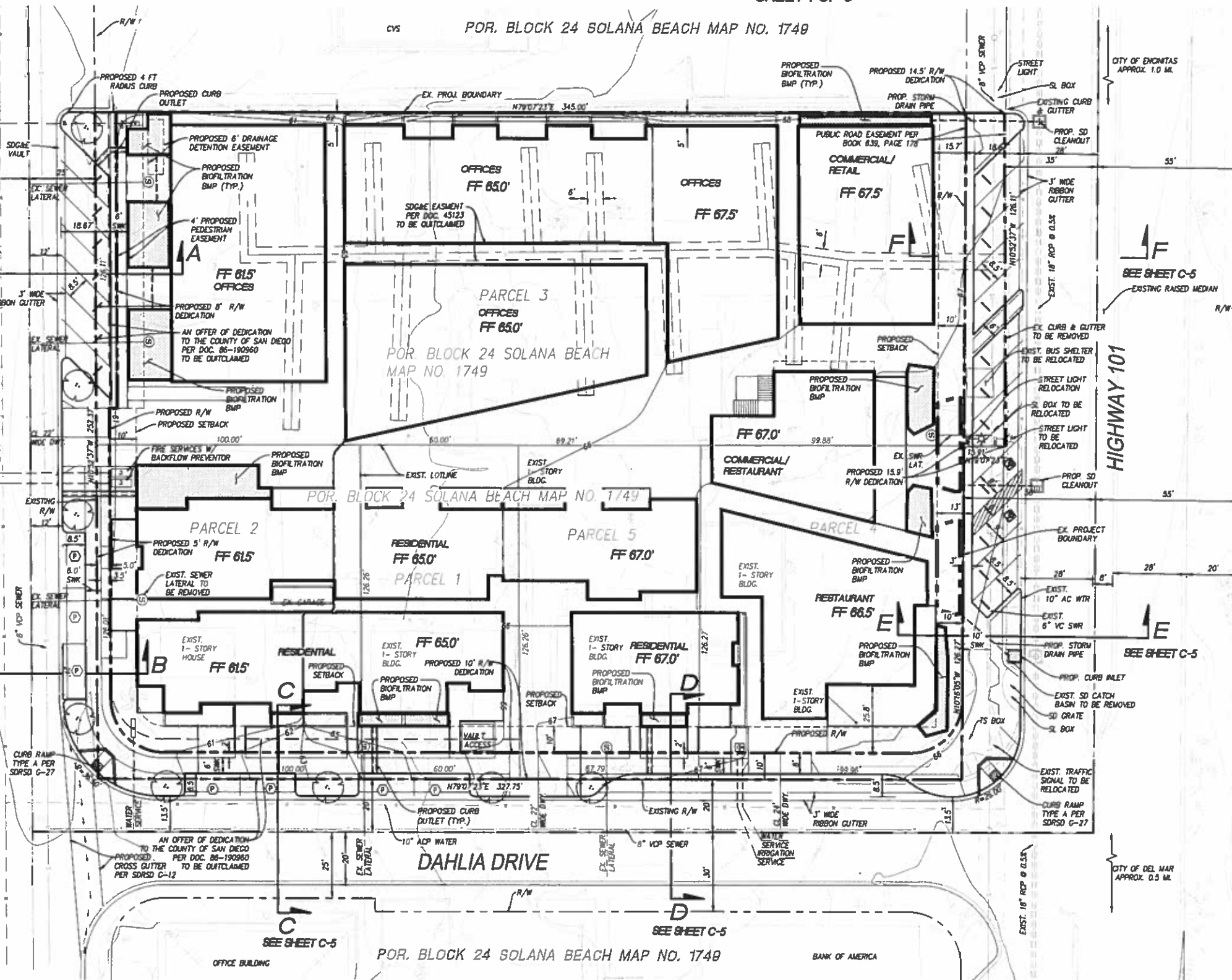
SITE PLAN



PROJECT DESIGN CONSULTANTS
 Planning | Landscape Architecture | Engineering | Survey
 701 B Street, Suite 800 San Diego, CA 92101
 619.235.6471 Tel 619.234.0349 Fax

SHEET C-1

Sheet Number 01



EASEMENTS

NON-PLATABLE EASEMENTS CONTAINED IN PRELIMINARY GRADING REPORT ORDER NO. MGS-753219-SD DATED FEBRUARY 17, 2016.

- (1) AN EASEMENT FOR WATER MAINS TO SANTA FE IRRIGATION DISTRICT RECORDED 10-24-1925 IN BOOK 1115, PAGE 402 OF DEEDS.
- (7) AN EASEMENT TO SAN DIEGO GAS AND ELECTRIC COMPANY FOR UNDERGROUND FACILITIES AND APPURTENANCES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATION FACILITIES, AND APPURTENANCES AND ALSO HAS THE RIGHT OF INGRESS AND EGRESS TO, FROM AND ALONG THIS EASEMENT AND INCIDENTAL PURPOSE, RECORDED JUNE 29, 1992 AS INSTRUMENT NO. 92-403845 OF OFFICIAL RECORDS.

GENERAL NOTES:

PROPOSED SUBDIVISION:
 THE FIVE EXISTING PARCELS SHALL BE CONSOLIDATED INTO ONE PARCEL AND THEN BE SUBDIVIDED AS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE. THERE WILL BE A MAXIMUM OF 26 COMMERCIAL UNITS AND ONE UNDIVIDED MULTIFAMILY RESIDENTIAL UNIT FOR 25 RENTAL APARTMENTS.

BUILDING TENANTS:
 2 STORES COMMERCIAL, RETAIL AND RESTAURANT SPACES (CONDOMINIUM)
 2 STORES MULTI-FAMILY RESIDENTIAL (25 UNITS FOR RENT)

NOTE:
 THE PROPERTY IS, AND IS INTENDED TO BE UNDER SINGLE OWNERSHIP. IN THE EVENT THERE ARE MULTIPLE OWNERS IN THE FORM OF CONDO OWNERSHIP, AN ASSOCIATION WILL BE FORMED AND THE MAINTENANCE AND OPERATIONS OF THE COMMON MET AND DRY UTILITIES WILL BE MANAGED PER THE PROVISIONS OUTLINED IN THE CONDOMINIUM'S CONDITIONS AND RESTRICTIONS (CC&RS) TO BE PROVIDED PRIOR TO RECORDATION.

TENTATIVE MAP

SHEET 2 OF 5

POR. BLOCK 24 SOLANA BEACH MAP NO. 1749

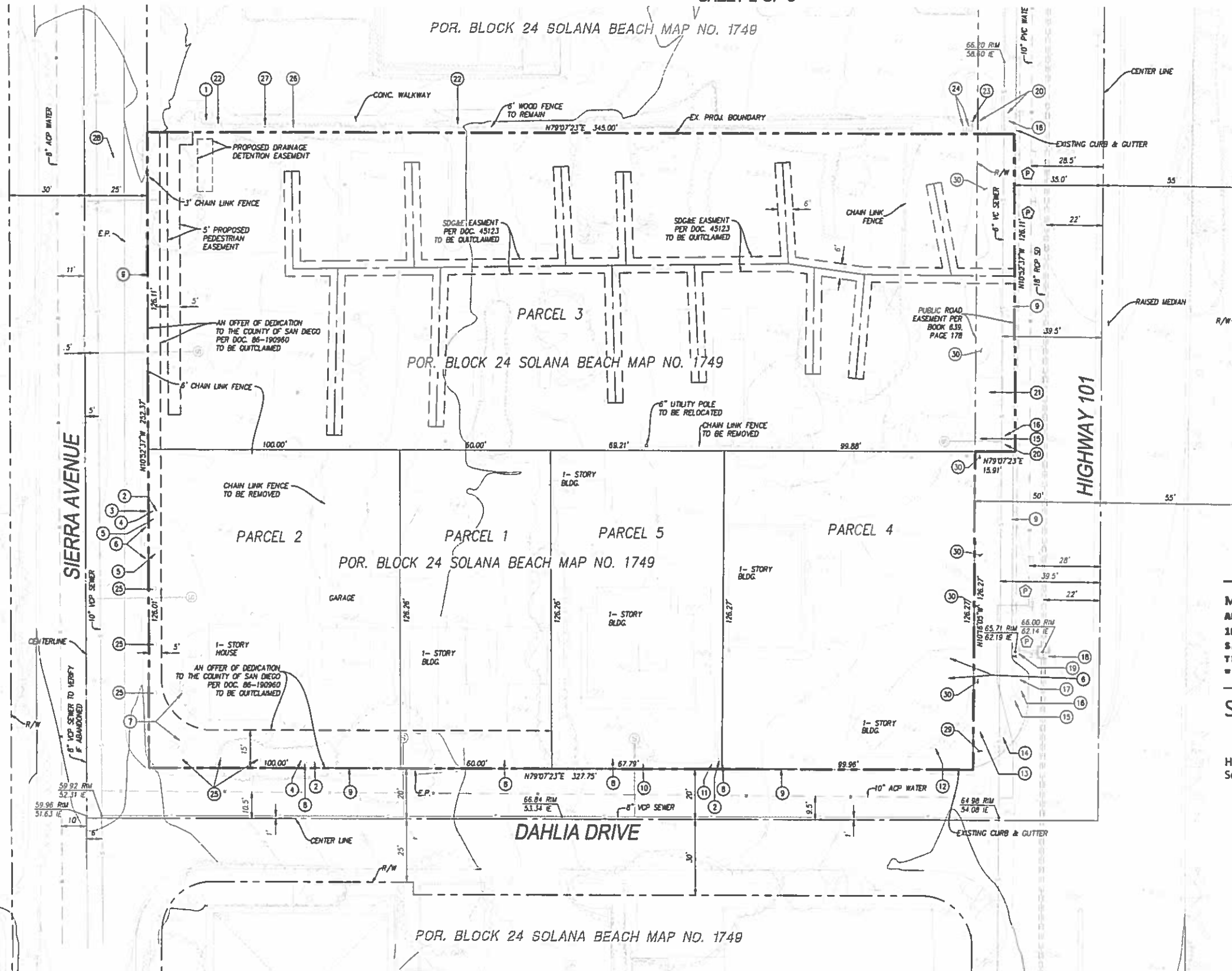
EASEMENTS

NON-PLATABLE EASEMENTS CONTAINED IN PRELIMINARY GRADING REPORT ORDER NO. NCS-753218-S0 DATED FEBRUARY 17, 2016.

- AN EASEMENT FOR WATER MAINS TO SANTA FE IRRIGATION DISTRICT RECORDED 10-24-1925 IN BOOK 1115, PAGE 402 OF DEEDS.
- AN EASEMENT TO SAN DIEGO GAS AND ELECTRIC COMPANY FOR UNDERGROUND FACILITIES AND APPURTENANCES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATION FACILITIES, AND APPURTENANCES AND ALSO HAS THE RIGHT OF INGRESS AND EGRESS TO, FROM AND ALONG THIS EASEMENT AND INCIDENTAL PURPOSE RECORDED JUNE 29, 1992 AS INSTRUMENT NO. 92-403645 OF OFFICIAL RECORDS.

SOURCE OF TOPOGRAPHY

THE AERIAL TOPOGRAPHY WAS PREPARED BY SAN-LO AERIAL SURVEYS, JOB NO. 13577 FLOWN AUGUST 26, 2011.



SEASCAPE SHORES MAP NO. 8841

SOLANA BEACH & TENNIS CLUB MAP NO. 7465

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Development Permit

Project Number:	4242.00
Original Date:	22 November, 2016
Drawn:	Jo Villa
Checked:	Raul Rodriguez

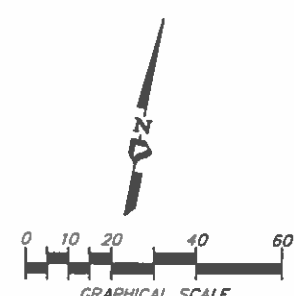
Solana Beach 101

Highway 101 & Dahlia Drive
 Solana Beach, CA 92075

Resubmittal:	24 January 2017
Resubmittal:	22 March 2017
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Resubmittal:	-
Resubmittal:	-
Resubmittal:	-

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 SHEET SIZE: 24" x 36"
 DO NOT SCALE DRAWINGS

TOPOGRAPHIC SURVEY AND EXISTING CONDITIONS PLAN



KEY NOTES:

- | | | | | |
|--|---|--|---|--|
| 1 EXISTING ELECTRIC TRANSFORMER, PROTECT IN PLACE. | 7 EXISTING PALM TREE TO BE REMOVED. | 13 EXISTING TRAFFIC SIGNAL HANDHOLE TO REMAIN, PROTECT IN PLACE. | 19 EXISTING TYPE G INLET TO REMAIN, PROTECT IN PLACE. | 25 EXISTING POWER POLE TO REMAIN, PROTECT IN PLACE. |
| 2 EXISTING CATV RISER TO BE RELOCATED. | 8 EXISTING WATER METER TO BE RELOCATED. | 14 EXISTING TRAFFIC SIGNAL TO REMAIN, PROTECT IN PLACE. | 20 EXISTING STREET LIGHT TO REMAIN, PROTECT IN PLACE. | 26 EXISTING ELECTRICAL HANDHOLE TO REMAIN, PROTECT IN PLACE. |
| 3 EXISTING SIGN (25 MPH) TO BE REMOVED. | 9 EXISTING DRIVEWAY TO BE REMOVED. | 15 EXISTING TRASH CAN TO REMAIN, PROTECT IN PLACE. | 21 EXISTING BUS SHELTER TO REMAIN, PROTECT IN PLACE. | 27 EXISTING STREET LIGHT HANDHOLE TO REMAIN, PROTECT IN PLACE. |
| 4 EXISTING TELEPHONE RISER TO BE RELOCATED. | 10 EXISTING SEWER CLEAN OUT TO PROTECT IN PLACE. | 16 EXISTING STREET LIGHT HANDHOLE TO REMAIN, PROTECT IN PLACE. | 22 EXISTING LIGHT POLE TO REMAIN, PROTECT IN PLACE. | 28 EXISTING SDG&E VAULT TO REMAIN, PROTECT IN PLACE. |
| 5 EXISTING ELECTRIC TRANSFORMER TO BE RELOCATED. | 11 EXISTING SDG&E VAULT TO REMAIN, PROTECT IN PLACE. | 17 EXISTING STORM DRAIN GRATE TO BE REMOVED. | 23 EXISTING WATER VALVE TO REMAIN, PROTECT IN PLACE. | 29 EXISTING PED. RAMP TO REMAIN. |
| 6 EXISTING BOLLARDS TO BE REMOVED. | 12 EXISTING FIRE HYDRANT TO REMAIN, PROTECT IN PLACE. | 18 EXISTING STORM DRAIN CLEAN OUT TO REMAIN, PROTECT IN PLACE. | 24 EXISTING WATER METER TO REMAIN, PROTECT IN PLACE. | 30 EXISTING PLANTERS TO BE REMOVED. |



PROJECT DESIGN CONSULTANTS
 Planning | Landscape Architecture | Engineering | Survey
 701 B Street, Suite 800 San Diego, CA 92101
 619.238.6471 Tel 619.234.0349 Fax

DATE	DESCRIPTION	BY	CHK

Sheet Number 01

TENTATIVE MAP

SHEET 3 OF 5

POR. BLOCK 24 SOLANA BEACH MAP NO. 1749

SEASCAPE SHORES MAP NO. 6941

SOLANA BEACH & TENNIS CLUB MAP NO. 7465

GENERAL NOTES

- EXISTING/PROPOSED ZONING: C - GENERAL COMMERCIAL
- LAMBERT COORDINATES: NAD 83 (CCS83) ZONE 6 EPOCH 1991.35
- ASSessor's PARCEL NUMBERS: 298-052-06, 07, 08, 13 AND 14.
- LEGAL DESCRIPTION:
A PORTION OF LOT 24 OF SOLANA BEACH, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1749, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, MARCH 5, 1923.
- BENCHMARK:
GPS STATION NO. 2001 (SOLB-1) 2.5' CITY OF SOLANA BEACH BRASS DISC ON CONCRETE DRAINAGE INLET ON THE EAST SHOULDER OF HIGHWAY 101, 0.1 MILES SOUTH OF LOMAS SANTA FE DRIVE
- TOTAL AREA WITHIN THE PROJECT BOUNDARY IS 1.95 ACRES.
GROSS SITE AREA = 84,955 SF (1.95 AC)
NET SITE AREA = 78,043 SF (1.79 AC)
- TOTAL NUMBER OF EXISTING LOTS = 5, TOTAL NUMBER OF PROPOSED LOTS = 1
- PROJECT DESCRIPTION:
DEVELOPMENT OF A 2 STORY, MIXED USE PROJECT OVER UNDERGROUND PARKING. PROJECT WILL INCLUDE BELOW GRADE PARKING STRUCTURE, COMMERCIAL OFFICE SPACE, COMMERCIAL RETAIL AND RESTAURANT SPACE, AND MULTI-FAMILY RESIDENTIAL APARTMENTS.
- UTILITIES:
WATER: SANTA FE IRRIGATION DISTRICT
SEWER: CITY OF SOLANA BEACH
GAS & ELECTRIC: SDG & E
FIRE & POLICE PROTECTION: CITY OF SOLANA BEACH
CABLE T.V.: TIME WARNER/AT&T
- GRADING:
A. CUT AND FILL SLOPES ARE 2:1 OR FLATTER EXCEPT AS SHOWN.
B. GRADING SHOWN HEREON IS PRELIMINARY AND MAY BE ALTERED DURING FINAL DESIGN.
C. UNDERGROUND EXCAVATION IS SUPPORTED BY SHORING WALLS WITH TE-BACKS AND SOLDIER BEAMS.
- DRAINAGE:
A. DRAINAGE EASEMENTS SHALL BE PROVIDED AS REQUIRED
B. SCHOOLS: SOLANA BEACH SCHOOL DISTRICT
- TOPOGRAPHY FOR THIS SITE IS BASED UPON SURVEY BY SAN-LO AERIAL SURVEYS, FLOWN IN AUGUST 2011. THE BUILDING OUTLINE SHOWN HEREON INDICATES THE ROOF OUTLINE UNLESS OTHERWISE NOTED.
- BUILDING ADDRESS NUMBERS FOR ALL STRUCTURES ON THIS PROJECT SITE SHALL BE VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE SUBJECT PROPERTY.

EARTHWORK QUANTITIES

QUANTITIES SHOWN ARE FOR ESTIMATION PURPOSES ONLY AND ARE NOT TO BE USED FOR FINAL PAY QUANTITY. QUANTITIES ARE GEOMETRIC ONLY AND DO NOT REFLECT SHRINKAGE OR BUILDING FACTORS.

THIS PROJECT PROPOSES TO EXPORT APPROXIMATELY 49,200 CUBIC YARDS OF MATERIAL FROM THIS SITE. ALL EXPORT MATERIAL SHALL BE DISCHARGED TO A LEGAL DISPOSAL SITE. THE APPROVAL OF THIS PROJECT DOES NOT ALLOW PROCESSING AND SALE OF THE MATERIAL. ALL SUCH ACTIVITIES REQUIRE A SEPARATE CONDITIONAL USE PERMIT.

CUT QUANTITIES	49200 C.Y.
FILL QUANTITIES	0 C.Y.
EXPORT	49200 C.Y.

SOURCE OF TOPOGRAPHY

THE AERIAL TOPOGRAPHY WAS PREPARED BY SAN-LO AERIAL SURVEYS, JOB NO. 13577 FLOWN AUGUST 26, 2011.

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Development Permit

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Solana Beach 101

Highway 101 & Dahlia Drive
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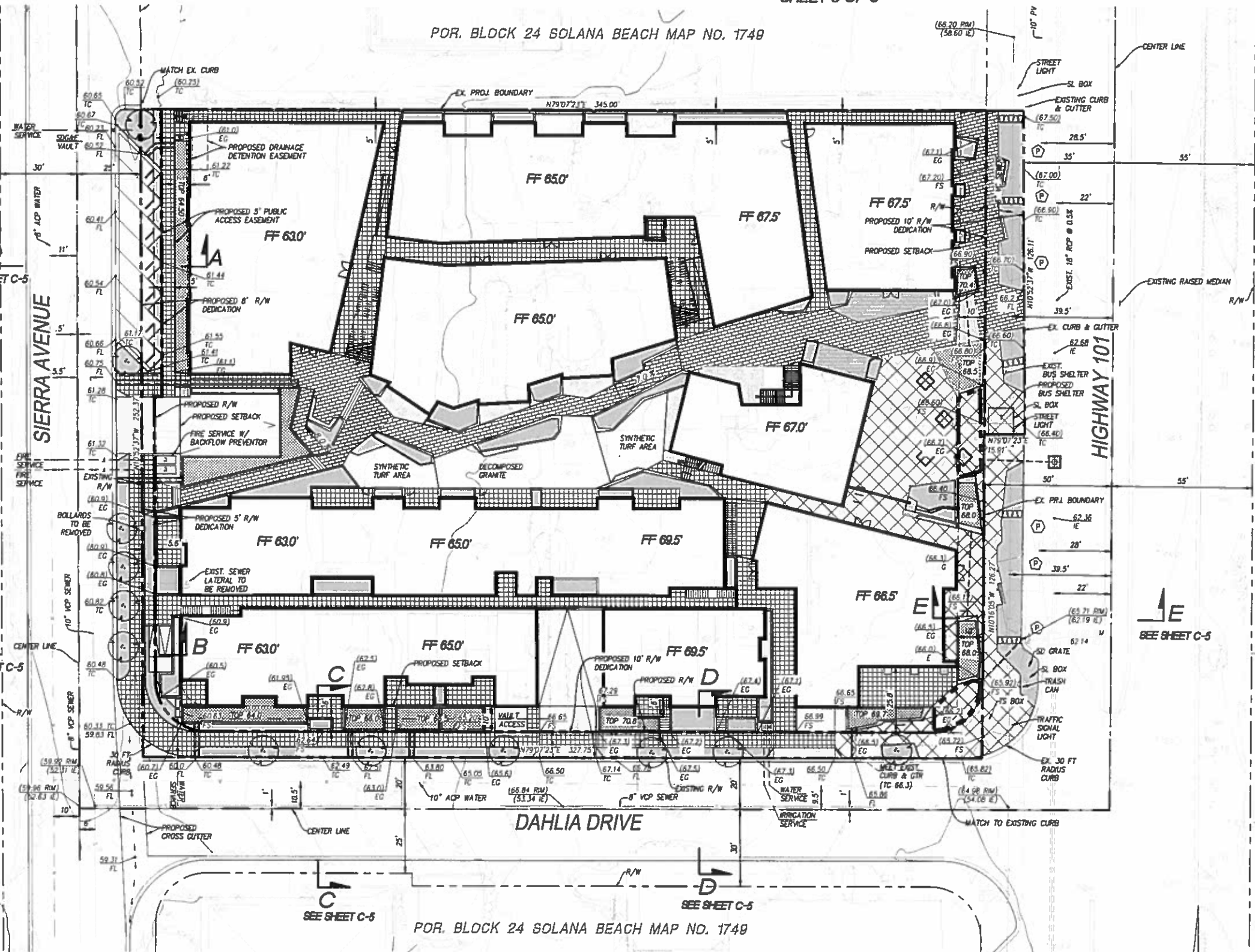
PRELIMINARY GRADING AND IMPROVEMENT PLAN

SHEET C-3

PROJECT DESIGN CONSULTANTS
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PROJECT DESIGN CONSULTANTS	DATE: 03-31-20	REVISION:	NO.:	BY:	DATE:

Sheet Number: 01



LEGEND

EXISTING RIGHT OF WAY	---
EXISTING CURB AND CUTTER	---
EXISTING LOT LINE	---
EXISTING SURVEYED CENTERLINE	---
EXISTING CONTOUR	---
EXISTING SEWER	---
EXISTING WATER	---
EXISTING GAS	---
EXISTING STREET LIGHT	---
EXISTING FIRE HYDRANT	---
EXISTING WATER LATERAL	---
EXISTING SEWER LATERAL	---

LEGEND CONT.

PROPERTY LINE	---
PROPOSED CURB AND CUTTER	---
PROPOSED BUILDING FOOTPRINT AT STREET LEVEL	---
PROPOSED SIDEWALK	---
PROPOSED DRIVEWAY	---
PROPOSED FIRE HYDRANT	---
MODIFIED 1.0' WIDE CURB OUTLET	---
PROPOSED WATER SERVICE	---
PROPOSED FIRE SERVICE W/BACKFLOW PREVENTOR	---

PROPOSED STREET TREE PER LANDSCAPE PLANS	---
PROPOSED HARDSCAPE PER LANDSCAPE PLANS	---
PROPOSED PLANTING AREA OR PLANTER PER LANDSCAPE PLANS	---
PROPOSED BIOFILTRATION BMP	---
EX OFFSITE PARKING (4) 8' X 20'	---
PROP OFFSITE PARKING (2) 8' X 20'	---

NOTE: THIS PLAN GENERALLY REPRESENTS EXCAVATION TO GARAGE FINISHED FLOOR AS PROVIDED BY THE ARCHITECT AND IS A CONCEPT GRADING PLAN CREATED ONLY FOR THE MAP PROCESS. THIS IS NOT A CONSTRUCTION DOCUMENT.

NOTE: A GRADING/SHORING PLANS AND PUBLIC IMPROVEMENT PLANS ARE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.

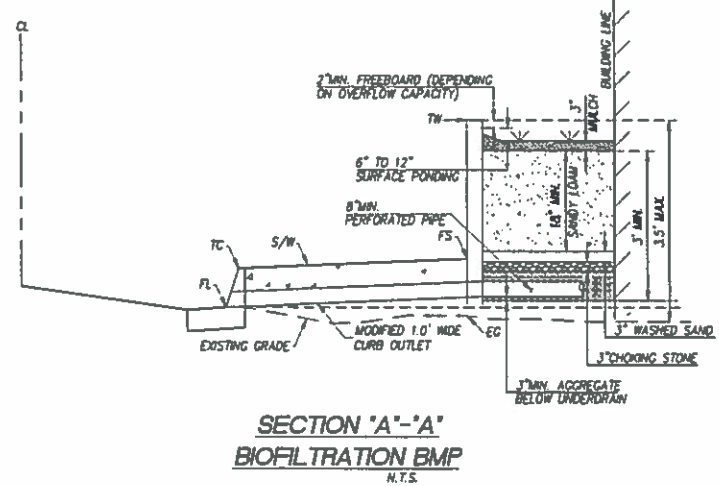
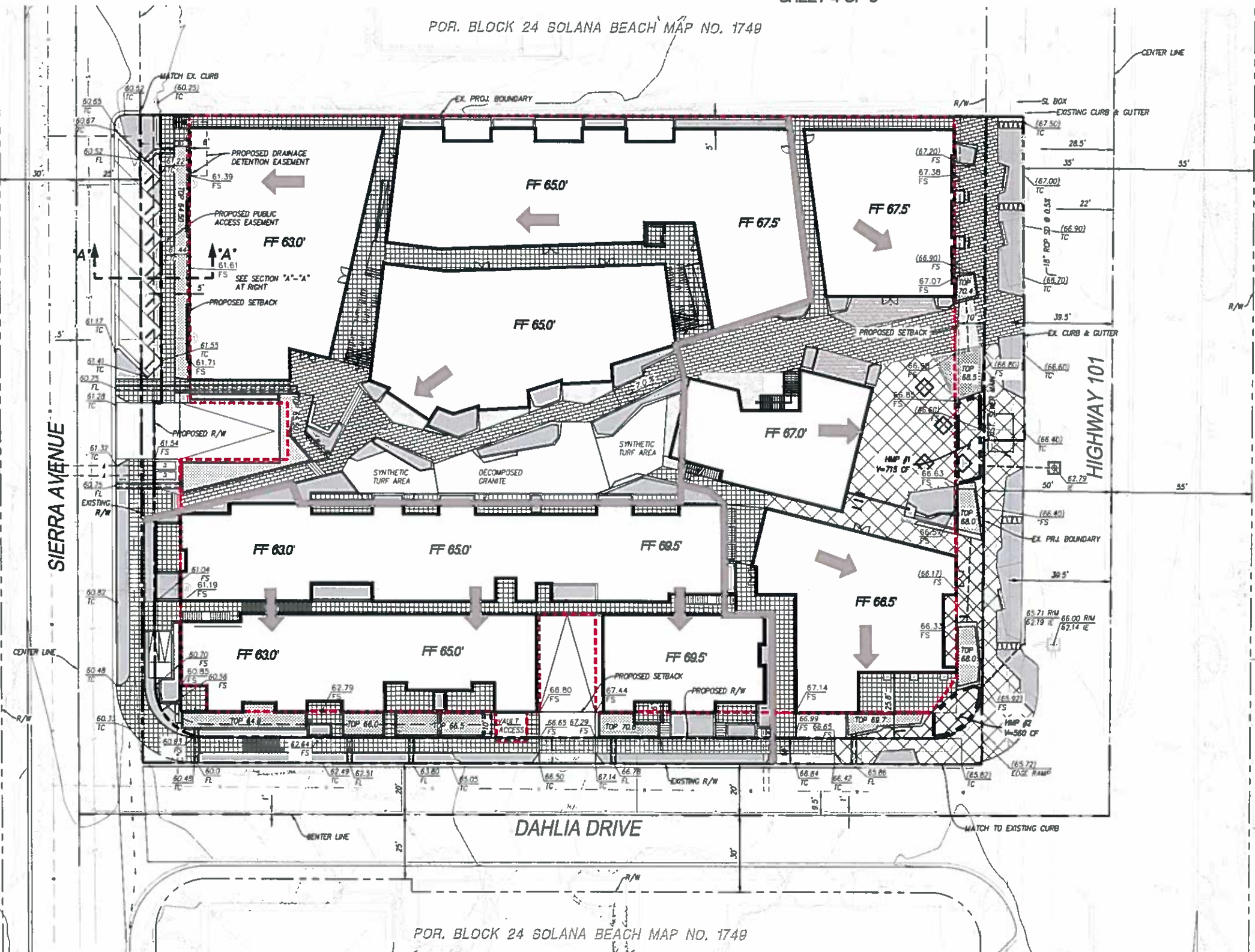
TENTATIVE MAP

SHEET 4 OF 5

POR. BLOCK 24 SOLANA BEACH MAP NO. 1749

SEASCAPE SHORES MAP NO. 6941

SOLANA BEACH & TENNIS CLUB MAP NO. 7465



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Development
Permit

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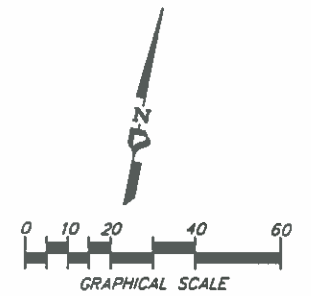
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PRELIMINARY
DRAINAGE
PLAN



- LEGEND**
- EXISTING RIGHT OF WAY
 - EXISTING CURB AND GUTTER
 - EXISTING LOT LINE
 - EXISTING SURVEYED CENTERLINE
 - EXISTING CONTOUR
 - EXISTING SEWER
 - EXISTING WATER
 - EXISTING GAS
 - EXISTING STREET LIGHT
 - EXISTING FIRE HYDRANT
 - PROPERTY LINE
 - PROPOSED CURB AND GUTTER
 - PROPOSED GARAGE WALL

- LEGEND CONT.**
- PROPOSED BUILDING FOOTPRINT AT STREET LEVEL
 - PROPOSED SIDEWALK
 - PROPOSED DRIVEWAY
 - PROPOSED HARDSCAPE
 - PROPOSED PLANTING AREA OR PLANTER PER LANDSCAPE PLANS
 - PROPOSED BIOFILTRATION BMP
 - MODIFIED 1.0' WIDE CURB OUTLET
 - STORM DRAIN PVC PIPE
 - UNDERGROUND RAINSTORE HMP STORAGE



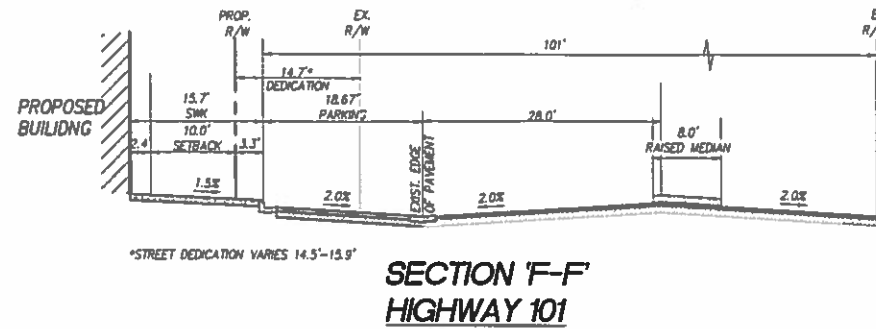
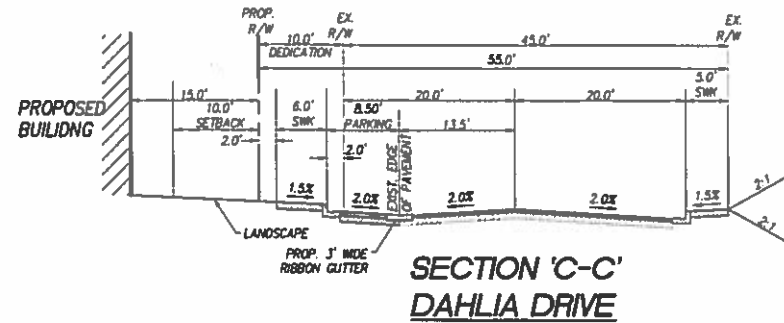
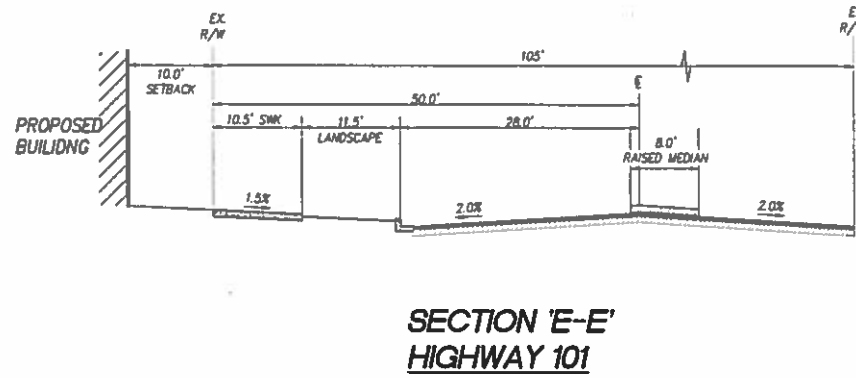
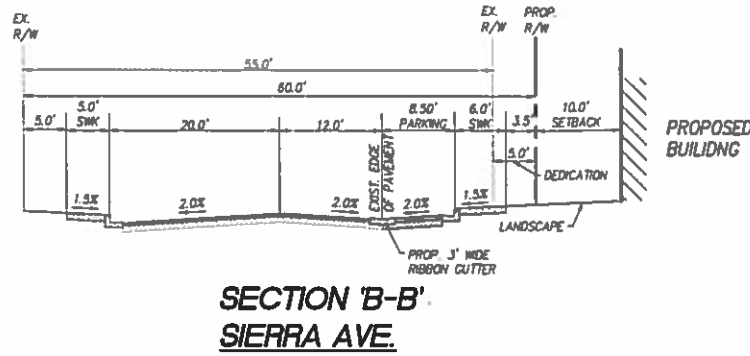
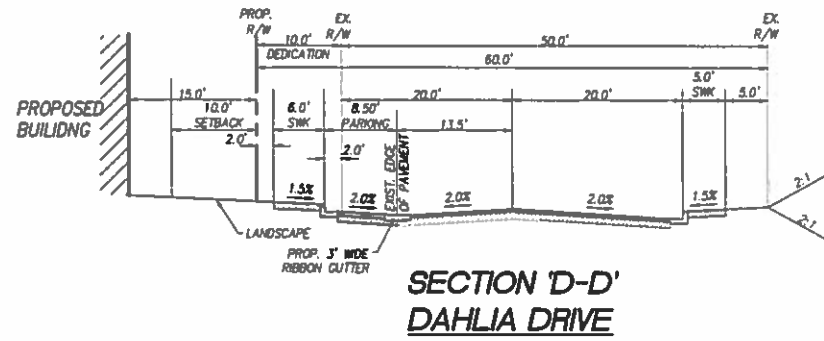
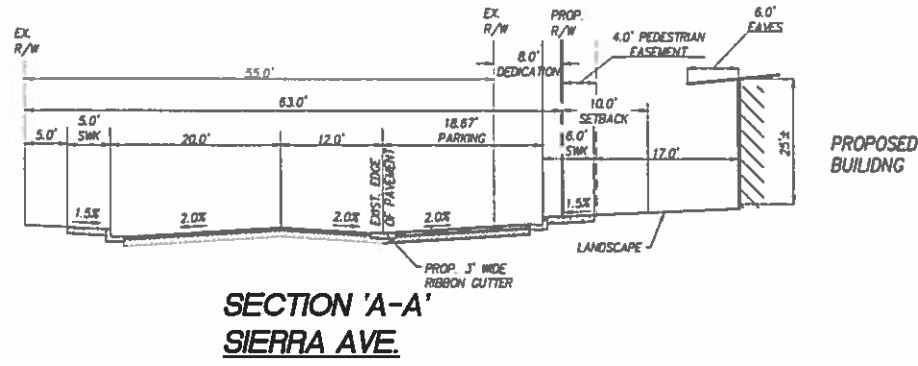
PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
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619.235.6471 Tel 619.234.0348 Fax

SHEET C-4

PROJECT DESIGN CONSULTANTS	DATE REVISIONS	REVISION	BY	DATE
	03-31-20			

TENTATIVE MAP

SHEET 5 OF 5



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SITE CROSS-SECTION PLAN



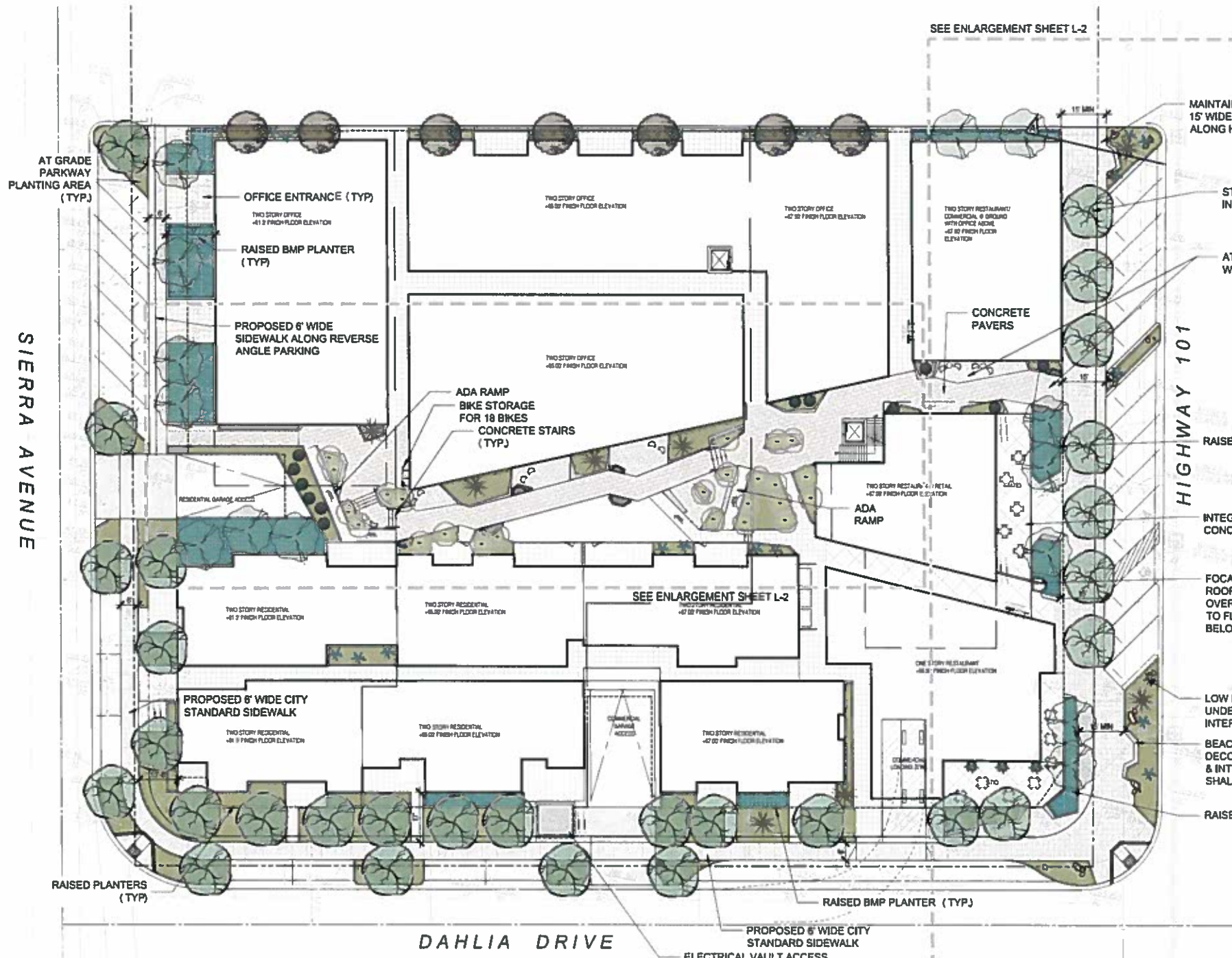
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SHEET C-5

PROJECT NO.	DATE	BY	REVISION

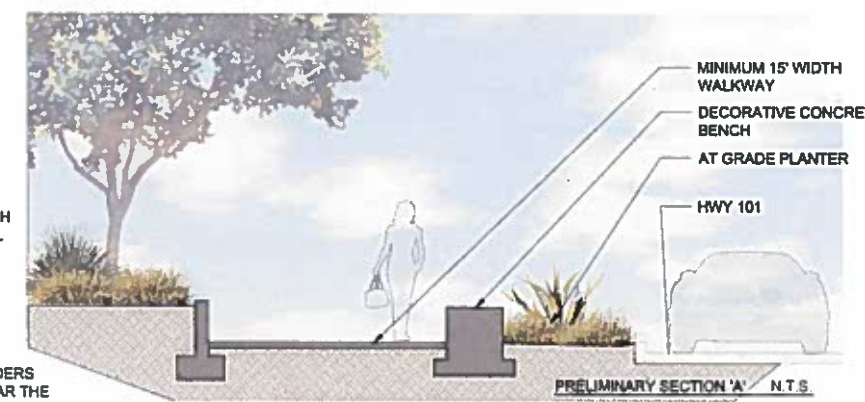
Sheet Number 05

Civil done by: JGD/PHD/MLA The Name of: 16142001/Map/Jan/Land/Development/Permit/16142001 Site Plan SH 13 Comp. Date: 10/26/2016 11:29:34 AM Date Permitted: 6/29/2016 11:14:01 AM



CONCEPTUAL PLANT PALLETTE

PLANT NAME	MATURE HEIGHT	WALKWAY WATER LEVEL	INTENSITY	PROPOSED QUANTITY	ACCENT SUCCULENTS SUCH AS	SMALLER SHRUB SIZES	PROPOSED QUANTITY
LARGE BAM / RAISED PLANTER TREE	HEIGHT 30'	LOW	APPROX 1	APPROX 1	AGAVE AMERICANA	LOW	APPROX 35
MELALEUCA LEUCODENDRON (WEEPING PAPERBARK)	MATURE HEIGHT 30'	LOW	APPROX 1	APPROX 1	AGAVE ATTENUATA	LOW	APPROX 35
MEDIUM TREES SUCH AS					AGAVE CHATYNSIA	LOW	APPROX 35
METROXYLON EXCELSA (NEW ZEALAND CHRISTMAS TREE)	MATURE HEIGHT 30'	LOW	APPROX 20	APPROX 20	AGAVE OREGANUM	LOW	APPROX 35
OPUNTIOPSIS COMPERTUS (SPRINGBARK)	MATURE HEIGHT 30'	LOW	APPROX 20	APPROX 20	AGAVE YLACOBANA	LOW	APPROX 35
Olea europaea (OLIVE TREE)	MATURE HEIGHT 30'	LOW	APPROX 20	APPROX 20	AGAVE MEDIO PICTA	LOW	APPROX 35
TRIFOLIUM (TRIFOLIUM TREE)	MATURE HEIGHT 30'	LOW	APPROX 20	APPROX 20	AGAVE SPICATA	LOW	APPROX 35
ABUTILON NAUSTRALIENSIS (MILKWEED)	MATURE HEIGHT 30'	LOW	APPROX 20	APPROX 20	AGAVE PICTA	LOW	APPROX 35
ACACIA STENOCHRYLLA (SPICATE ACACIA)	MATURE HEIGHT 30'	LOW	APPROX 20	APPROX 20	AGAVE PECTINATA	LOW	APPROX 35
MEDIUM BAM TREE					AGAVE SPICATA	LOW	APPROX 35
METROXYLON EXCELSA (NEW ZEALAND CHRISTMAS TREE)	MATURE HEIGHT 30'	LOW	APPROX 20	APPROX 20	AGAVE SPICATA	LOW	APPROX 35
OLEA EUROPAEA (OLIVE TREE)	MATURE HEIGHT 30'	LOW	APPROX 20	APPROX 20	AGAVE SPICATA	LOW	APPROX 35
ACCENT TREES SUCH AS					AGAVE SPICATA	LOW	APPROX 35
MIMALACALANGA HOOKERIANA (BLUE BANANOS)	HEIGHT 20'	MEDIUM	APPROX 24	APPROX 24	AGAVE SPICATA	LOW	APPROX 35
LARGE SPECIMEN SUCCULENTS SUCH AS					AGAVE SPICATA	LOW	APPROX 35
ALICE BARRABEE (TREE ALOE)	HEIGHT 30'	LOW	APPROX 8	APPROX 8	AGAVE SPICATA	LOW	APPROX 35
YUCCA SPECIES (YUCCA)	HEIGHT 30'	LOW	APPROX 8	APPROX 8	AGAVE SPICATA	LOW	APPROX 35
GRACILIA SPECIES (GRACILIA)	HEIGHT 15'	VERY LOW	APPROX 30	APPROX 30	AGAVE SPICATA	LOW	APPROX 35
DAYLIRION WHEELERII (DESERT SPURGE)	HEIGHT 8'	VERY LOW	APPROX 30	APPROX 30	AGAVE SPICATA	LOW	APPROX 35
LARGE DROUGHT TOLERANT SHRUBS SUCH AS					AGAVE SPICATA	LOW	APPROX 35
METROXYLON EXCELSA (NEW ZEALAND CHRISTMAS TREE)	MATURE HEIGHT 30'	LOW	APPROX 20	APPROX 20	AGAVE SPICATA	LOW	APPROX 35
LAURUS NOBILIS (BAY LAUREL)	HEIGHT 25'	LOW	APPROX 12	APPROX 12	AGAVE SPICATA	LOW	APPROX 35
PELSEA VELLERIANA (PEEPLER QUINA)	HEIGHT 15'	LOW	APPROX 12	APPROX 12	AGAVE SPICATA	LOW	APPROX 35
ARCTOSTAPHYLOS DR. VALE (MANGANTIA)	HEIGHT 15'	LOW	APPROX 12	APPROX 12	AGAVE SPICATA	LOW	APPROX 35
COCCINIA VISCOSA (PURPLE HOP BUSH)	HEIGHT 15'	LOW	APPROX 12	APPROX 12	AGAVE SPICATA	LOW	APPROX 35



HARDSCAPE AREAS	27,381 SF
BUILDING FOOTPRINT AREA	52,213 SF
IRRIGATED LANDSCAPE AREA	12,572 SF
BMP PLANTING AREA	2,547 SF
NON IRRIGATED LANDSCAPE AREA	703 SF

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Solana Beach 101

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Development Permit

Project Number	1806
Original Date	22 November 2016
Drawn	WCA/MCB/JD
Checked	
Resubmitted -	24 January 2017
Resubmitted -	29 March 2017
Resubmitted -	10 May 2017
Resubmitted -	26 June 2017
Resubmitted -	15 September 2017
Resubmitted -	12 June 2018
Resubmitted -	22 June 2018
Resubmitted -	26 June 2018
Resubmitted -	26 June 2018

NOT FOR CONSTRUCTION
 SHEET SIZE 24" x 36"
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CONCEPTUAL LANDSCAPE PLAN

NOTES:

1. ALL PLANTING AREAS OUTSIDE THE BMP AREAS SHALL BE COVERED WITH A 2" LAYER OF DECOMPOSED GRANITE 'CALIFORNIA GOLD' OR 3" LAYER OF BARK MULCH UNLESS SHOWN OTHERWISE ON PLAN. BMP AREAS SHALL BE MULCHED WITH A 3" THICK LAYER OF BARK MULCH.
2. ALL SUCCULENTS REQUIRE CACTUS MIX OR OTHER APPROVED SOIL TYPE TO BE PLACED MIN. 12" AROUND THE BASE OF EACH PLANT. NO BARK MULCH.
3. ALL TREES PLANTED WITHIN 5' OF HARDSCAPE MUST BE INSTALLED WITH A ROOT BARRIER ALONG THE HARDSCAPE EDGE SPANNING OUT 5' IN EACH DIRECTION FROM THE CENTER OF THE TREE FOR A TOTAL LENGTH OF 10'.
4. REFER TO IRRIGATION NOTES FOR IRRIGATION RECOMMENDATIONS.
5. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE COUNTY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SOLANA BEACH LANDSCAPE REGULATIONS AND ALL OTHER APPLICABLE LANDSCAPE RELATED COUNTY AND REGIONAL STANDARDS.
6. ERADICATE ALL INVASIVE SPECIES WITHIN CONSTRUCTION AREA, INCLUDING BUT NOT LIMITED TO: PENISETUM SETACEUM (FOUNTAIN GRASS), CORTADERIA SELLOWIANA (PAMPAS GRASS).
7. CONTRACTOR TO SETUP A PRE-CONSTRUCTION WALKTHROUGH TO TAG ANY EXISTING PLANTS TO REMAIN AND EXISTING PLANTS TO BE DEMOLISHED. EXISTING TREES (CONT'D) TO REMAIN ON SITE WITHIN THE AREA OF WORK SHALL BE PROTECTED IN PLACE. THE FOLLOWING PROTECTION MEASURES WILL BE PROVIDED:
 - A. A BRIGHT YELLOW OR ORANGE TEMPORARY FENCE WILL BE PLACED AROUND EXISTING TREES AT THE DRIPLINE.
 - B. STOCKPILING, TOPSOIL DISTURBANCE, VEHICLE USE, AND MATERIAL STORAGE OF ANY KIND IS PROHIBITED WITHIN THE DRIPLINE.
 - C. A TREE WATERING SCHEDULE WILL BE MAINTAINED AND DOCUMENTED DURING CONSTRUCTION.
 - D. ALL DAMAGED TREES WILL BE REPLACED WITH ONE OF EQUAL OR GREATER SIZE.
8. CONTRACTOR TO ENSURE THAT NEW TREE LOCATIONS ARE SPOTTED PER LANDSCAPE ARCHITECT'S SITE DIRECTION. TREE INSTALLATION SHALL ALSO INCLUDE COORDINATION OF DELIVERY AND PROTECTION OF TREES PRIOR TO INSTALLATION, KNOWLEDGE OF UNDERGROUND UTILITIES, PROPER DRAINAGE, AND STAKING PER STANDARD DETAIL.
9. ALL HARDSCAPE ELEMENTS SHOWN ON THE PLAN HAVE BEEN DRAWN WITH AN ARTISTIC CONCEPTUALIZATION. SOME ELEMENTS MAY BE REFINED OR SIMPLIFIED IN SUBSEQUENT DESIGN DEVELOPMENT STAGES FOR REASONS OF FEASIBILITY OR FURTHER STAKEHOLDER INPUT.

10. ALL DEAD OR DYING PLANT MATERIAL INCLUDING TREES SHALL BE REMOVED FROM THE PROPERTY. ALL TREES TO REMAIN SHALL BE THINNED / PRUNED / LACED OUT AS NECESSARY TO PROMOTE HEALTHY NEW GROWTH AND A MAINTAINED APPEARANCE.

11. PROPOSED LANDSCAPING SHALL MAINTAIN REQUIRED CLEARANCES FROM MECHANICAL EQUIPMENT AND UTILITY APPURTENANCES, WHILE STILL SCREENING THEM FROM VIEW.

LANDSCAPE LIGHTING NOTES:

LIGHT FIXTURES FOR WALKWAYS, PARKING AREAS, DRIVEWAYS, AND OTHER FACILITIES SHALL BE PROVIDED IN SUFFICIENT NUMBERS 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 EXTERIOR LIGHTING REGULATIONS.

SIERRA AVENUE

HIGHWAY 101

DAHLIA DRIVE



CITY OF SOLANA BEACH ESTIMATED TOTAL WATER USE (ETWU) WORKSHEET

LINE	HYDROZONE 1	HYDROZONE 2	HYDROZONE 3	HYDROZONE 4	HYDROZONE 5	SLA
EVAPOTRANSPIRATION RATE (Eto)	41					
CONVERSION FACTOR - 0.62	0.62					
LINE 1 X LINE 2	25.42					
PLANT FACTOR (PF)	0.30	0.30	0.30	0.30	0.60	
HYDROZONE AREA (HA)	4000	2547	2431	1919	1675	
LINE 4 X LINE 5	1200.0	764.1	729.3	575.7	1005.0	
IRRIGATION EFFICIENCY (IE)	0.81	0.81	0.81	0.81	0.75	
LINE 6 / LINE 7	1481.48	843.33	800.37	710.74	1340.00	
TOTAL OF ALL LINE 8 BOXES	5,378					
LINE 3 X LINE 9 - ESTIMATED TOTAL WATER USE (ETWU)	136,856					

MAXIMUM APPLIED WATER ALLOWANCE (MAWA)

ETo = 41 in/yr
 LA = 12572 sq ft
 SLA = 0 sq ft
 ETAF = 0.75

$$MAWA = \frac{(Eto)(0.62)(ETAF + LA) + (1 - ETAF) \times SLA}{(Eto)(0.62)(0.45 + LA) + (1 - 0.45) \times SLA}$$

MAWA = 25.42 [(41 x 12572.00) + 0] / [41(0.62)(0.45 + 12572.00) + 0]

MAXIMUM APPLIED WATER ALLOWANCE = 143811.11 gal per year

Eto	Value
West of I-5	41.00
East of I-5	47

Hydrozone Category	PF-Plant Factor
High Water Use	1.00
Medium Water Use	0.90
Low Water Use	0.30
Very Low Water Use	0.10
Special Landscape Area	1.00

Irrigation Method Code	IE - Irrigation Efficiency
Drip/Microirrigation	0.81
Bubblers	0.75
Rotary	0.70
Surface	0.75
Overhead Spray	0.50

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Development
 Permit

Project Number	1600
Original Date	22 November 2016
Drawn	WCL, MDR, JD
Checked	

Solana Beach 101

Highway 101 & Dahlia Drive
 Solana Beach, CA 92075

Resubmitted - 24 January 2017
Resubmitted - 22 March 2017
Resubmitted - 19 May 2017
Resubmitted - 28 June 2017
Resubmitted - 15 September 2017
Resubmitted - 12 June 2018
Resubmitted - 22 June 2018
Resubmitted - 28 June 2018
Resubmitted - 28 June 2018

NOT FOR CONSTRUCTION
 SHEET SIZE: 24" x 36"
 DO NOT SCALE DRAWINGS

HYDROZONE LEGEND

	HYDROZONE 1 NORTH SIDE PLANTERS AT STREET (LOW WATER)	4000 SF
	HYDROZONE 2 BMP PLANTERS (LOW WATER)	2547 SF
	HYDROZONE 3 SOUTH/WEST/EAST PLANTERS AT STREET (LOW WATER)	2431 SF
	HYDROZONE 4 INTERIOR PLANTERS ON PODIUM (LOW WATER)	1919 SF
	HYDROZONE 5 TREES (MEDIUM WATER)	1,675 SF (87 MED WATER TREES @ 23SF, LOCATED WITHIN LOW WATER HYDROZONES)

IRRIGATION RECOMMENDATIONS:

- 1 DEEP WATER ALL PARKWAY TREES.
- 2 CONTRACTOR SHALL INSTALL RAINBIRD XT-700 DRIP TUBING (OR EQUAL) PER MANUFACTURERS INSTRUCTIONS IN ALL NEW PLANTING AREAS. HYDROZONES SHALL BE GROUPED BY PLANT NEEDS AND SOLAR EXPOSURE. TREE BUBBLERS ARE REQUIRED FOR ALL TREES AND SHALL BE ON A SEPARATE ZONE. ANY POTS SHALL BE IRRIGATED W/ DRIP TUBING ON A SEPARATE ZONE. ZONES SHALL BE CONTROLLED AUTOMATICALLY WITH A RAIN SHUTOFF ENABLED SMART CONTROLLER.

IRRIGATION AND MAINTENANCE NOTES:

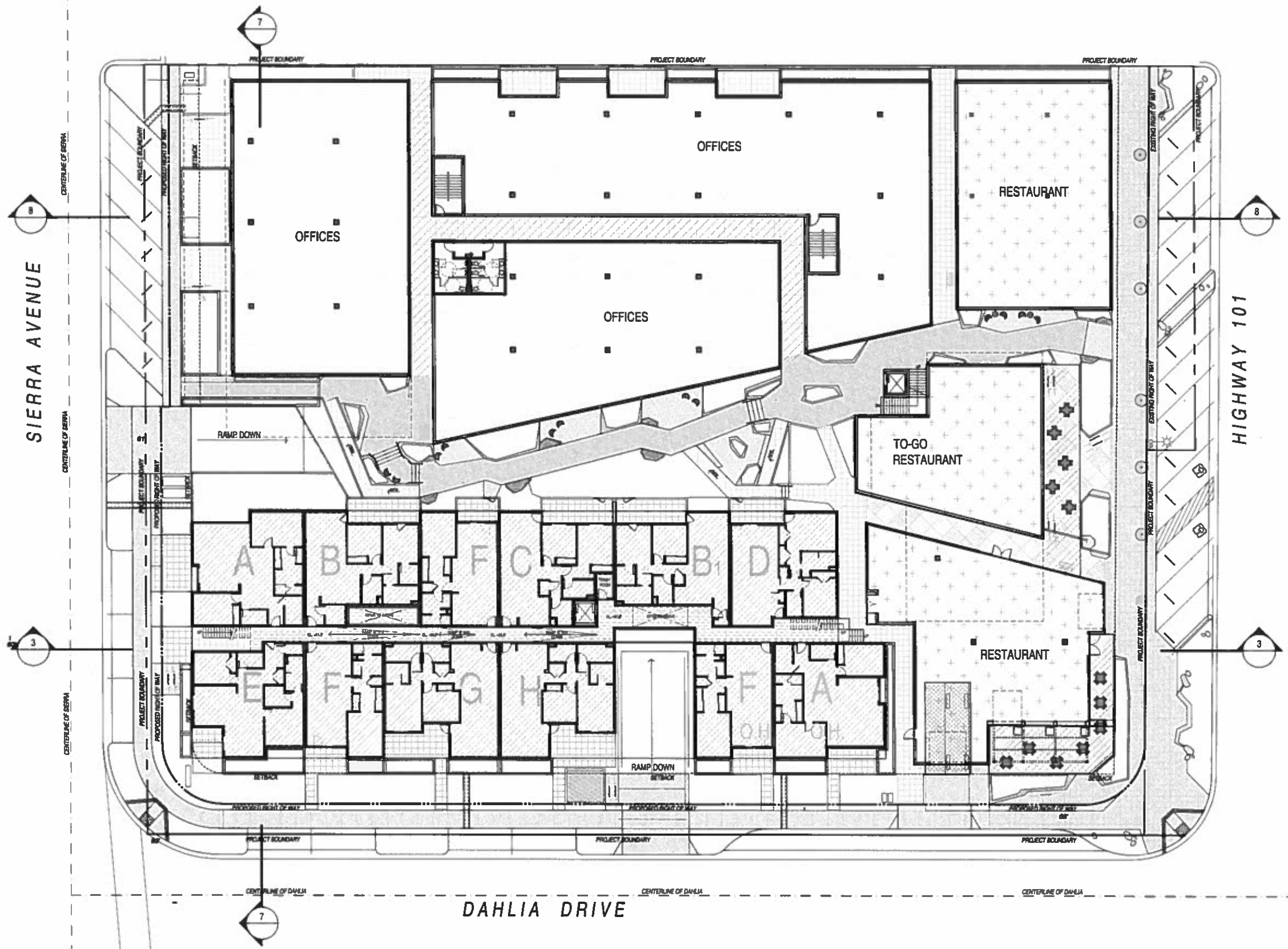
- 1 PROPOSED IRRIGATED LANDSCAPE AREAS = 12,572 SF
- 2 PROPOSED LANDSCAPING SHALL MEET THE APPLICABLE REGULATIONS OF THE WATER EFFICIENT LANDSCAPE REGULATIONS OF SBMC 17.52
- 3 ALL PLANTED AREAS SHALL RECEIVE SUPPLEMENTAL WATER VIA AN AUTOMATICALLY CONTROLLED, UNDERGROUND IRRIGATION SYSTEM. THE IRRIGATION SYSTEMS WILL BE DESIGNED ACCORDING TO SPECIFIC PLANT REQUIREMENTS AND ENVIRONMENTAL EXPOSURES, THE DESIGN WILL UTILIZE WATER CONSERVATION EQUIPMENT SUCH AS RAIN SENSORS, MASTER CONTROL VALVES, CHECK VALVES AND LOW-FLOW IRRIGATION HEADS.
- 4 THE PROPOSED SYSTEM WILL PROVIDE COMPLETE WATER COVERAGE AND SHALL CONFORM TO THE CITY OF SOLANA BEACH STANDARDS AND ALL OTHER LANDSCAPE AND IRRIGATION RELATED STATE, CITY AND REGIONAL STANDARDS
- 5 A COMPLETE LANDSCAPE AND IRRIGATION PLAN PACKAGE IN COMPLIANCE WITH THE STATE OF CALIFORNIA MODEL WATER EFFICIENCY LANDSCAPE ORDINANCE SHALL BE SUBMITTED TO THE CITY OF SOLANA BEACH FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION AND THE ISSUANCE OF A BUILDING PERMIT FOR THIS PROJECT



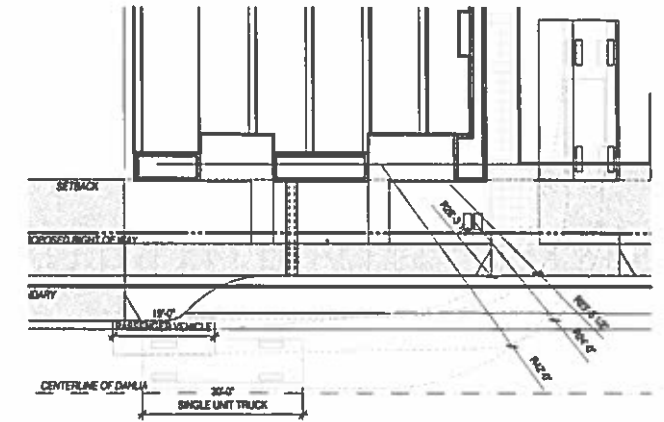
Carson Douglas
 Landscape Architecture
 3051 Broadway
 San Diego, CA 92102
 p. 619.995.1306 / cd-la.com



SHEET L-4



First Floor Plan
scale: 1/16" = 1'-0"



Commercial Loading / Unloading Diagram
scale: 1/16" = 1'-0"

FAR TABULATION				
	RETAIL	F&B	OFFICE	RESIDENTIAL
sq ft	GROSS	GROSS	GROSS	GROSS
1ST FLOOR		12289	22447	17487

General Notes

- All residential units to comply with ADA Standard.
- Provide egress windows in all residential unit bedrooms.

	NET RETAIL/F&B		NET OFFICE		NET RESIDENTIAL
	LOADING RETAIL/F&B		CIRCULATION OFFICE		CIRCULATION RESIDENTIAL
	OUTDOOR DINING RETAIL/F&B		EXTERIOR OFFICE		EXTERIOR RESIDENTIAL

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Development Permit

Project Number	1608
Original Date	22 November 2016
Drawn	
Checked	TDSM
	SM
Resubmitted	24 January 2017
Resubmitted	22 March 2017
Resubmitted	10 May 2017
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Resubmitted	22 June 2018

Solana Beach 101

Highway 101 & Dahlia Drive
Solana Beach, CA 92075

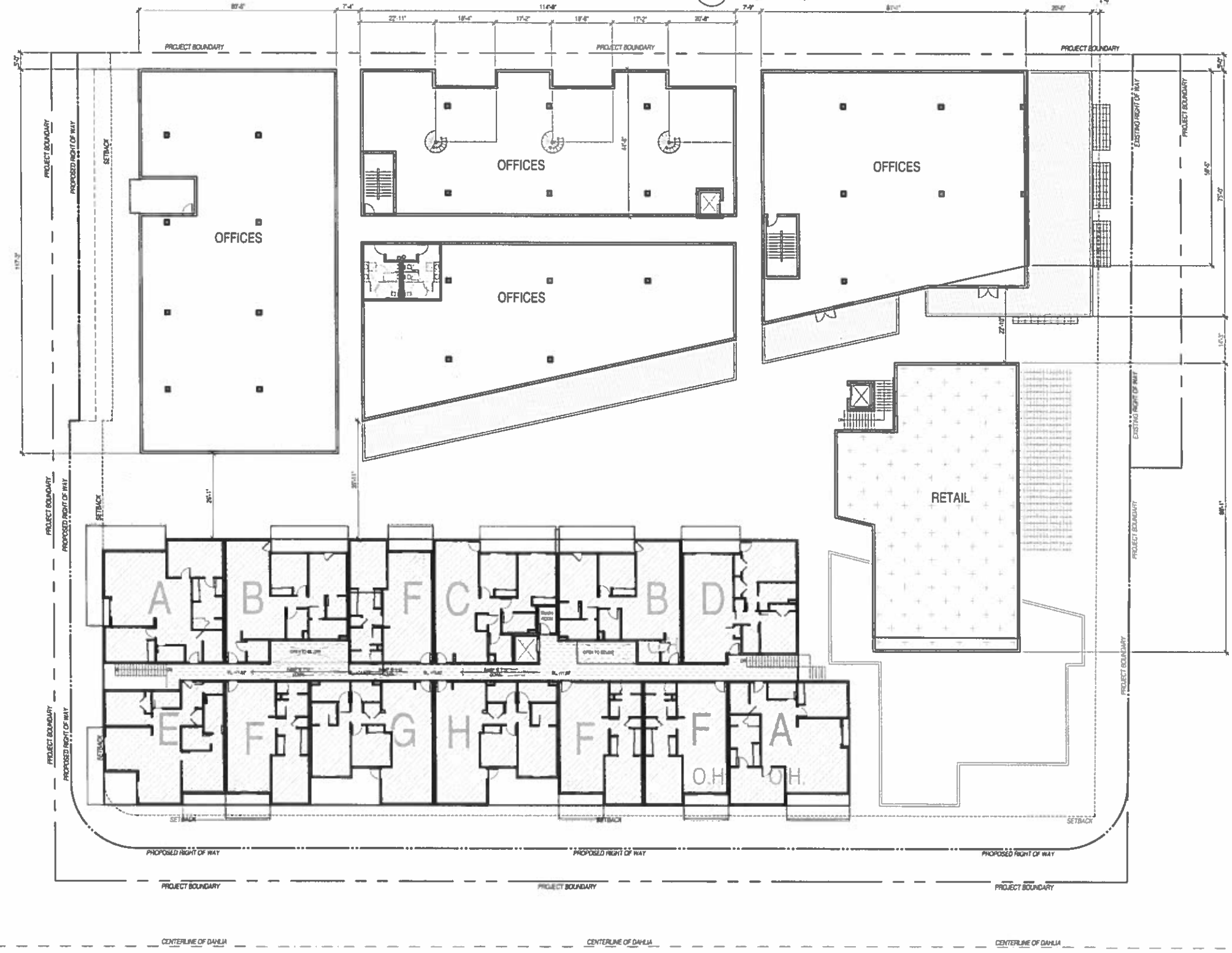
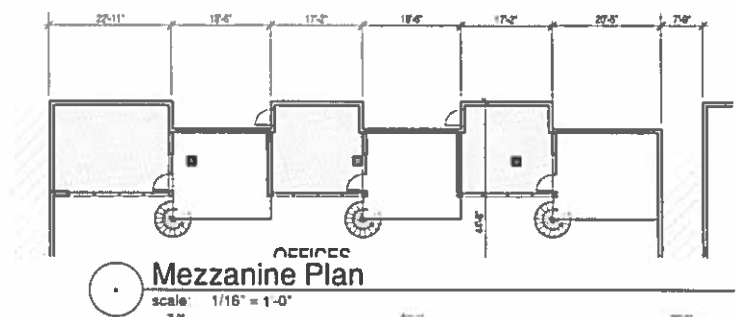
NOT FOR CONSTRUCTION
SHEET SIZE: 24" x 36"
DO NOT SCALE DRAWINGS

1st Floor Plan

1/16" = 1'-0"

A2.0

Sheet Number 07



FAR TABULATION				
	RETAIL	F&B	OFFICE	RESIDENTIAL
1ST FLOOR	GROSS	GROSS	GROSS	GROSS
2ND FLOOR	4142		23140	15070

General Notes

- All residential units to comply with ADA Standard.
- Provide egress windows in all residential units' bedrooms.

	NET RETAIL/F&B		NET OFFICE		NET RESIDENTIAL
	LOADING RETAIL/F&B		CIRCULATION OFFICE		CIRCULATION RESIDENTIAL
	OUTDOOR DINING RETAIL/F&B		EXTERIOR OFFICE		EXTERIOR RESIDENTIAL

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Checked	SM

Solana Beach 101

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- Resubmittal - 10 May 2017
- Resubmittal - 28 June 2017
- Resubmittal - 15 September 2017
- Resubmittal - 22 June 2018

NOT FOR CONSTRUCTION
SHEET SIZE: 24" x 36"
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2nd Floor Plan

1/16" = 1'-0"

A2.1

Sheet Number 02

Second Floor Plan
scale: 1/16" = 1'-0"



SIERRA AVENUE

STATE HWY. 101



Roof Plan Notes	
1	Flat Roof
2	Shaped Roof
3	Roof Terrace/ Balcony
4	Roof Top Mechanical Unit
5	Photovoltaic Panel
6	Metal Roofing
7	Trails, Painted Steel & Wood
8	Exterior Circulation (see Floor Plans)
9	Steel Entry Canopy Painted Steel Fin.
10	Elevator Penthouse
11	Roof Parapet
12	Carport Awning
13	Star (see Floor Plans)
14	Arched Metal Roof
15	Trash Chute Roof or Vent
16	Chimney

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Solana Beach 101

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Roof Plan

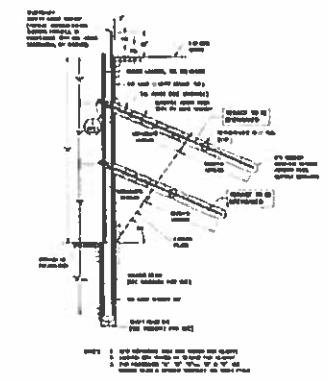
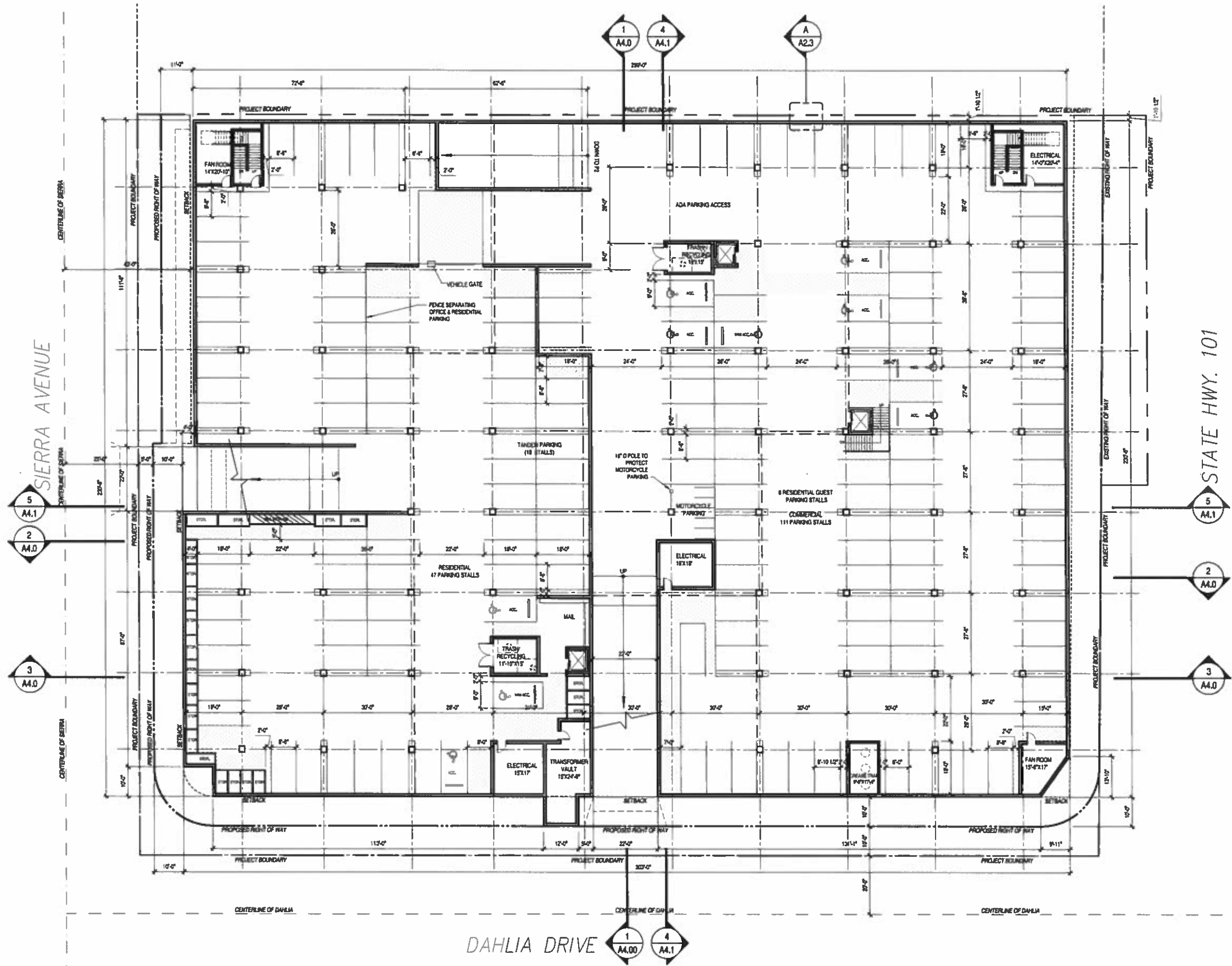
1/16"=1'-0"

A2.2

Sheet Number 19

Roof Plan
scale: 1/16" = 1'-0"





A Shoring Detail
scale: 1/8" = 1'-0"

USE	REQUIREMENTS	SQ. FT. / UNITS	NO. OF STALLS REQUIRED	NO. OF BICYCLE SPACE REQUIRED
Residential	2 spaces for each	2 bike units	33,472	67
Residential	1.5 spaces for each	1 bike unit	18,119	11
Residential	1 space for each	1 bike unit	55	8
Office Space	1 space for each	1 bike unit	48,347	139
FAB (shop)	1 space for each	1 bike unit	15,483	136
Plant	1 space for each	1 bike unit	4,143	21
			301	31

RESIDENTIAL	RESIDENTIAL GUEST	COMMERCIAL	PARKING GARAGE	NO. OF STALLS PROVIDED	NO. OF ADA STALLS (AS REQUIRED)
67	8	111	P1	164	3 VAN ACCESSIBLE STALLS
0	0	209	P2	208	8 ACCESSIBLE STALLS
			TOTAL	368	

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Checked:	SM

Solana Beach 101

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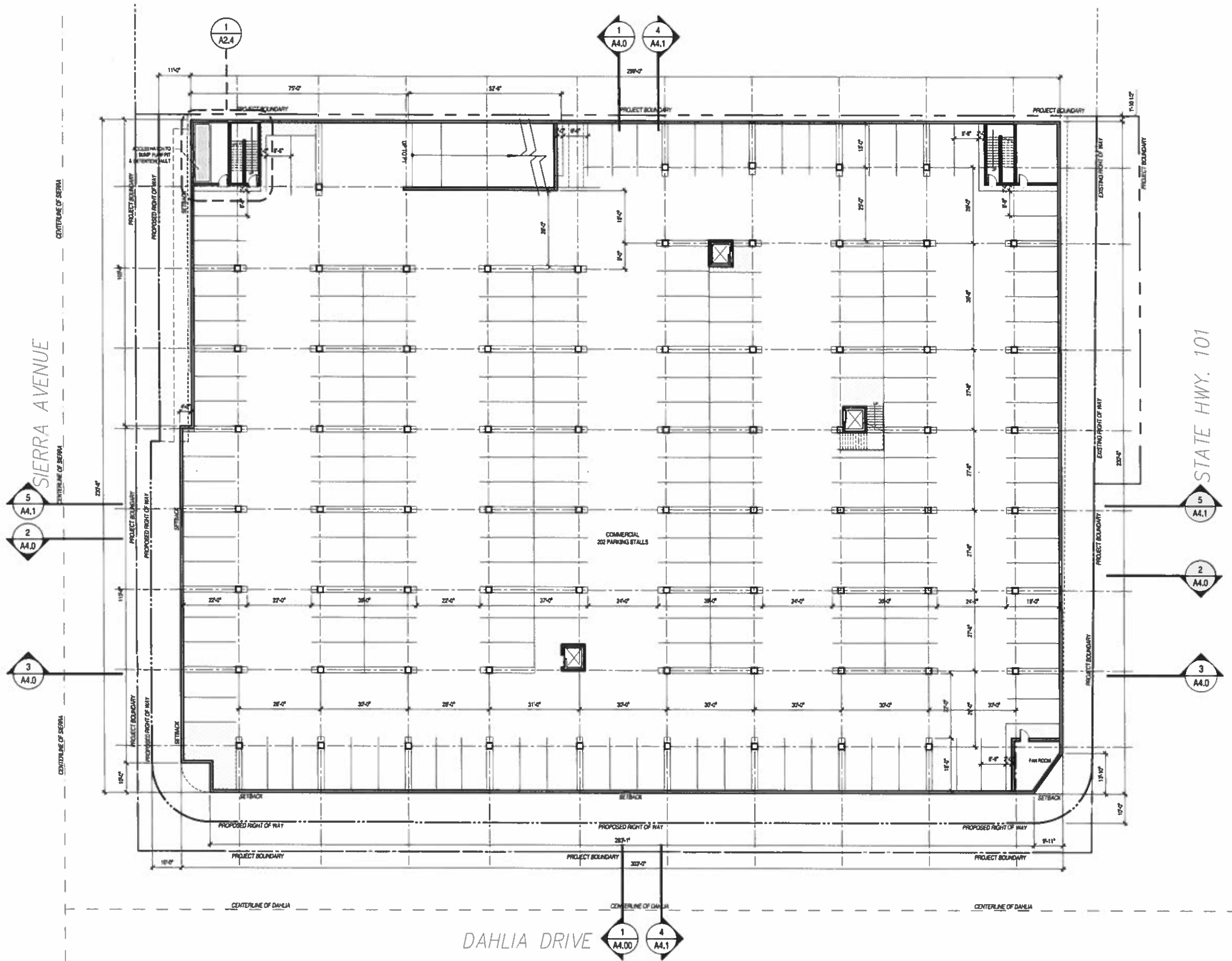
Parking Garage - P1

1/16" = 1'-0"

A2.3

Parking Garage - P1
scale: 1/16" = 1'-0"





Parking Garage - P2
scale: 1/16" = 1'-0"

1 Detention Vault Below P2 Slab
scale: 1/16" = 1'-0"

USE	REQUIREMENTS	SQ. FT. / UNITS	NO. OF STALLS REQUIRED	NO. OF BIKE SPACES REQUIRED
Residential	2 spaces for each 3 units	23,472 sq. ft.	28	N/A
Residential	1.5 spaces for each 1 unit	18 sq. ft.	11	
Residential	1 space for each 4 units	96 sq. ft.	9	
Office Space	1 space for each 300 sq. ft. of gfa	46,897 sq. ft.	156	31
F&B (Food)	1 space for each 100 sq. ft. of gfa	13,480 sq. ft.	136	
Food	1 space for each 200 sq. ft. of gfa	4,142 sq. ft.	21	31
			302	

RESIDENTIAL	COMMERCIAL	PARKING GARAGE	NO. OF STALLS REQUIRED	NO. OF ADA STALLS REQUIRED
27	0	P1	164	3 VAN ACCESSIBLE STALLS
0	0	P2	302	8 ACCESSIBLE STALLS
		TOTAL	302	

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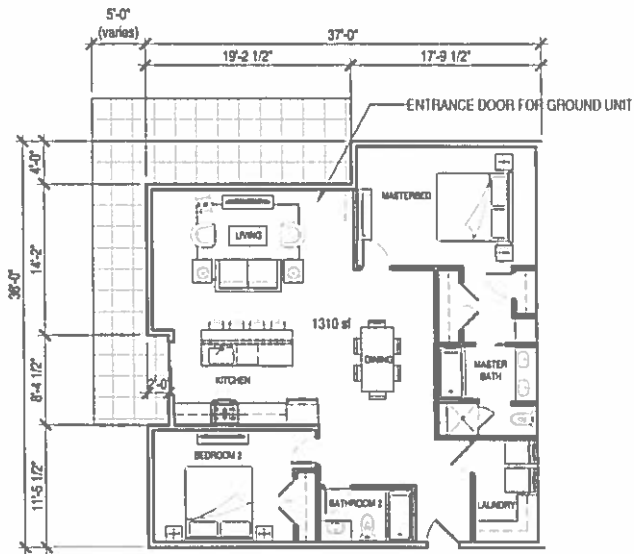
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Parking Garage - P2

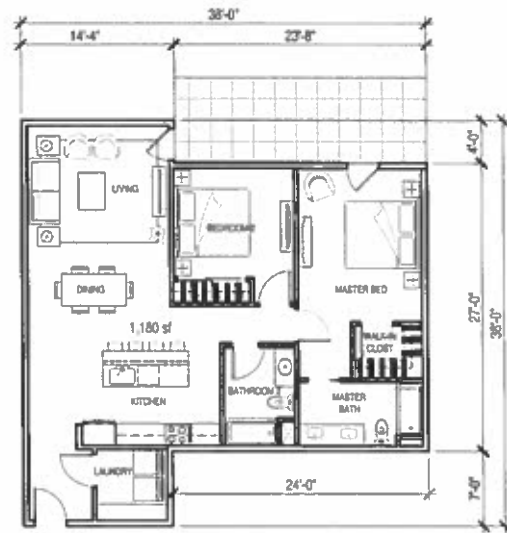
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A2.4

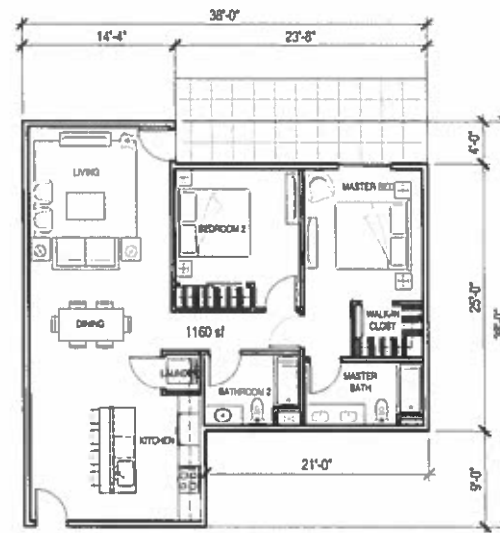
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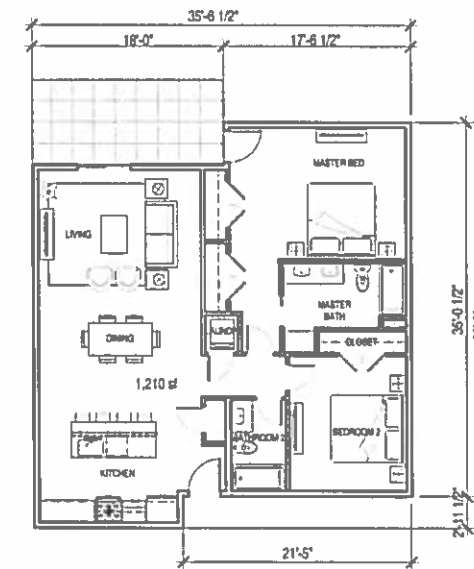
A Unit Type A
2 Bedroom Plan
1/8"=1'-0"



B Unit Type B
2 Bedroom Plan
1/8"=1'-0"



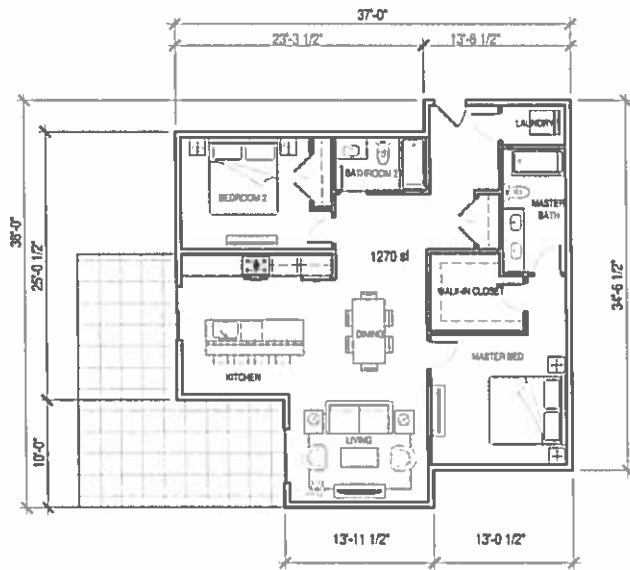
C Unit Type C
2 Bedroom Plan
1/8"=1'-0"



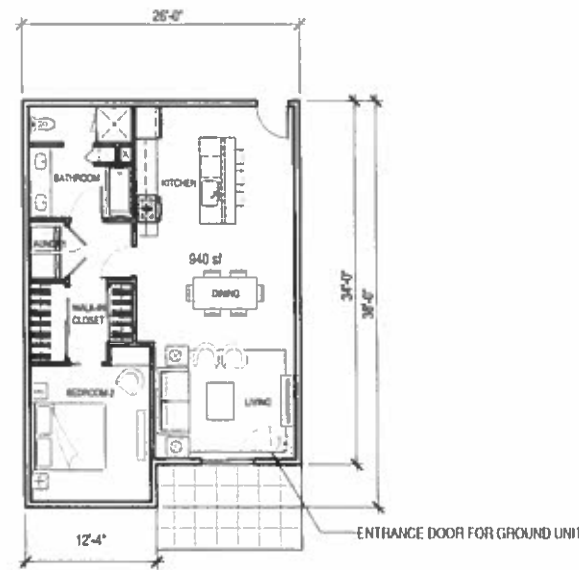
D Unit Type D
2 Bedroom Plan
1/8"=1'-0"

General Notes

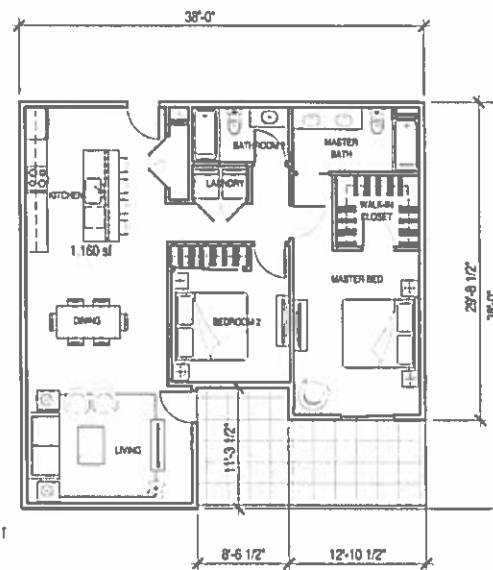
- All residential units to comply with ADA Standard.
- Provide glass windows in all residential unit bedrooms.



E Unit Type E
2 Bedroom Plan
1/8"=1'-0"



F Unit Type F
1 Bedroom Plan
1/8"=1'-0"



G Unit Type G
2 Bedroom Plan
1/8"=1'-0"

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Solana Beach 101

Highway 101 & Dahlia Drive
Solana Beach, CA 92075

**Development
Permit**

Project Number	1800
Original Date	22 November 2018
Drawn	FETD
Checked	SM

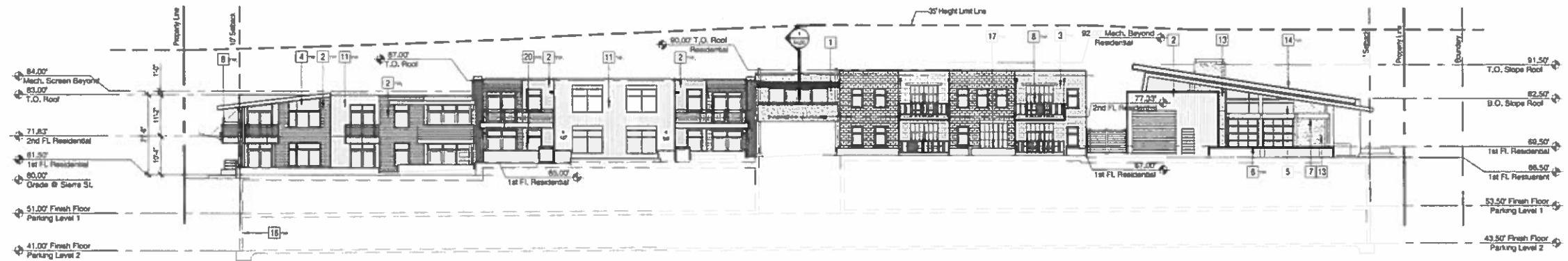
Resubmittal	24 January 2017
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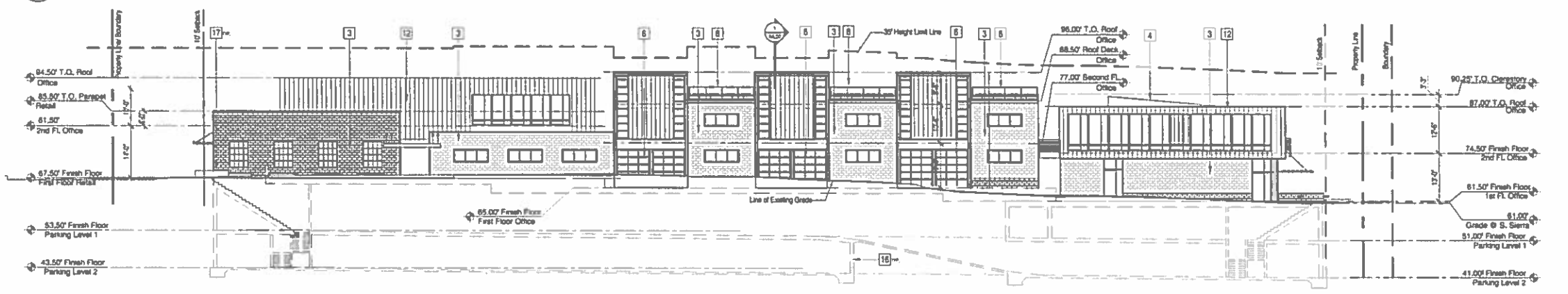
Residential Unit Plans

1/8"=1'-0"

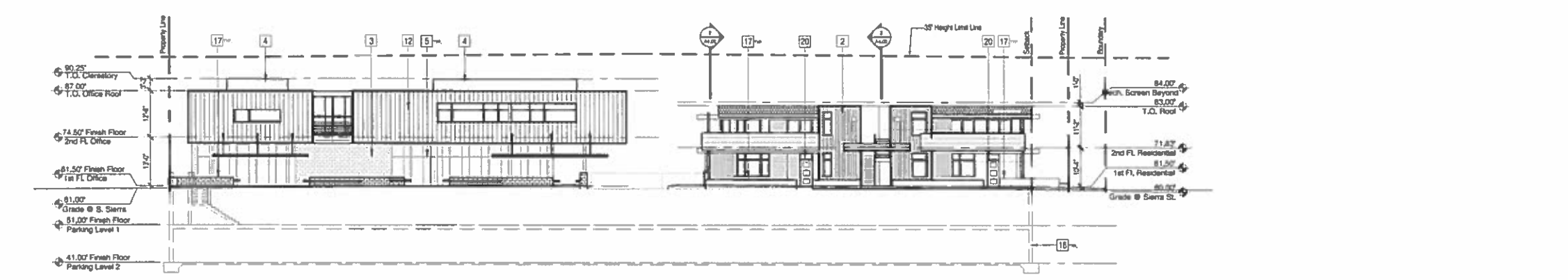
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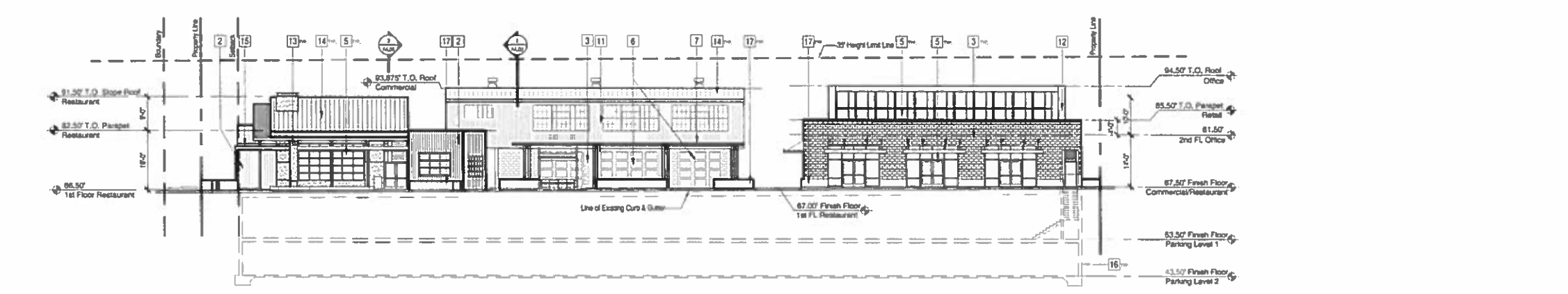
4 South Elevation at Dahlia Drive
scale: 1/16" = 1'-0"



3 North Elevation at Alley
scale: 1/16" = 1'-0"



2 West Elevation at S. Sierra Avenue
scale: 1/16" = 1'-0"



1 East Elevation at Highway 101
scale: 1/16" = 1'-0"

Site Elevation Notes

- 1 Pinned Sluice
- 2 Siding
- 3 Masonry
- 4 Clerestory
- 5 Insulated Storefront Glazing
- 6 Roll-up Metal and Glass Door
- 7 Painted Metal and Wood Trills
- 8 Painted Metal Guardrail
- 9 Exterior Wall Tile
- 10 Hot Lead
- 11 Metal Siding #1
- 12 Metal Siding #2
- 13 Concrete
- 14 Metal Roof
- 15 Canopy Shade Structure
- 16 Line of Parking Structure Below
- 17 Planes per Landscape Plans
- 18 Top of Planter Beyond
- 19 Line of Flat Roof Beyond (Mechanical Equipments Screened by Parapet)
- 20 Residential Unit Entrance Door

General Notes

1. Parapet walls around mechanical walls to provide screening for mechanical equipment.
2. Refer to roof plan for mechanical walls and photovoltaic panel locations.
3. Refer to Architectural site plan drawing for locations of property lines and setback lines. Property lines and setback lines are shown at appropriate location of elevation cut.
4. When required front and street side yards, no fence, wall, retaining wall or combination thereof shall be higher than 42 inches, except that an additional 24 inches of fence height (to a maximum height of 66 inches) shall be permitted, provided the additional portion of the fence is constructed of a material that is at least 80 percent open to light. All planter dimensions are measured from existing grade.
5. P.E.G. abbreviation "Per Existing Grade"
6. P.P.G. abbreviation "Per Proposed Grade"
7. All dimensions measured from Finish Surface unless otherwise noted.

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Solana Beach 101

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Resubmittal - 22 June 2018

NOT FOR CONSTRUCTION
SHEET SIZE 24" x 36"
DO NOT SCALE DRAWINGS

Site Elevations

1/16" = 1'-0"

A3.0



3 View from Highway 101
scale:



2 Context Elevation at S. Sierra Avenue
scale: 1/32 = 1'-0"



1 Context Elevation at Highway 101
scale: 1/32 = 1'-0"

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Solana Beach 101

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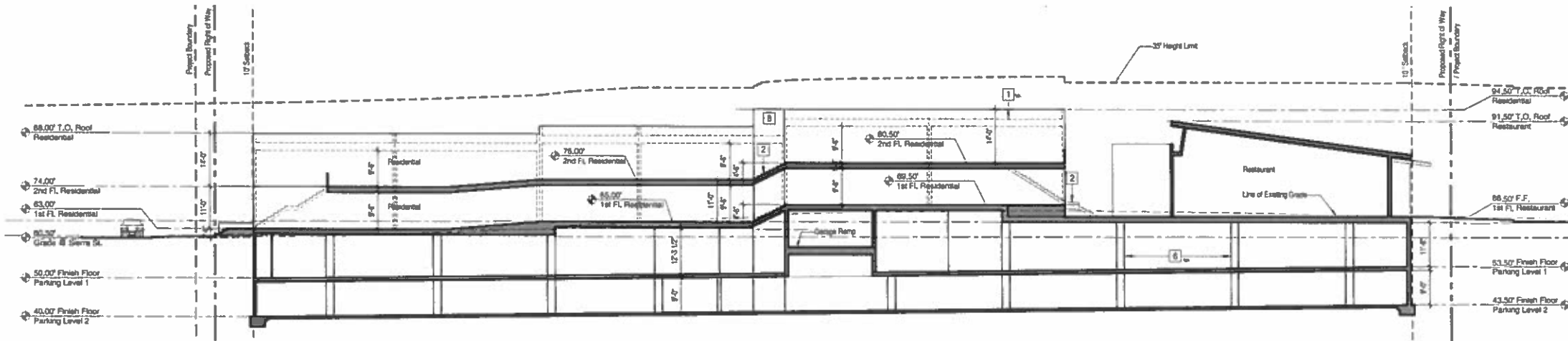
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DO NOT SCALE DRAWINGS

Context Elevations

1/32" = 1'-0"

A3.1

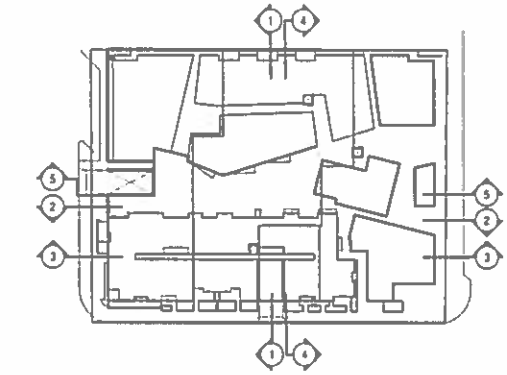
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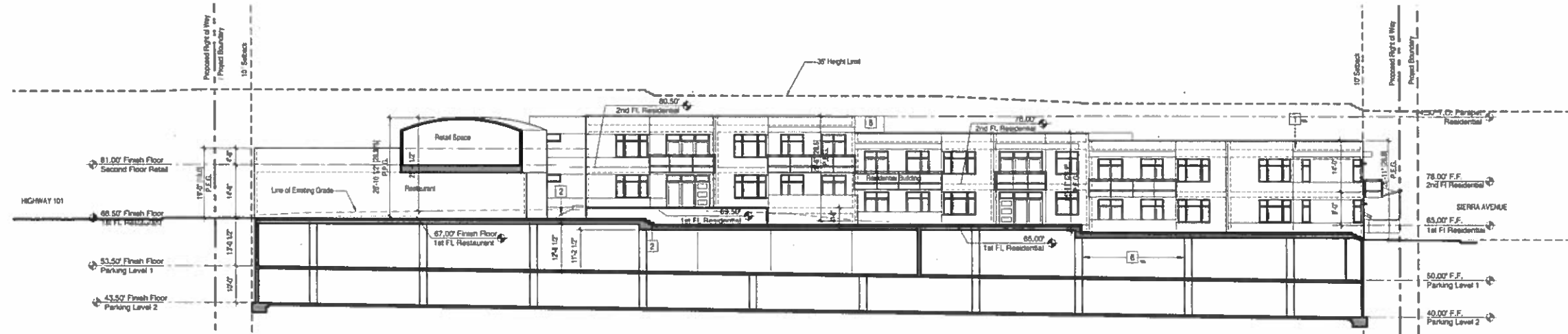
3 Site Section Through Residential
scale: 1/16 = 1'-0"

- ### Site Section Notes
- 1 Line of Roof, Floor, or Wall beyond
 - 2 Star (see Floor Plans)
 - 3 Flat Bulk-up Roof
 - 4 Residential Balcony
 - 5 Quadral (4" min.)
 - 6 Concrete Column
 - 7 Planter per Landscape Plans
 - 8 Elevator
 - 9 Corridor

- ### General Notes
1. Parapet walls around mechanical units to provide screening for mechanical equipment.
 2. Refer to roof plan for mechanical units and photovoltaic panel locations.
 3. Refer to Architectural site plan drawing for locations of property lines and setback lines.
 4. P.E.G. abbreviation "Per Existing Grade"
 5. P.P.G. abbreviation "Per Proposed Grade"
 6. All dimensions measured from Finish Surface unless otherwise noted.



Key Plan
scale: not to scale



2 Site Section Through Public Courtyard
scale: 1/16 = 1'-0"

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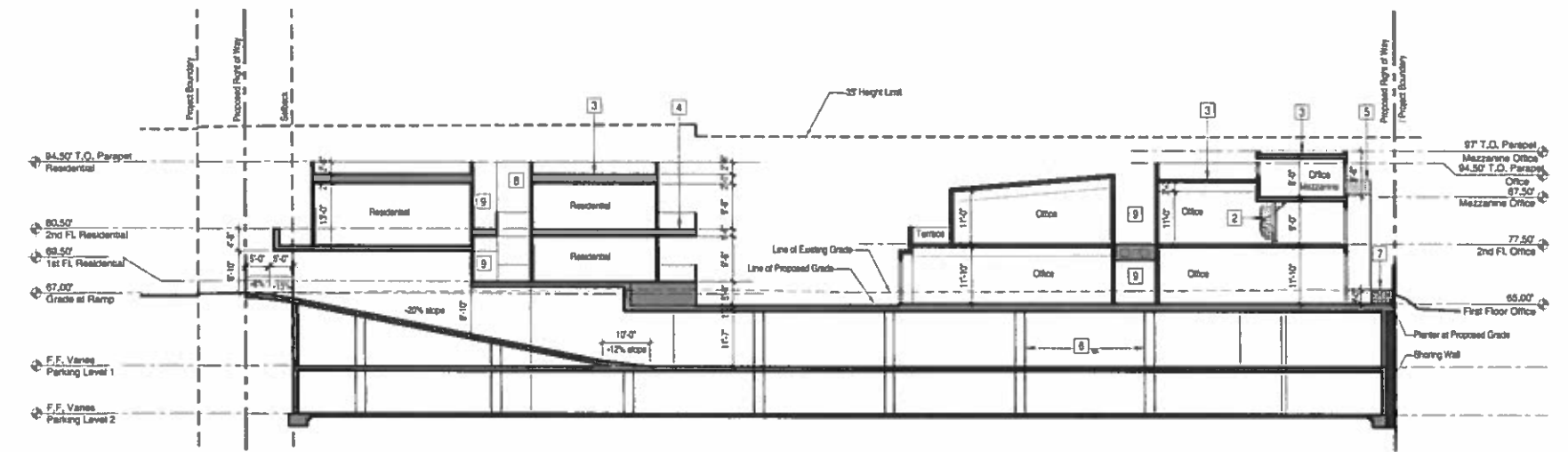
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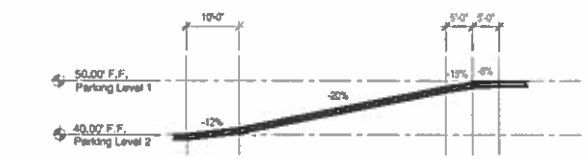
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SHEET SIZE: 24" x 36"
DO NOT SCALE DRAWINGS



1 Site Section Through Commercial Ramp
scale: 1/16 = 1'-0"



A P1 to P2 Ramp Section
scale: 1/16 = 1'-0"

Site Sections

1/16" = 1'-0"

A4.0

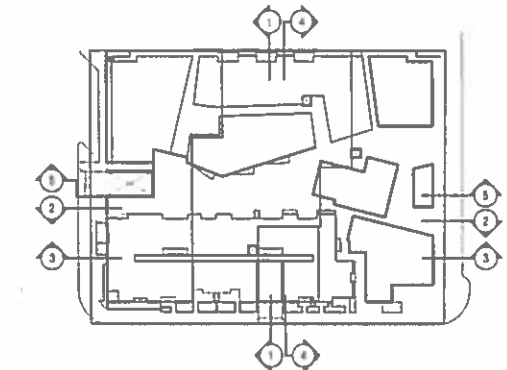
Sheet Number 0

Site Section Notes

- 1 Line of Roof, Floor, or Wall beyond
- 2 Star (see Floor Plan)
- 3 Flat Bulk-up Roof
- 4 Residential Balcony
- 5 Guttered (42" min.)
- 6 Concrete Column
- 7 Planter per Landscape Plans
- 8 Devator
- 9 Corridor

General Notes

1. Percept walls around mechanical wells to provide screening for mechanical equipment.
2. Refer to acd plan for mechanical wells and photovoltaic panel locations.
3. Refer to Architectural site plan drawing for locations of property lines and setback lines.
4. P.E.D. abbreviation "Per Existing Grade"
5. P.P.G. abbreviation "Per Proposed Grade"
6. All dimensions measured from Finish Surface unless otherwise noted.



Key Plan

scale: not to scale

M.W. STEELE GROUP
ARCHITECTURE | PLANNING
 1805 NEWTON AVE | SUITE A
 SAN DIEGO | CA | 92113
 TELEPHONE 619 230 0325
 www.mwsteele.com

Development Permit

Project Number	1808
Output Date	22 November 2016
Drawn	TD/SM
Checked	SM

Solana Beach 101

Highway 101 & Dahlia Drive
 Solana Beach, CA 92075

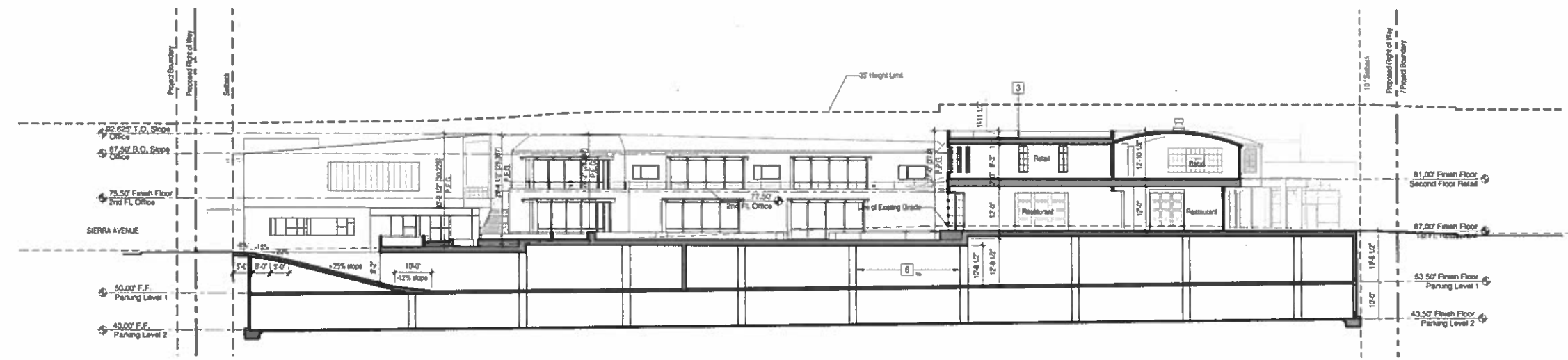
Resubmittal - 24 January 2017
Resubmittal - 22 March 2017
Resubmittal - 10 May 2017
Resubmittal - 28 June 2017
Resubmittal - 15 September 2017

NOT FOR CONSTRUCTION
 SHEET SIZE: 24" x 36"
 DO NOT SCALE DRAWINGS

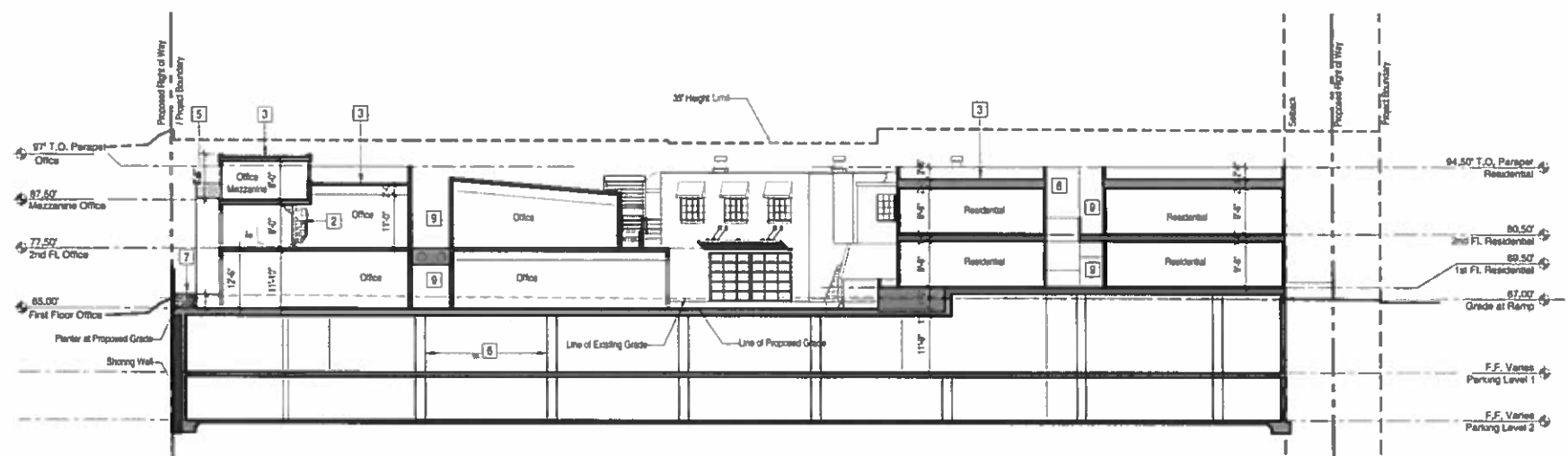
Site Sections

1/16"=1'-0"

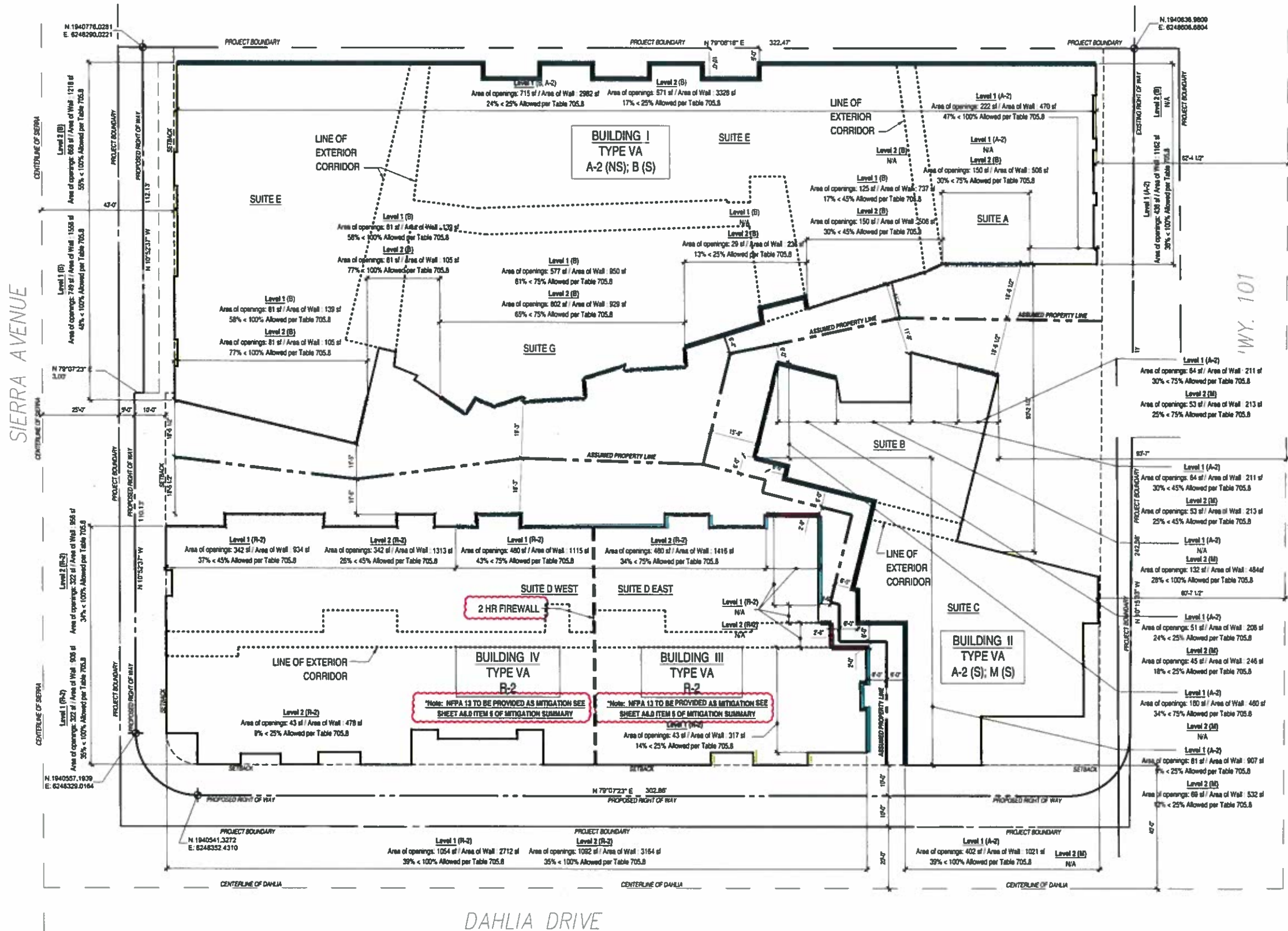
A4.1



5 Site Section Through Interior Courtyard - Facing North
 scale: 1/16" = 1'-0"



4 Site Section Through Interior Courtyard - Facing South
 scale: 1/16" = 1'-0"



ALLOWABLE AREA ANALYSIS

BASED ON CBC 2011 TABLE 705.2

BUILDING	LEVEL	OCCUPANCY CLASSIFICATION	BUILDING AREA PROVIDED	ALLOWABLE BUILDING AREA CBC 2011 Table 705.2	PERCENTAGE OF ALLOWABLE AREA USED
BUILDING I TYPE VA SUITE A SUITE B SUITE C SUITE D SUITE E SUITE F SUITE G	1	A-2 (S)	3,485 SF	11,300 SF	30%
	2	B (S)	23,290 SF	54,000 SF	43%
	3	B (S)	24,814 SF	54,000 SF	46%
BUILDING II TYPE VA SUITE A SUITE B SUITE C SUITE D SUITE E SUITE F SUITE G	1	A-2 (S)	7,454 SF	34,500 SF	22%
	2	M (S)	4,087 SF	42,000 SF	10%
BUILDING III TYPE VA SUITE A SUITE B SUITE C SUITE D SUITE E SUITE F SUITE G	1	R-2 (NFPRI3R)	6,280 SF	12,000 SF	52%
	2	R-2 (NFPRI3R)	6,280 SF	12,000 SF	52%
BUILDING IV TYPE VA SUITE A SUITE B SUITE C SUITE D SUITE E SUITE F SUITE G	1	R-2 (NFPRI3R)	10,318 SF	12,000 SF	86%
	2	R-2 (NFPRI3R)	10,318 SF	12,000 SF	86%

TABLE 705.3 MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION

FIRE SEPARATION DISTANCE (ft)	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA*
0 to less than 3'	Unprotected, Non-sprinklered (L/P, NS)	Not Permitted
	Unprotected, Sprinklered (L/P, S)	Not Permitted
	Protected (P)	Not Permitted
3 to less than 5'	Unprotected, Non-sprinklered (L/P, NS)	Not Permitted
	Unprotected, Sprinklered (L/P, S)	Not Permitted
	Protected (P)	Not Permitted
5 to less than 10'	Unprotected, Non-sprinklered (L/P, NS)	15%
	Unprotected, Sprinklered (L/P, S)	15%
	Protected (P)	10%
10 to less than 15'	Unprotected, Non-sprinklered (L/P, NS)	25%
	Unprotected, Sprinklered (L/P, S)	25%
	Protected (P)	15%
15 to less than 20'	Unprotected, Non-sprinklered (L/P, NS)	45%
	Unprotected, Sprinklered (L/P, S)	45%
	Protected (P)	25%
20 to less than 25'	Unprotected, Non-sprinklered (L/P, NS)	75%
	Unprotected, Sprinklered (L/P, S)	75%
	Protected (P)	45%
25 to less than 30'	Unprotected, Non-sprinklered (L/P, NS)	No Limit
	Unprotected, Sprinklered (L/P, S)	No Limit
	Protected (P)	No Limit
30 or greater	Unprotected, Non-sprinklered (L/P, NS)	No Limit
	Unprotected, Sprinklered (L/P, S)	No Limit
	Protected (P)	No Limit

For SI, 1 foot = 304.8 mm.
L/P, NS = Unprotected openings in buildings not equipped throughout with an automatic sprinkler system in accordance with Section 903.1.1.
L/P, S = Unprotected openings in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.1.1.
P = Openings protected with a fire-resistance-rated assembly in accordance with Section 705.3.2.

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Development
Permit

Project Number	1806
Original Date	22 November 2016
Client	TD
Contract	SM

Solana Beach 101

Highway 101 & Dahlia Drive
Solana Beach, CA 92075

Resubmitted -	24 January 2017
Resubmitted -	22 March 2017
Resubmitted -	10 May 2017
Resubmitted -	28 June 2017
Resubmitted -	15 September 2017
Revised -	08 January 2018
Revised -	05 March 2018

NOT FOR CONSTRUCTION
SHEET SIZE: 24" x 36"
DO NOT SCALE DRAWINGS

Fire Protection Plan -
Building Code Analysis

1/16"=1'-0"

A6.3

Fire Protection Plan - Building Code Analysis
scale: 1/16" = 1'-0"

Assumed Property Lines

CBC Chapter 3 Definition:
Fire Separation Distance: The distance measured from the building face to one of the following:
1. The closest exterior lot line;
2. To the centerline of a street, an alley or public way; or
3. To an imaginary line between two buildings on the lot

Solana 101

Comprehensive Sign Plan | 6.28.18 CITY RE-SUBMITTAL



Location:

Highway 101 and Dahlia Drive,
Solana Beach, California 92075

Parcel Nos:

298-052-06, 298-052-07, 298-052-08,
298-052-13, 298-052-14

Zoning:

Commercial | Mixed Use

KEY CONTACTS

Architect:

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Architectural Planning
1805 Newton Ave, Suite A
San Diego, Ca 92113
(619) 230-0325

Design Consultant:

Hollis Brand Culture
2479 Kettner Boulevard
San Diego, CA 92101
T: (619) 234 - 2061

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Introduction and Overview

Upon approval and adoption by the City of Solana Beach, this document is the official comprehensive sign plan (CSP) for Solana 101, a new, mixed-use development located along Highway 101 South in the South Sierra District of Solana Beach, California.

The exterior project identification and commercial signing at Solana 101 will be in accordance with the Solana Beach Municipal Code (SBMC), Section 17.64.080(E), Scenic Area Overlay Zone. Sign types, sizes, materials, placement, and other characteristics must comply with those guidelines. We ask that the parking entrance sign on Dahlia be considered as the business center entrance monument sign.

Specific commercial tenant (anchor, retail, and office) signing assignments listed on the attached sign schedule and illustrated on the attached elevation/plan drawings are subject to adjustment. The actual number and size of leased tenant spaces could vary from those indicated on the drawings, however the plan's stated signing allowance formulations and criteria still apply.

Additionally, all proposed signing for Solana 101 commercial tenants requires prior review and approval of Solana 101 management before application to the City of Solana Beach for a sign permit.

Solana 101 management encourages its commercial tenants to utilize a variety of sign types (wall, awning, canopy, window, plaque, and projecting) in identifying and distinguishing their businesses. Management's goal for the complex is an eclectic, village-like ambiance and achieving that goal can be assisted by tenants' use of a variety of signing techniques (silhouetted letters, unique shapes, neon and halo lighting, etc.), as well as the use of unique materials, complimentary palettes, and innovative mounting techniques.

The following is a list with brief description of the various signs and sign types proposed for the commercial component of Solana 101.

Sign Type A: Commercial Monumentation*Ground-Mounted Monument*

A custom, freestanding, two-sided, externally and/or internally lighted, vehicular-oriented monument sign with project name and/or identity graphic elements. The design characteristics of this sign will be complimentary to or integrated with the project's architecture, plantings and hardscape.

As the only monument sign proposed for the property that is entitled to two separate monuments (one freestanding sign per street frontage), this single sign is allowed up to 82 square feet (per side) based on the calculation of 66 square feet plus 25% (16 square feet).

Business Center Entrance Monument

We ask that the parking entrance sign on Dahlia be considered as the business center entrance monument sign. This includes a custom, wall-mounted, two-sided, externally and/or internally lighted, vehicular-oriented blade sign on the south elevation with project identification and parking garage entry information. As a commercial property over 1/2 acre in size and with more than four individual businesses, Solana 101 is allowed one business center entrance monument with the name of the complex, address numerals, and city name. In lieu of such a sign, it is proposed this sign instead be expressed as a wall-mounted blade that identifies the vehicular entry to the project's parking garage on the south elevation (Dahlia Drive).

Secondary Solana 101 Entry Signs

A wall-mounted or awning-mounted, externally and/or internally lighted, sign at the north entry with project identification as well as a wall mounted sign ID added to the project west entry from Sierra Drive to provide clarity to the multiple points of entry into the project.

Sign Type B: Tenant Directory

A custom, freestanding, two-sided, internally lighted, pedestrian-oriented tenant directory sign with changeable panels. This sign will carry anchor, retail, and office tenant names and suite numbers, a complex map (first and second floors), and project identification and will meet fire department requirements for a centrally located, illuminated project map.

This sign will be located near the project's elevator alcove and will not be readily visible from the street and therefore not require a permit.

Sign Type C: Anchor-Ground Level Tenant ID Package

The anchor tenant at Solana 101 is allowed up to one square foot of signing per linear foot of suite frontage either in proportion to each frontage (east and south) or as one large sign on the east elevation. Anchor tenant signing may be expressed through a combination of sign types (wall, awning, canopy, window, projecting blade, plaque). No more than two signs are allowed and can signs (boxed elements) and roof signs are not allowed.

Solana 101 management approval and City permits are required.

Sign Type D: Retail-Ground Level Tenant ID Package

Retail tenants (first floor) at Solana 101 are allowed up to one square foot of signing per linear foot of suite frontage. Individual retail suite signing may be expressed through a combination of two different sign types (wall, awning, canopy, window, projecting blade, or plaque). No more than two signs are allowed per tenant, per frontage and "can-signs" (boxed elements) and roof signs are not allowed.

Retail / Office suites with two frontages are entitled up to two (2) signs, one per frontage. Sign area (allowable square footage) is per frontage and may not be combined into one large sign on one frontage.

Retail tenant signs should include part or all of the retail tenant's name, logomark, or logotype but cannot merely label the product or service offered (e.g. "Dentist").

Any illuminated signage along Sierra Avenue must be reverse channel "halo-lit" letters, controllable with a dimmer, and set to a minimal output setting as not to disturb adjacent to or across from residential properties.

Solana 101 management approval and City permits are required prior to the installation of a sign.

Sign Type E: Office-Upper Level Tenant ID Package

Office tenants (upper level) at Solana 101 are allowed up to one square foot of signing per linear foot of suite frontage. Individual office suite signing is to be expressed as one two-sided, pedestrian-oriented, projecting blade sign (4 square foot maximum/per side) and one additional sign (wall, awning, canopy, window, or plaque). The tenant's second, non-blade sign is restricted to a maximum installed height at or below the top of the suite's primary entry door. No more than two signs are allowed per office tenant and can signs (boxed elements) and roof signs are not allowed.

Office suites with two frontages must allocate signing square footage per frontage and may not combine allowable square footage into one large sign on one frontage.

Office tenant signs should include part or all of the office tenant's name, logomark, or logotype but cannot merely label the product or service offered (e.g. "Attorney").

Solana 101 management approval of all office tenant signs is required. Office tenant signs that are visible from Highway 101 South and/or Dahlia Drive also will require a City permit.

Sign Type F: Pedestrian Informational/Directional

Pedestrian-oriented informational and directional signing serves to inform and direct and will be located as per the plan. At present, two signs have been scheduled for the project however more signs may be needed at some future date. Generally, these signs will be wall-mounted or suspended plaques and not readily visible from the street. This sign type does not require a permit.

Sign Type G: Vehicular Informational/Directional

Vehicular-oriented informational and directional signing serves to inform and direct traffic approaching or leaving the complex and will be located as per plan. At present, three signs have been scheduled for the project however more signs may be needed at some future date. These signs necessarily are visible from the street and may require a permit.

Sign Type H: Address Numerals

Building address numerals serve to inform both pedestrians and vehicular traffic and are necessary for identification. Building address numerals will be located as per the plan (subject to approval of the local fire department), will be 8" in height, and will be appropriately contrasted with the building's background color(s). This sign type does not require a permit.

Sign Type I: Miscellaneous

This tenant-associated sign type includes miscellaneous entry door- or side window-mounted credit card information, hours of operation, and other business operations information. Tenant signs of this type may not exceed a total of four square feet per entry point and are limited to two entry points per suite. These signs are directly associated with Sign Types C, D, and E but are not listed on the schedule or flagged on the drawings.

This pedestrian-oriented sign type requires Solana 101 management review and approval but does not require a permit.

Suite number identification will be provided by Solana 101 management and not counted against the allowable square footage for entry point signing.

Sign Type J: Residential Monumentation

A dimensional, one-sided, wall-mounted plaque sign with property name and/or identity graphic elements (TBD) for the identification of the residential portion of Solana 101. This sign will be installed as per plan on the building at the corner of Sierra Avenue and Dahlia Drive. This sign's design will be complimentary to the residential component of the development and a maximum of 32 square feet.

Prohibited Signs

Certain sign types are prohibited at Solana 101. See section 17.64.040 of the City of Solana Beach's comprehensive sign ordinance for a complete list of prohibited signs.

General Sign Construction Requirements

1. All signs and their installation shall comply with all local building and electrical codes.
2. All electrical signs will be fabricated by a U.L. approved sign company, according to U.L. specifications and bear U. L. Label.
3. Sign company to be fully licensed with the City and State and shall have full Workman's Compensation and general liability insurance.
4. All penetrations of building exterior surfaces are to be sealed waterproof in color and finish to match existing exterior.
5. Internal illumination to be 30 milliamp neon, installed and labeled in accordance with the "National Board of Fire Underwriters Specifications".
6. Painted surfaces to have satin finish. Only paint containing acrylic polyurethane products may be used.
7. Logo and letter heights and overall width shall be specified and shall be determined by measuring the normal capital letter of a type font exclusive of swashes, ascenders, and descenders. The City of Solana Beach includes the entire length of the letters in the sign when determining the area of a sign.
8. All sign fabrication work shall be of excellent quality. All logo images and type styles shall be accurately reproduced. Lettering that approximates type style will not be acceptable. The Landlord reserves the right to reject any fabrications work deemed to be below standard.
9. All lighting must match the exact specification of the approved working drawings. No exposed conduits or raceways, unless integrated into the overall design will be allowed.
10. Signs must be made of durable rust-inhibiting materials that are appropriate and complimentary to the building.
11. Color coating shall exactly match the color specified on the approved plans.
12. Joining of materials (e.g, seams) shall be finished in way as to be unnoticeable. Visible welds be continuous and ground smooth. Rivets, screws, and other fasteners that extend to visible surfaces shall be flush, filled and finished so as to be unnoticeable.
13. Finished surfaces of metal shall be free from oil canning and warping. All signs finishes shall be free from dust, orange peel, drips, and runs and shall have a uniform surface conforming to the highest standard of the industry.
14. In no case shall any manufacturer's label be visible from the street from normal viewing angles.
15. Exposed raceways are not permitted unless they are incorporated into the overall sign design.
16. Exposed junction boxes not permitted.
17. All raceways, conduits, etc... installed on back of parapets to be painted a specific color to be obtained from the architect.
18. Light sources shall be used judiciously to illuminate signs and shall be directed only upon the sign area that they are intended to illuminate. Illuminated signs shall be designed, located, shielded, and directed so as to prevent the glare or light trespass from the illumination.

Tenant Signage Specifications

The intent of this criteria is to encourage creativity to ensure the individuality of each tenant sign as opposed to similar sign design, construction, and colors repeated throughout the project. Signs must be architecturally compatible with the entire center.

Storefront Signage:

The following types of contraction will be allowed:

- Acrylic face channel letters
- Through face and halo channel letters
- Reverse pan channel letters
- Skeleton neon behind flat cut out shapes and letters.
- Open pan channel letters (Only in an artistic letter style/font)
- Push-through letters and logos in custom-shaped aluminum cabinets
- Flat cut out dimensional shapes and accents
- Metal screen mesh accents
- Exposed skeleton neon accents

The idea of using dissimilar materials and creating signs with varying colors, layers, and textures will create an exciting and appealing retail environment.

Sign area for all tenants will be calculated as follows:

According to Solana Beach Municipal Code (SBMC) Section 17.64.0B0(E)

“Scenic Area Overlay Zone. Notwithstanding any other provision of this chapter, within the scenic overlay zone (SBMC 17.48.010) the total signage allowance for all signs on a premises shall not exceed one square foot for each linear foot of street frontage. No establishment shall have an aggregate sign area greater than 100 square feet.”

No more than two signs per business are permitted. Stacked copy is not permitted.



Sign Copy

DESCENDING LETTER ELEMENT

Descender: (The part of the lowercase letters, such as g, p, and y which extends below the other lowercase letters)

Prohibited Signs:

1. No Standard plex faced cabinet construction allowed.
2. Signs constituting a Traffic Hazard: No person shall install or maintain, or cause to be installed or maintained, any sign which simulates in size, color, lettering or design any traffic sign or signal, or which make use of the words "STOP", "LOOK", "DANGER" or any words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse traffic.
3. Signs in Proximity to Utility Lines: Signs which have less horizontal or vertical clearance from authorized communication or energized electrical power lines that are prescribed by the laws of the State of California are prohibited.
4. Signs painted directly on a building surface subject to sole discretion of landlord based upon submitted design for review.
5. No sign shall project above or below the sign-able area. The sign-able area is defined in the attached exhibit for tenants. Including no lower wall mounted signs.
6. Vehicle signs: Signs on or affixed to trucks, automobiles, trailers, or other vehicles which are use for advertising, identity, or provide direction to a specific use or activity not related to its lawful activity are prohibited. (i.e. Delivery trucks with tenant signage is OK!)
7. Light Bulb Strings: External displays, other than temporary decorative holiday lighting which consists of unshielded light bulbs are prohibited. An exception may be granted by the Landlord when the display is an integral part of the design character of the activity to which it relates.
8. Banners, Pennants & Balloons used for Advertising Purposes: Temporary flags, banners, or pennants, or a combination of same constituting an architectural feature which is an integral part of the design character of a project may be permitted subject to Municipal Code requirement, Landlord's, and City approval.
9. Billboards Signs are not permitted
10. No additional sign copy, tagline, or descriptors allowed for main tenant sign.

Abandonment of Signs:

Any tenant sign left after thirty (30) days from vacating premises shall become the property of Landlord.

Inspection:

Landlord reserves the right to hire an independent electrical engineer at the Tenant's sole expense to inspect the installation of all Tenant's signs and to require the Tenant to have any discrepancies and/or code violations corrected at the Tenant's expense.

Maintenance:

It is the Tenant's responsibility to maintain their signs in proper working and clean conditions at all times. Otherwise, landlord reserves the right to hire his own contractor, make the necessary corrections, and bill tenant should it be deemed necessary.



Illumination Method 1

Illuminated LEXAN FACED CHANNEL display with THROUGH FACE ILLUMINATION.

Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish. Faces use translucent Lexan with no visible trim-cap. Illuminate with 30 mA neon or equivalent LED illumination.

Paint returns to match face only. This illumination method is prohibited for all signage on Sierra Avenue.



Illumination Method 2

Illuminated REVERSE PAN CHANNEL display with HALO ILLUMINATION.

Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish.

Illuminate with 30 mA neon or equivalent LED illumination.

Paint faces and returns to match only.



Illumination Method - Combination of 1 and 2

Illuminated LEXAN FACED CHANNEL display with THROUGH FACE AND HALO ILLUMINATION.

Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish.

Faces use Lexan with no visible trim-cap. Illuminate with 30 mA neon or equivalent LED illumination.

Paint returns to match face only. This illumination method is prohibited for all signage on Sierra Avenue.



Illumination Method 3

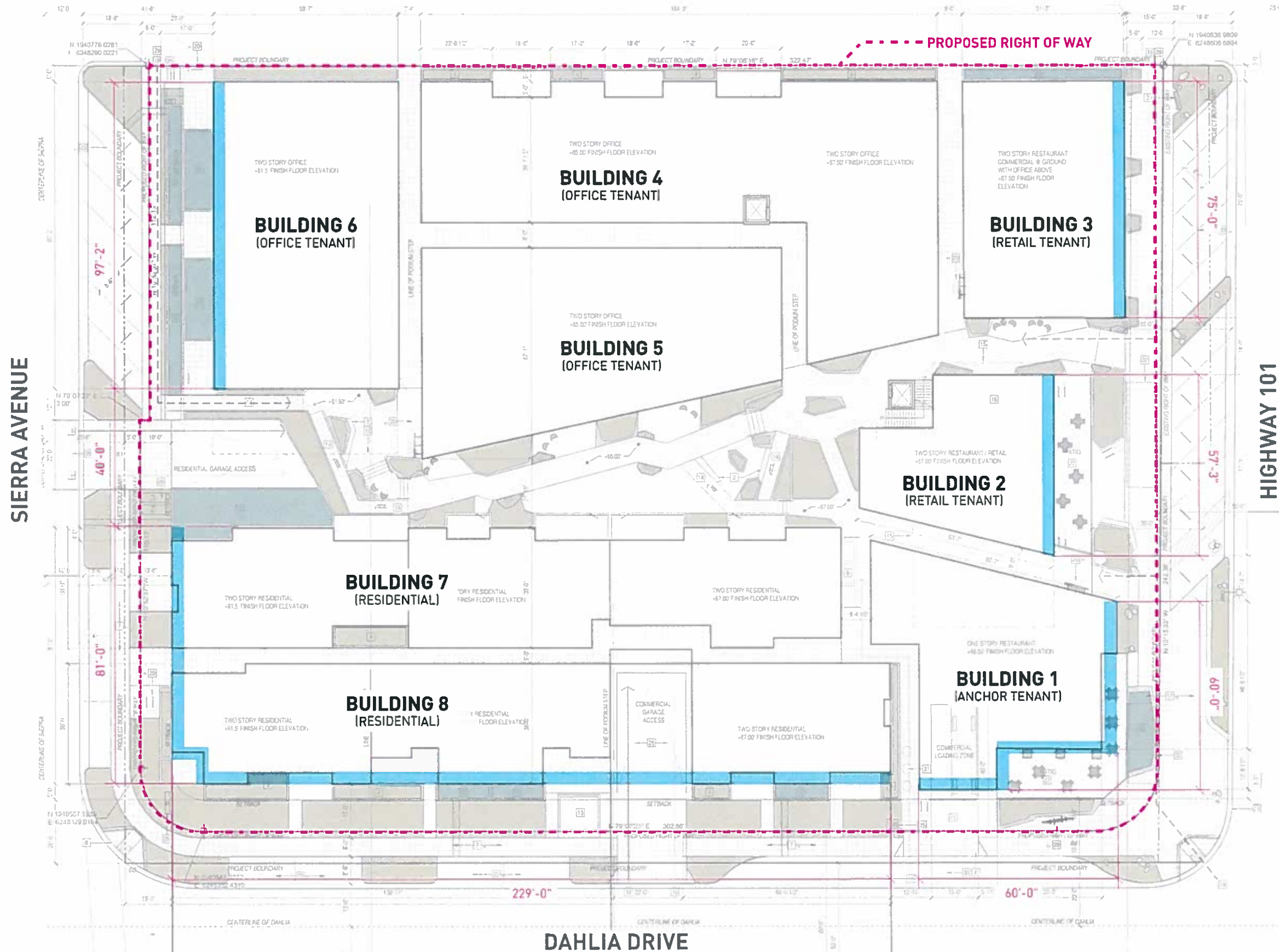
Illuminated OPEN PAN CHANNEL display with EXPOSED NEON ILLUMINATION.

Use standard aluminum construction with Matthews (or equivalent) satin acrylic polyurethane finish.

Illuminate with 30 mA neon or equivalent LED illumination. Paint face and returns to match only.

This illumination method is prohibited for all signage on Sierra Avenue.

Note: All signs may utilize solid color-matched digital vinyl printing on faces of illuminated or non illuminated surfaces.



SITE ADDRESS:
Highway 101 and Dahlia Drive,
Solana Beach, California 92075

ARCHITECT:
M.W. Steele Group
Architectural Planning
1805 Newton Ave, Suite A
San Diego, Ca 92113
(619) 230-0325

PARCEL NUMBER:
298-052-06, 298-052-07, 298-052-08,
298-052-13, 298-052-14

BUSINESS FRONTAGE
(INDICATED BY BLUE LINE)

Building	Tenant	Direction	Frontage
BUILDING 1	1 FUTURE TENANT	SOUTH	60'-0"
	1 FUTURE TENANT	EAST	60'-0"
BUILDING 2	2 FUTURE TENANT	EAST	57'-3"
	3 FUTURE TENANT	EAST	75'-0"
BUILDING 3	3 FUTURE TENANT	EAST	75'-0"
	NO PUBLIC FACING FRONTAGE		
BUILDING 4	NO PUBLIC FACING FRONTAGE		
	NO PUBLIC FACING FRONTAGE		
BUILDING 6	6 FUTURE TENANT	WEST	97'-2"
	7 RESIDENTIAL	WEST	81'-0"
BUILDING 7 & 8	8 RESIDENTIAL	SOUTH	229'-0"
	NO PUBLIC FACING FRONTAGE		

TOTAL PROJECT FRONTAGE	
EAST TOTAL	200'-0"
SOUTH TOTAL	320'-0"
WEST TOTAL	200'-0"
NORTH TOTAL	320'-0"



SOLANA 101 PLAN VIEW
SCALE: 1/32" = 1'-0"

LEGEND

A Commercial Monument	F Pedestrian Informational / Directional
B Tenant Directory	G Vehicular Informational / Directional
C Anchor-Ground Level Tenant ID	H Address Numerals
D Retail-Ground Level Tenant ID	I Miscellaneous
E Office-Upper Level Tenant ID Package	J Residential Monument

Item	Sign Type	Title /Copy / Content	Permit Required	Quantity	Square Feet	Description
1	A	Solana 101 Monument (East)	Yes	1	82 sq/ft	Two-sided, externally or internally lighted, ground-mounted monument sign.
2	A	Solana 101 Entry (North)	Yes	1	100 sq/ft	One-sided, externally or internally lighted, wall/awning mounted sign.
3	A	Solana 101 Entry (West)	Yes	1	82 sq/ft	One-sided, externally or internally lighted, wall-mounted sign.
4	A	Solana 101 Parking Entry (South)	Yes	1	66 sq/ft	Two-sided, externally or internally lighted, wall-mounted blade sign (parking entrance).
5	B	Solana 101 Tenant Directory (tenant names, suite numbers, and map)	No	1	N/A	Freestanding, internally lighted campus directory sign.
6	C	(anchor tenant package)	Yes	1	60 sq/ft	Wall-mounted sign on east or north elevation. (two primary sign maximum)
7	C	(anchor tenant package)	Yes	1	60 sq/ft	Wall-mounted sign on south elevator.
8	D	(retail tenant package)	Yes	1 Package	57'-3" sq/ft	Combination of sign types with allocation foot of signing per suite's linear frontage.
9	D	(retail tenant package)	Yes	1 Package	25 sq/ft	Combination of sign types with allocation foot of signing per suite's linear frontage.
10	D	(retail tenant package)	Yes	1 Package	25 sq/ft	Combination of sign types with allocation foot of signing per suite's linear frontage.
11	D	(retail tenant package)	Yes	1 Package	25 sq/ft	Combination of sign types with allocation foot of signing per suite's linear frontage.
12	D	(retail tenant package)	Yes	1 Package	25 sq/ft	Combination of sign types with allocation foot of signing per suite's linear frontage.
13	E	(office tenant package)	Yes	1 Package	TBD	Combination of sign types with allocation foot of signing per suite's linear frontage.
14	E	(office tenant package)	Yes	1 Package	TBD	Combination of sign types with allocation foot of signing per suite's linear frontage.
15	E	(office tenant package)	Yes	1 Package	TBD	Combination of sign types with allocation foot of signing per suite's linear frontage.

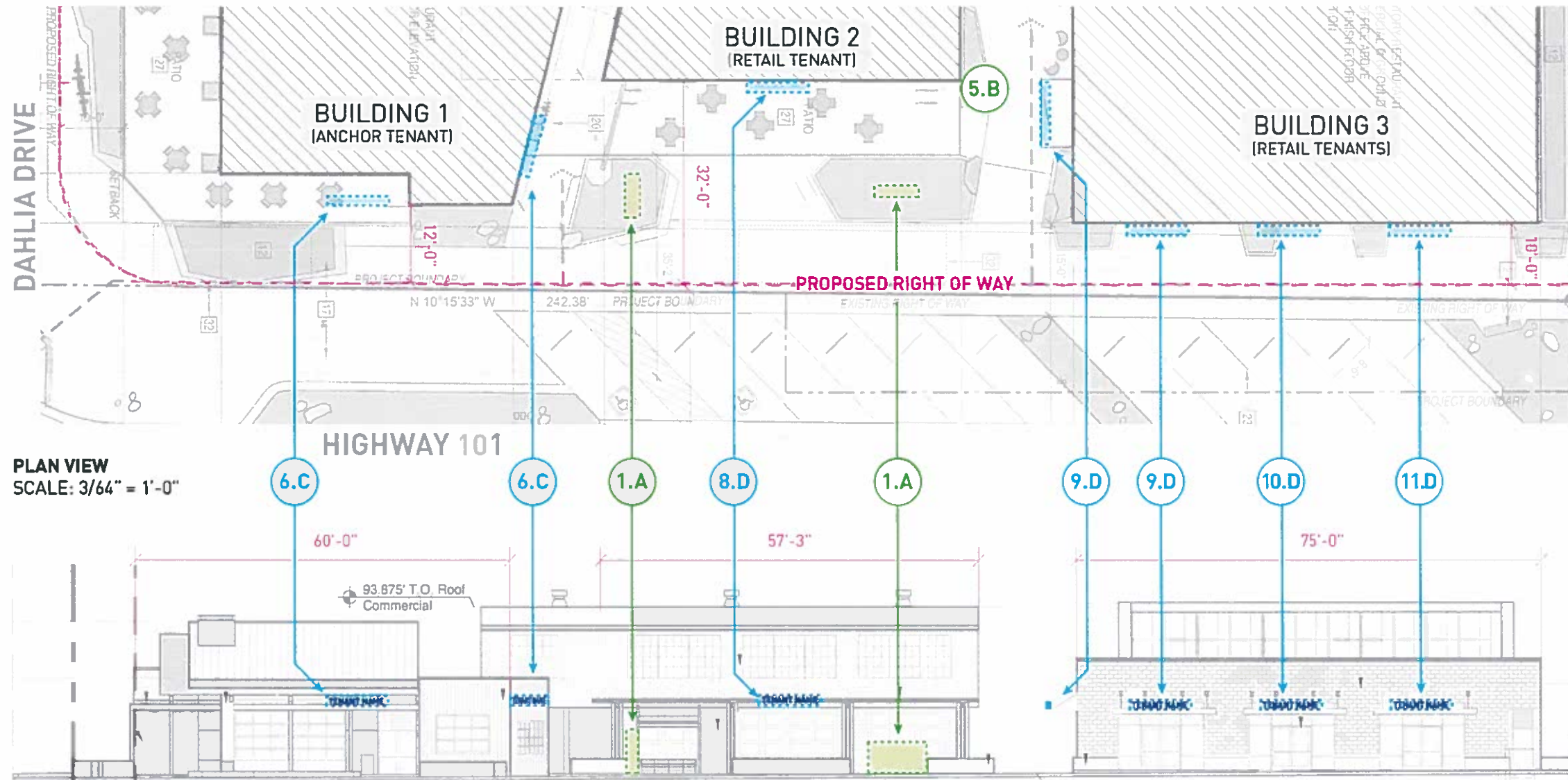
Item	Sign Type	Title /Copy / Content	Permit Required	Quantity	Square Feet	Description
16	E	(office tenant package)	Yes	1 Package	TBD	Combination of sign types with allocation foot of signing per suite's linear frontage.
17	E	(office tenant package)	Yes	1 Package	TBD	Combination of sign types with allocation foot of signing per suite's linear frontage.
18	E	(office tenant package)	Yes	1 Package	N/A	Combination of sign types with allocation foot of signing per suite's linear frontage.
19	E	(office tenant package)	Yes	1 Package	97'-2" sq/ft	Combination of sign types with allocation foot of signing per suite's linear frontage.
20	F	Elevators (with directional arrows)	No	1	N/A	Wall-mounted or suspended plaque sign.
21	F	Upper Level Tenant Directory (tenant names, suite 1 numbers, and map)	No	1	N/A	Wall-mounted plaque sign.
22	G	Retail / Visitor Parking Garage	Yes	1	100 sq/ft	Wall-mounted or suspended plaque sign.
23	G	Residential Parking Garage	Yes	1	100 sq/ft	Wall-mounted or suspended plaque sign.
24	G	Caution: Upper Level Maximum Clearance 8'4" 1 Caution: Lower Level Maximum Clearance 7'4"	Yes	2	N/A	Lightweight, cable-suspended signs.
25	H	(West facing tenant address)	No	4	N/A	8" tall, wall-mounted numerals on south elevation.
26	H	(South facing tenant address)	No	5	N/A	8" tall, wall-mounted numerals on east elevation.
27	H	(East facing tenant address)	No	1	N/A	8" tall, wall-mounted numerals on east elevation.
28	J	(residential property name/ graphic)	Yes	1	81 sq/ft	Wall-mounted letters or plaque sign.



EAST FRONTAGE - POSSIBLE SIGN LOCATIONS

LEGEND	
A	Commercial Monument
B	Tenant Directory
C	Anchor-Ground Level Tenant ID
D	Retail-Ground Level Tenant ID
E	Office-Upper Level Tenant ID Package
F	Pedestrian Informational / Directional
G	Vehicular Informational / Directional
H	Address Numerals
I	Miscellaneous
J	Residential Monument

ITEM	SIGN TYPE	TITLE/CONTENT	LINEAR FRONTAGE	SIGN AREA (sq ft)	DISTANCE FROM R.O.W.
1	A	COMMERCIAL MONUMENT	100'-0"+	82'-0" (PER SIDE)	TBD
5	B	TENANT DIRECTORY	N/A	N/A	N/A
6	C	ANCHOR TENANT	60'-0"	60'-0"	12'-0"
8	D	RETAIL TENANT	57'-3"	57'-3"	32'-0"
9	D	RETAIL TENANT	25'-0"	25'-0"	10'-0"
10	D	RETAIL TENANT	25'-0"	25'-0"	10'-0"
11	D	RETAIL TENANT	25'-0"	25'-0"	10'-0"



PLAN VIEW
SCALE: 3/64" = 1'-0"

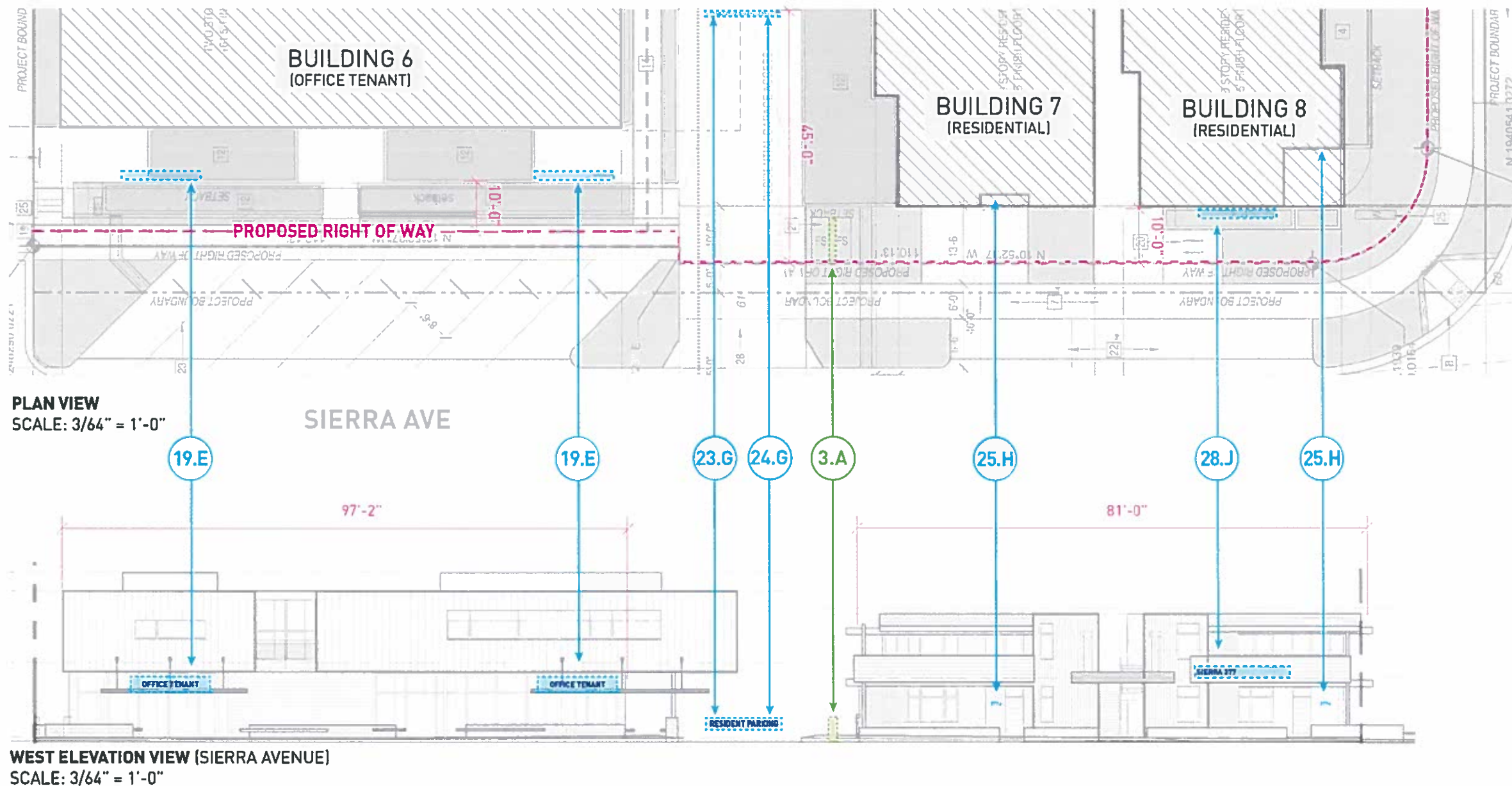
EAST ELEVATION VIEW (ALONG HIGHWAY 101)
SCALE: 3/64" = 1'-0"



WEST FRONTAGE - POSSIBLE SIGN LOCATIONS

LEGEND	
A	Commercial Monument
B	Tenant Directory
C	Anchor-Ground Level Tenant ID
D	Retail-Ground Level Tenant ID
E	Office-Upper Level Tenant ID Package
F	Pedestrian Informational / Directional
G	Vehicular Informational / Directional
H	Address Numerals
I	Miscellaneous
J	Residential Monument

ITEM	SIGN TYPE	TITLE/CONTENT	LINEAR FRONTAGE	SIGN AREA (sq ft)	DISTANCE FROM R.O.W.
3	A	COMMERCIAL MONUMENT	100'-0"+	82'-0" (PER SIDE)	10'-0"
19	E	OFFICE TENANT	97'-2"	97'-2"	10'-0"
23	G	RESIDENTIAL PARKING	100'-0"+	100'-0"	45'-0"
24	G	CLEARANCE BAR	N/A	N/A	45'-0"
25	H	ADDRESS NUMERALS	N/A	N/A	10'-0"
28	J	RESIDENT ID	81'-0"	81'-0"	10'-0"

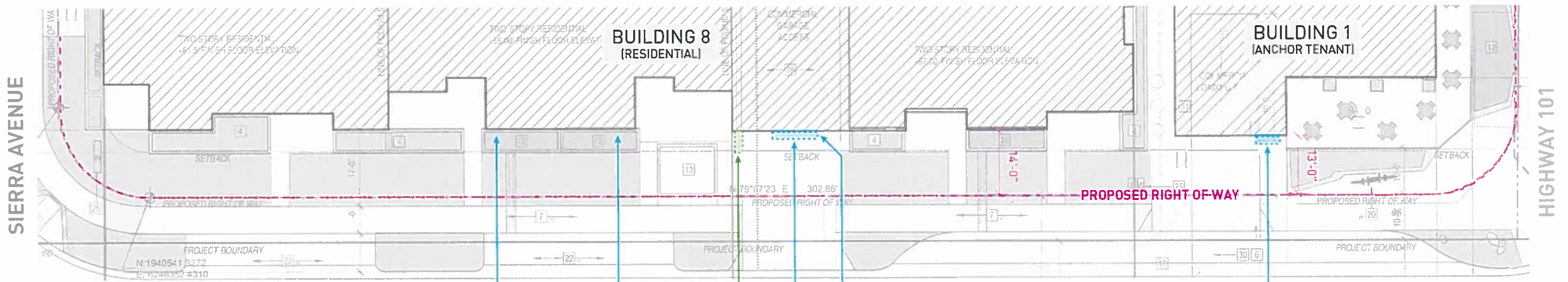




SOUTH FRONTAGE - POSSIBLE SIGN LOCATIONS

LEGEND	A	Commercial Monument	F	Pedestrian Informational / Directional
	B	Tenant Directory	G	Vehicular Informational / Directional
C	Anchor-Ground Level Tenant ID	H	Address Numerals	
D	Retail-Ground Level Tenant ID	I	Miscellaneous	
E	Office-Upper Level Tenant ID Package	J	Residential Monument	

ITEM	SIGN TYPE	TITLE/CONTENT	LINEAR FRONTAGE	SIGN AREA (sq ft)	DISTANCE FROM R.O.W.
4	A	COMMERCIAL MONUMENT	100'-0"+	66'-0" (PER SIDE)	14'-0"
7	C	ANCHOR TENANT	60'-0"	60'-0"	13'-0"
22	G	PUBLIC PARKING	100'-0"+	100'-0"	14'-0"
24	G	CLEARANCE BAR	N/A	N/A	14'-0"
26	H	ADDRESS NUMERALS	N/A	N/A	14'-0"



PLAN VIEW
SCALE: 3/64" = 1'-0"



SOUTH ELEVATION VIEW (ALONG DAHLIA)
SCALE: 3/64" = 1'-0"

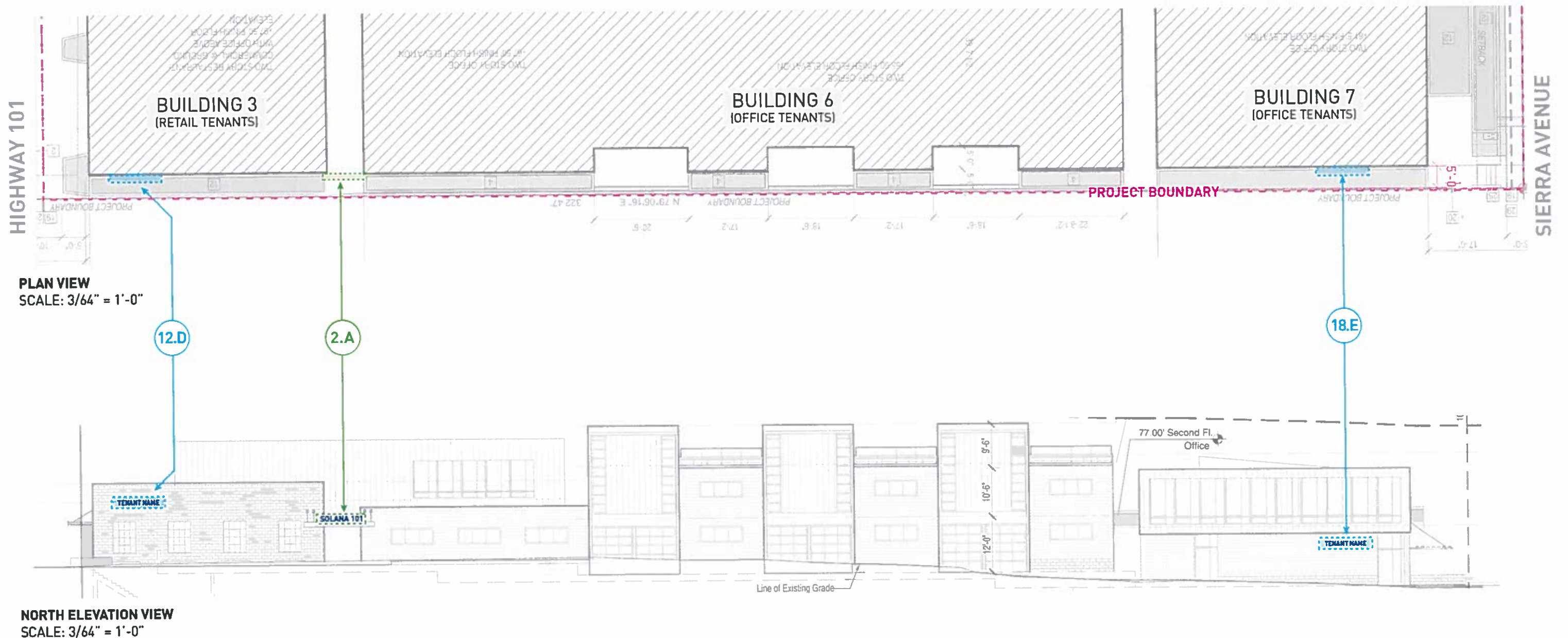


NORTH FRONTAGE - POSSIBLE SIGN LOCATIONS

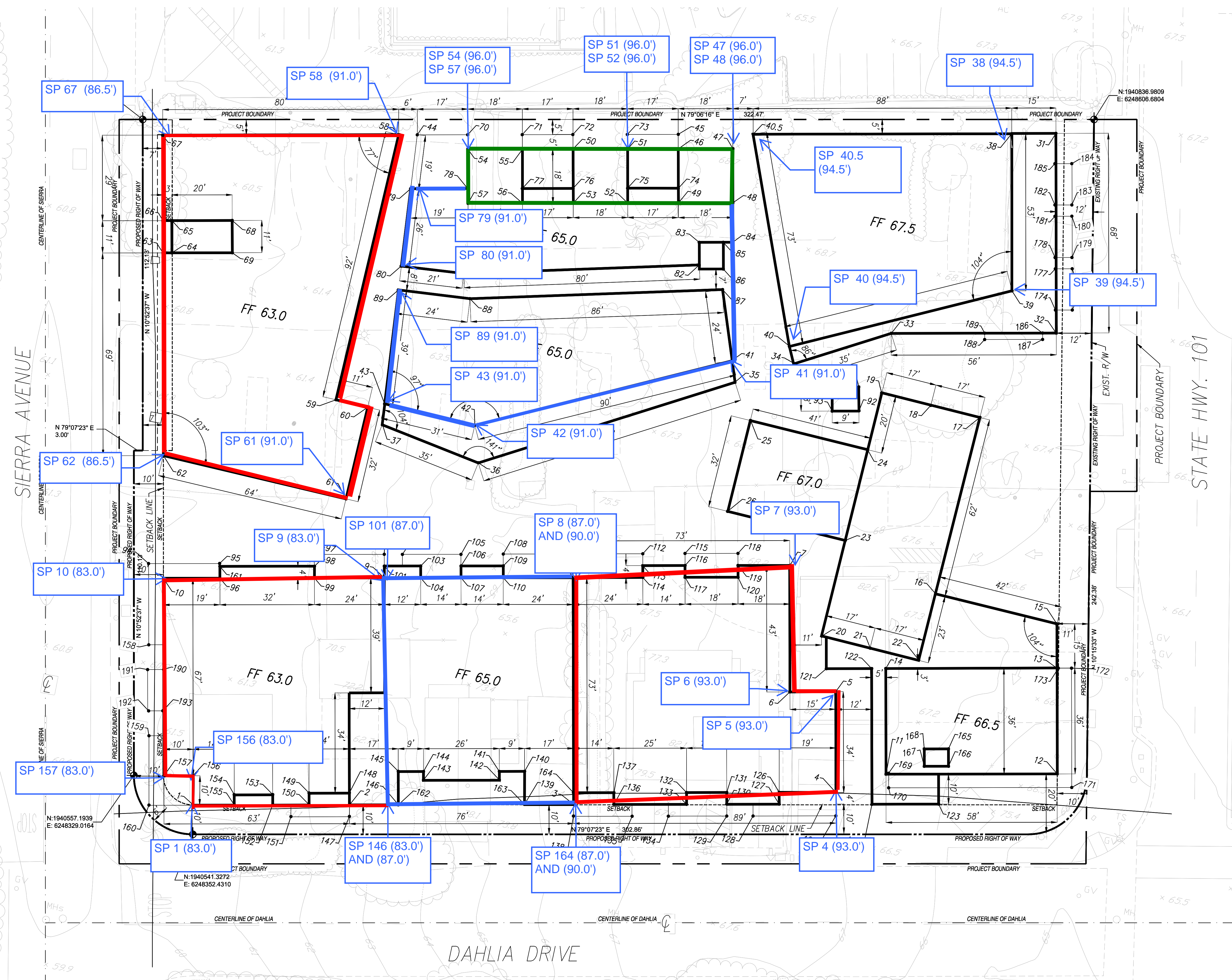
LEGEND	
A	Commercial Monument
B	Tenant Directory
C	Anchor-Ground Level Tenant ID
D	Retail-Ground Level Tenant ID
E	Office-Upper Level Tenant ID Package
F	Pedestrian Informational / Directional
G	Vehicular Informational / Directional
H	Address Numerals
I	Miscellaneous
J	Residential Monument

ITEM	SIGN TYPE	TITLE/CONTENT	LINEAR FRONTAGE	SIGN AREA (sq ft)	DISTANCE FROM R.O.W.
2	A	SOLANA 101 ENTRY SIGN	100'-0"+	100'-0"	5'-0"
12	D	RETAIL TENANT	SEE EAST FRONTAGE	SEE EAST AREA	5'-0"
18	E	OFFICE TENANT	SEE WEST FRONTAGE	SEE WEST AREA	5'-0"

NOTE: ANY NORTH TENANT, NON-PUBLIC FACING SIGNAGE IS DEDUCTED FROM THEIR RESPECTIVE PUBLIC FACING SIGN AREA AND COUNT TOWARDS THE TWO SIGN MAXIMUM LIMITATION PER BUSINESS



NORTH ELEVATION VIEW
SCALE: 3/64" = 1'-0"



POINT NUMBER	TOP OF POLE ELEV. (EXT. OR PROP.)	LOWEST GROUND ELEV. (EXT. OR PROP.)	POINT NUMBER	TOP OF POLE ELEV. (EXT. OR PROP.)	LOWEST GROUND ELEV. (EXT. OR PROP.)	POINT NUMBER	TOP OF POLE ELEV. (EXT. OR PROP.)	LOWEST GROUND ELEV. (EXT. OR PROP.)	POINT NUMBER	TOP OF POLE ELEV. (EXT. OR PROP.)	LOWEST GROUND ELEV. (EXT. OR PROP.)
1	88.0	83.0	56	97.0	86.0	113	94.5	87.4	170	80.5	85.5
2	90.0	82.4	57	97.0	83.9	114	94.5	87.4	171	80.5	86.0
3	90.0	85.0	58	93.75	82.7	115	94.0	87.7	172	80.0	86.5
4	94.5	87.0	59	97.25	87.9	116	94.5	87.7	173	81.0	86.5
5	94.5	88.5	60	92.25	82.4	117	94.5	87.7	174	77.5	87.5
6	94.5	88.0	61	93.0	82.5	118	94.0	88.2	175	77.5	87.1
7	94.5	88.2	62	87.5	81.1	119	94.5	88.2	176	77.5	87.0
8	94.5	88.0	63	87.5	80.4	120	94.5	88.2	177	77.5	87.5
9	88.0	83.1	64	91.5	80.4	121	94.5	88.5	178	77.5	87.5
10	88.0	81.0	65	91.5	80.4	122	84.5	88.5	179	77.5	87.0
11	91.5	88.5	66	87.5	80.4	123	84.5	88.5	180	77.5	87.2
12	85.5	86.2	67	87.5	80.3	124	84.5	88.5	181	77.5	87.4
13	82.5	86.5	68	91.5	80.5	125	84.0	87.7	182	77.5	87.4
14	91.5	86.5	69	91.5	80.6	126	94.5	88.8	183	74.5	87.2
15	85.5	88.5	70	91.5	83.8	127	94.5	88.0	184	77.5	87.7
16	85.5	87.0	71	91.5	85.0	128	84.0	88.0	185	77.5	87.5
17	88.0	87.0	72	91.5	85.0	129	84.0	88.0	186	77.5	87.4
18	93.75	87.0	73	91.5	85.0	130	84.5	88.0	187	77.5	87.5
19	88.0	87.0	74	84.0	85.0	131	84.5	88.5	188	77.5	87.5
20	88.0	87.0	75	84.0	85.0	132	84.5	88.5	189	77.5	87.5
21	93.75	87.0	76	84.0	85.0	133	84.0	87.9	190	74.5	88.0
22	85.5	87.0	77	84.0	85.0	134	84.0	87.8	191	74.5	88.0
23	94.0	87.0	78	84.0	83.9	135	84.0	87.4	192	74.5	87.0
24	94.0	87.0	79	84.0	82.9	136	84.5	87.2	193	74.5	87.0
25	94.0	87.0	80	84.0	82.9	137	84.5	87.2	194	74.5	87.0
26	94.0	87.0	81	84.0	84.0	138	84.0	86.8	195	74.5	87.0
27	94.0	87.0	82	85.0	85.0	139	80.0	85.0	196	80.0	85.0
28	94.0	87.0	83	85.0	85.0	140	80.0	85.0	197	80.0	85.0
29	94.0	87.0	84	84.0	85.0	141	80.0	85.0	198	80.0	85.0
30	94.0	87.0	85	85.0	85.0	142	80.0	85.0	199	80.0	85.0
31	85.5	87.5	86	85.0	85.0	143	80.0	84.1	200	80.0	84.1
32	85.5	87.5	87	80.87	85.0	144	80.0	84.1	201	80.0	84.1
33	85.5	87.5	88	82.87	84.2	145	80.0	82.9	202	80.0	82.9
34	85.5	87.5	89	82.87	82.8	146	80.0	82.9	203	80.0	82.9
35	85.5	87.5	90	83.87	87.0	147	77.5	82.4	204	80.0	82.4
36	85.5	87.5	91	83.87	87.0	148	80.0	82.4	205	80.0	82.4
37	85.5	87.5	92	83.87	87.0	149	88.0	82.0	206	88.0	82.0
38	94.5	87.5	93	83.87	87.0	150	88.0	82.0	207	88.0	82.0
39	91.5	87.5	94	77.5	81.2	151	77.5	81.6	208	80.0	81.6
40	91.5	87.5	95	77.5	81.4	152	88.0	81.0	209	88.0	81.0
41	88.0	87.5	96	88.0	81.4	153	88.0	81.0	210	88.0	81.0
42	88.0	87.5	97	77.5	82.0	154	88.0	81.0	211	88.0	81.0
43	88.0	87.5	98	88.0	82.1	155	88.0	81.0	212	88.0	81.0
44	88.0	87.5	99	88.0	82.1	156	88.0	81.0	213	88.0	81.0
45	91.5	83.0	100	77.5	83.0	157	88.0	81.0	214	88.0	81.0
46	91.5	83.0	101	80.0	83.1	158	77.5	80.9	215	80.0	80.9
47	97.0	85.0	102	79.5	83.4	159	77.5	80.9	216	80.0	80.9
48	97.0	85.0	103	80.0	83.8	160	77.5	80.9	217	80.0	80.9
49	97.0	85.0	104	80.0	83.9	161	88.0	81.4	218	80.0	81.4
50	97.0	85.0	105	79.5	84.3	162	79.5	82.9	219	80.0	82.9
51	97.0	85.0	106	80.0	84.3	163	79.5	82.9	220	80.0	82.9
52	97.0	85.0	107	80.0	84.5	164	84.5	86.6	221	80.0	86.6
53	97.0	85.0	108	79.5	84.9	165	82.5	86.5	222	80.0	86.5
54	97.0	85.0	109	80.0	84.9	166	82.5	86.5	223	80.0	86.5
55	97.0	85.0	110	80.0	85.0	167	82.5	86.5	224	80.0	86.5
56	97.0	85.0	111	84.0	86.0	168	82.5	86.5	225	80.0	86.5
57	97.0	85.0	112	84.0	86.5	169	89.0	86.5	226	80.0	86.5

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Development
 Permit

Project Number:	1606
Original Date:	22 November 2016
Drawn:	SM
Checked:	TD
Resubmittal -	24 January 2017
Resubmittal -	22 March 2017
Resubmittal -	10 May 2017
Resubmittal -	26 June 2017

Solana Beach 101

Highway 101 & Dahlia Drive
 Solana Beach, CA 92075

JUNE 18, 2018

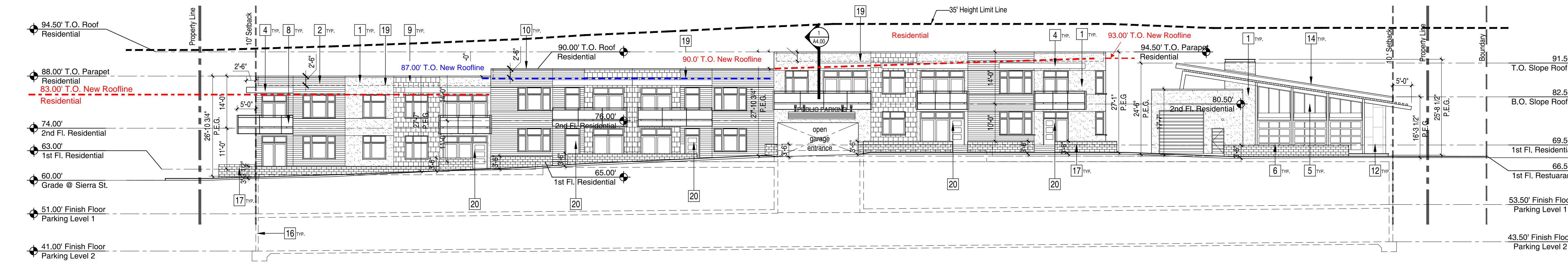
NOT FOR CONSTRUCTION
 SHEET SIZE: 24" x 36"
 DO NOT SCALE DRAWINGS

Story Poles Plan

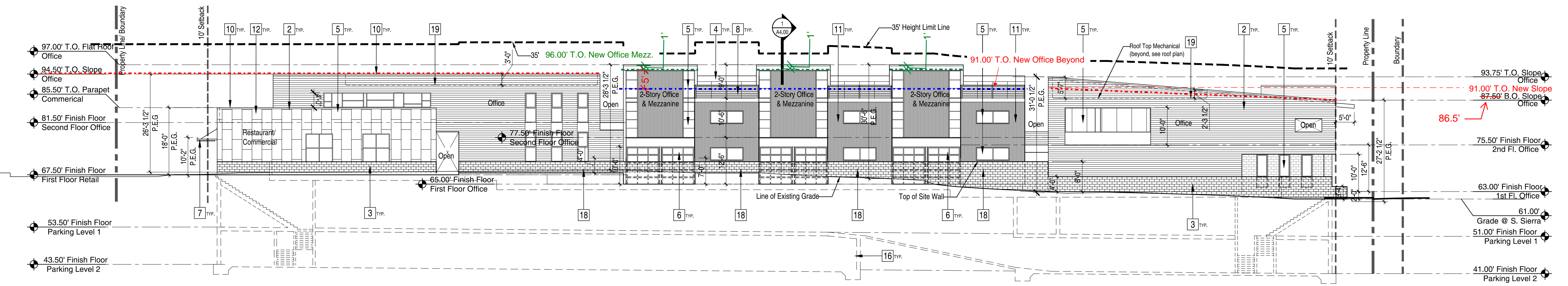
1/16"=1'-0"

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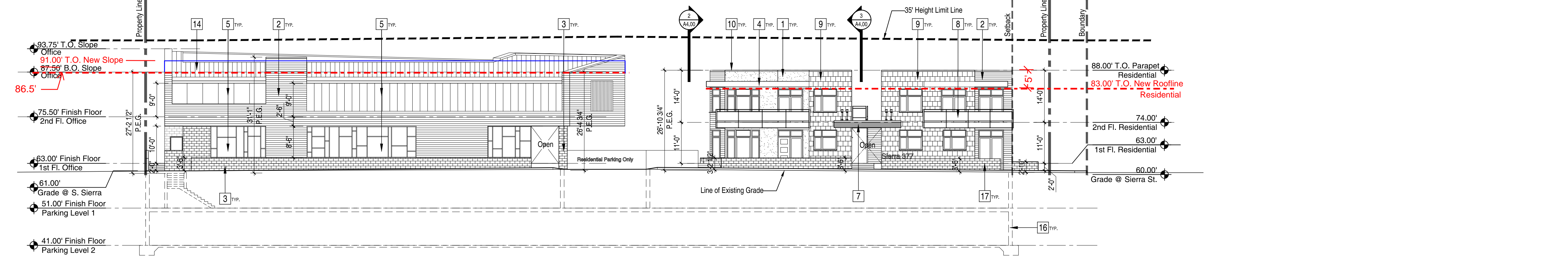
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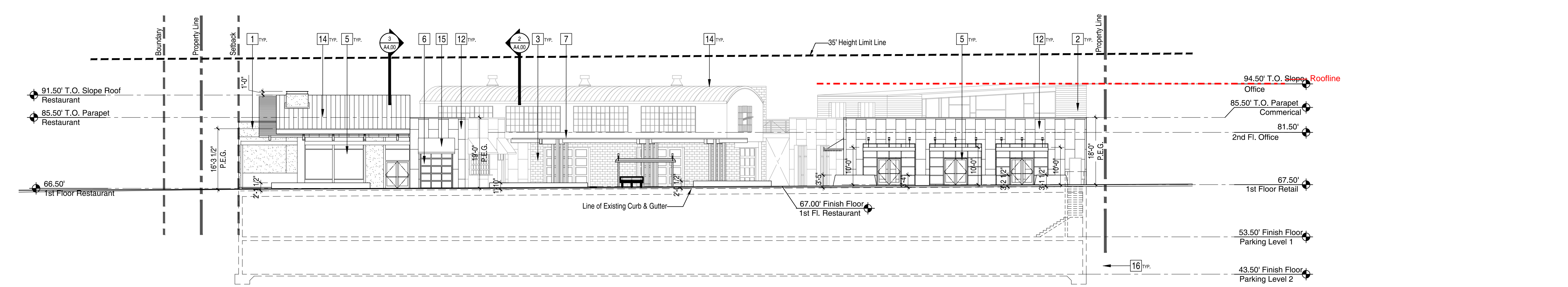
4 South Elevation at Dahlia Drive
scale: 1/16" = 1'-0"



3 North Elevation at Alley
scale: 1/16" = 1'-0"



2 West Elevation at S. Sierra Avenue
scale: 1/16" = 1'-0"



1 East Elevation at Highway 101
scale: 1/16" = 1'-0"

Site Elevation Notes

- 1 Cement Plaster with smooth finish
- 2 Siding
- 3 Cement Masonry
- 4 Painted Metal Fascia
- 5 Insulated Storefront Glazing
- 6 Roll-up Metal and Glass Door
- 7 Painted Metal and Wood Trellis
- 8 Painted Metal Guardrail
- 9 Exterior Porcelain Wall Tile
- 10 Painted Metal Flashing
- 11 Metal Siding #1
- 12 Metal Siding #2
- 13 Not Use
- 14 Metal Roof
- 15 Canvas Awning
- 16 Line of Parking Structure Below
- 17 CMU Planter per Landscape Plans
- 18 Top of Planter Beyond
- 19 Line of Flat Roof Beyond (Mechanical Equipments Screened by Parapet)
- 20 Residential Unit Entrance Door

- ### General Notes
1. Parapet walls around mechanical wells to provide screening for mechanical equipment.
 2. Refer to roof plan for mechanical wells and photovoltaic panel locations.
 3. Refer to Architectural site plan drawing for locations of property lines and setback lines. Property lines and setback lines are shown at approximate location of elevation cut.
 4. Within required front and street side yards, no fence, wall, retaining wall or combination thereof shall be higher than 42 inches, except that an additional 24 inches of fence height (to a maximum height of 66 inches) shall be permitted; provided the additional portion of the fence is constructed of a material that is at least 80 percent open to light. All planters dimensions are measured from existing grade.
 5. P.E.G. abbreviation "Per Existing Grade"
 6. All dimensions measured from Finish Surface unless otherwise noted.

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Development
Permit

Project Number:	1606
Original Date:	22 November 2016
Drawn:	TD/SM
Checked:	SM

Solana Beach 101

Highway 101 & Dahlia Drive
Solana Beach, CA 92075

JUNE 18, 2018

NOT FOR CONSTRUCTION
SHEET SIZE: 24" x 36"
DO NOT SCALE DRAWINGS

Site Elevations

1/16"=1'-0"

A3.0

Sheet Number 01



Roof Plan Notes

1	Flat Roof
2	Sloped Roof
3	Roof Terrace/ Balcony
4	Roof Top Mechanical Unit
5	Photovoltaic Panel
6	Metal Roofing
7	Trellis, Painted Steel & Wood
8	Exterior Circulation (see Floor Plans)
9	Steel Entry Canopy Painted Steel Fin.
10	Elevator Penthouse
11	Roof Parapet
12	Canvas Awning
13	Stair (see Floor Plans)
14	Arched Metal Roof
15	Trash Chute Roof w/ Vent
16	Chimney

SCREENED MECHANICAL AREAS

JUNE 18, 2018

Roof Plan
SOLANA 101

Scale: 1/16" = 1'-0"



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SOLANA BEACH 101 STORY POLE AGREEMENT

BASED UPON STORY POLES PLAN A5.0 DATED SEPTEMBER 15, 2017

Elevations shown herein are NGVD 29 MSL Datum in feet.

Pnt No	As-built North	As-built East	Ground at staked location	Proposed Finish Floor	Top of Story pole Design Elevation	Revised Story Pole Heights	Elevation Difference	Revised pole height to lower of Staked Ground or Finish Floor
1	1940550.2	6248350.2	61.1	63.0	88.0	83.0	-5.0	21.9
2	1940561.1	6248402.1	62.5	65.0	90.0	83.0	-7.0	20.5
3	1940575.5	6248476.5	66.8	65.0	90.0	90.0	0.0	25.0
4	1940596.5	6248563.9	67.1	69.5	94.5	93.0	-1.5	25.9
5	1940629.3	6248557.0	80.1	69.5	94.5	93.0	-1.5	23.5
6	1940626.5	6248542.6	68.2	69.5	94.5	93.0	-1.5	24.8
7	1940669.4	6248534.3	68.5	69.5	94.5	93.0	-1.5	24.5
8	1940651.0	6248461.7	66.1	69.5	94.5	91.0	-3.5	24.9
9	1940638.5	6248399.3	63.2	65.0	88.0	83.0	-5.0	19.8
10	1940624.0	6248325.3	60.9	63.0	88.0	83.0	-5.0	22.1
11	1940605.4	6248579.3	67.0	66.5	91.5	91.5	0.0	25.0
12	1940616.6	6248636.8	66.2	66.5	82.5	82.5	0.0	16.3
13	1940652.2	6248630.3	66.5	66.5	82.5	82.5	0.0	16.0
14	1940640.3	6248573.7	68.0	66.5	91.5	91.5	0.0	25.0
15	1940666.3	6248626.7	66.5	66.5	85.5	85.5	0.0	19.0
16	1940668.8	6248584.6	67.2	67.0	85.5	85.5	0.0	18.5
17	1940730.0	6248588.0	67.7	67.0	89.8	89.8	0.0	22.8
18	1940731.3	6248570.3	68.8	67.0	93.9	93.9	0.0	26.9
19	1940731.7	6248553.8	68.8	67.0	89.8	89.8	0.0	22.8
20	1940647.6	6248548.9	80.2	67.0	89.8	89.8	0.0	22.8
21	1940646.9	6248566.1	80.3	67.0	93.9	93.9	0.0	26.9
22	1940645.3	6248583.1	67.4	67.0	89.8	89.8	0.0	22.8
23	1940680.5	6248550.9	68.0	67.0	94.0	94.0	0.0	27.0
24	1940712.3	6248552.5	69.1	67.0	94.0	94.0	0.0	27.0
25	1940714.9	6248511.6	68.9	67.0	94.0	94.0	0.0	27.0
26	1940682.9	6248508.2	68.1	67.0	94.0	94.0	0.0	27.0
31	1940829.4	6248594.7	67.6	67.5	85.5	85.5	0.0	18.0
32	1940763.1	6248607.1	67.3	67.5	85.5	85.5	0.0	18.2
33	1940752.5	6248553.0	69.0	67.5	85.5	85.5	0.0	18.0
34	1940736.4	6248522.3	68.8	67.5	85.5	85.5	0.0	18.0
35	1940726.5	6248503.7	68.8	65.0	85.5	85.5	0.0	20.5
36	1940683.3	6248423.6	64.9	65.0	85.5	85.5	0.0	20.6
37	1940690.0	6248389.3	62.7	65.0	85.5	85.5	0.0	22.8
38	1940826.4	6248580.2	68.2	67.5	94.5	94.5	0.0	27.0
39	1940774.9	6248590.7	68.0	67.5	91.5	94.5	3.0	27.0
40	1940741.6	6248520.0	68.9	67.5	91.5	94.5	3.0	27.0
40.5	1940808.5	6248494.3	68.9	67.5	94.5	94.5	0.0	27.0
41	1940733.6	6248500.8	68.2	65.0	88.4	91.0	2.6	26.0
42	1940695.3	6248420.4	64.8	65.0	88.4	91.0	2.6	26.2
43	1940696.5	6248389.1	62.8	65.0	88.4	91.0	2.6	28.2
44	1940788.3	6248382.1	63.0	65.0	91.5	91.5	0.0	28.5
45	1940805.7	6248470.3	68.4	65.0	91.5	91.5	0.0	26.5
46	1940801.6	6248473.4	68.3	65.0	97.0	96.0	-1.0	31.0
47	1940804.5	6248488.3	68.7	65.0	97.0	96.0	-1.0	31.0
48	1940785.1	6248491.8	68.5	65.0	97.0	96.0	-1.0	31.0
49	1940779.0	6248474.3	68.3	65.0	97.0	96.0	-1.0	31.0
50	1940793.7	6248435.2	67.3	65.0	97.0	96.0	-1.0	31.0
51	1940796.9	6248452.9	68.0	65.0	97.0	96.0	-1.0	31.0
52	1940777.4	6248454.4	67.9	65.0	97.0	96.0	-1.0	31.0
53	1940776.0	6248439.4	67.2	65.0	97.0	96.0	-1.0	31.0
54	1940785.6	6248400.2	63.9	65.0	97.0	96.0	-1.0	32.1
55	1940789.8	6248419.0	66.7	65.0	97.0	96.0	-1.0	31.0
56	1940772.7	6248421.7	66.8	65.0	97.0	96.0	-1.0	31.0
57	1940768.6	6248403.7	63.8	65.0	97.0	96.0	-1.0	32.2
58	1940786.8	6248376.1	62.5	63.0	93.8	91.0	-2.8	28.5
59	1940694.3	6248371.9	62.0	63.0	91.3	91.0	-0.3	29.0
60	1940694.9	6248384.2	62.5	63.0	92.6	91.0	-1.6	28.5
61	1940662.9	6248381.5	62.4	63.0	92.0	91.0	-1.0	28.6
62	1940665.7	6248318.0	61.3	63.0	87.5	86.5	-1.0	25.2
63	1940732.7	6248305.5	60.7	63.0	87.5	86.5	-1.0	25.8
64	1940733.3	6248307.6	60.4	63.0	91.5	Removed		
65	1940744.7	6248307.1	60.5	63.0	91.5	Removed		

66	1940743.4	6248303.3	60.4	63.0	87.5	86.5	-1.0	26.1
67	1940772.1	6248297.6	60.3	63.0	87.5	86.5	-1.0	26.2
68	1940748.9	6248326.3	60.3	63.0	91.5	Removed		
69	1940735.7	6248328.4	60.9	63.0	91.5	Removed		
70	1940790.9	6248398.9	63.7	65.0	91.5	91.5	0.0	27.8
71	1940794.9	6248417.9	66.5	65.0	91.5	91.5	0.0	26.5
72	1940798.0	6248434.3	67.3	65.0	91.5	91.5	0.0	26.5
73	1940802.0	6248451.3	67.9	65.0	91.5	91.5	0.0	26.5
74	1940785.6	6248470.6	68.3	65.0	94.0	91.0	-3.0	26.0
75	1940783.2	6248455.1	68.1	65.0	94.0	91.0	-3.0	26.0
76	1940780.8	6248438.4	67.2	65.0	94.0	91.0	-3.0	26.0
77	1940776.3	6248421.3	66.8	65.0	94.0	91.0	-3.0	26.0
78	1940773.0	6248402.7	63.8	65.0	94.0	91.0	-3.0	27.2
79	1940769.9	6248383.4	62.7	65.0	94.0	91.0	-3.0	28.3
80	1940743.9	6248385.7	62.8	65.0	94.0	91.0	-3.0	28.2
81	1940745.6	6248405.3	64.0	65.0	94.0	91.0	-3.0	27.0
82	1940762.1	6248483.9	68.1	65.0	95.0	91.0	-4.0	26.0
83	1940770.4	6248482.1	68.3	65.0	95.0	91.0	-4.0	26.0
84	1940773.2	6248493.9	68.4	65.0	94.0	91.0	-3.0	26.0
85	1940772.4	6248490.8	68.4	65.0	95.0	91.0	-4.0	26.0
86	1940763.7	6248492.7	68.3	65.0	95.0	91.0	-4.0	26.0
87	1940756.7	6248494.2	68.4	65.0	90.6	91.0	0.4	26.0
88	1940737.3	6248410.3	64.3	65.0	92.4	91.0	-1.4	26.7
89	1940735.4	6248386.9	62.7	65.0	92.2	91.0	-1.2	28.3
90	1940730.4	6248536.7	69.0	67.0	93.9	93.9	0.0	26.9
91	1940732.3	6248545.2	68.9	67.0	93.9	93.9	0.0	26.9
92	1940725.5	6248546.3	68.9	67.0	93.9	93.9	0.0	26.9
93	1940722.4	6248537.8	69.2	67.0	93.9	93.9	0.0	26.9
94	1940628.4	6248321.0	60.9	63.0	77.5	77.5	0.0	16.6
95	1940632.8	6248343.5	61.4	63.0	77.5	77.5	0.0	16.1
96	1940627.1	6248344.4	61.3	63.0	88.0	83.0	-5.0	21.7
97	1940642.7	6248374.8	62.0	63.0	77.5	77.5	0.0	15.5
98	1940638.9	6248376.0	62.0	63.0	88.0	83.0	-5.0	21.0
99	1940634.4	6248377.2	62.0	63.0	88.0	83.0	-5.0	21.0
100	1940647.4	6248398.2	62.9	63.0	77.5	77.5	0.0	14.6
101	1940642.8	6248398.5	63.2	65.0	90.0	87.0	-3.0	23.8
102	1940648.1	6248404.0	63.5	65.0	79.5	79.5	0.0	16.0
103	1940645.6	6248411.0	63.8	65.0	90.0	87.0	-3.0	23.2
104	1940641.4	6248411.9	63.9	65.0	90.0	87.0	-3.0	23.1
105	1940651.6	6248423.7	64.3	65.0	79.5	79.5	0.0	15.2
106	1940648.0	6248424.6	64.4	65.0	90.0	87.0	-3.0	22.6
107	1940643.6	6248425.0	64.5	65.0	90.0	87.0	-3.0	22.5
108	1940654.2	6248437.3	64.9	65.0	79.5	79.5	0.0	14.6
109	1940650.3	6248438.2	65.0	65.0	90.0	87.0	-3.0	22.0
110	1940646.0	6248439.2	65.3	65.0	90.0	87.0	-3.0	22.0
111	1940658.4	6248460.6	65.9	69.5	84.0	84.0	0.0	18.1
112	1940661.8	6248484.4	67.1	69.5	84.0	84.0	0.0	16.9
113	1940658.5	6248485.4	67.2	69.5	94.5	94.5	0.0	27.3
114	1940654.4	6248485.7	67.3	69.5	94.5	94.5	0.0	27.2
115	1940667.1	6248499.4	67.7	69.5	84.0	84.0	0.0	16.3
116	1940662.7	6248499.7	67.8	69.5	94.5	94.5	0.0	26.7
117	1940658.6	6248500.2	67.8	69.5	94.5	94.5	0.0	26.7
118	1940669.9	6248515.4	68.3	69.5	84.0	84.0	0.0	15.7
119	1940666.0	6248516.2	74.3	69.5	94.5	94.5	0.0	25.0
120	1940661.7	6248517.0	74.3	69.5	94.5	94.5	0.0	25.0
121	1940636.9	6248552.6	80.1	66.5	84.5	84.5	0.0	18.0
122	1940639.9	6248567.8	80.3	66.5	84.5	84.5	0.0	18.0
123	1940598.8	6248599.2	66.6	66.5	84.5	84.5	0.0	18.0
124	1940594.9	6248576.6	66.9	66.5	84.5	84.5	0.0	18.0
125	1940588.5	6248565.3	67.1	69.5	84.0	84.0	0.0	16.9
126	1940592.8	6248544.9	68.1	69.5	94.5	94.5	0.0	26.4
127	1940588.2	6248545.6	68.1	69.5	94.5	94.5	0.0	26.4
128	1940583.4	6248538.1	68.2	69.5	84.0	84.0	0.0	15.8
129	1940581.3	6248528.3	68.1	69.5	84.0	84.0	0.0	15.9
130	1940585.6	6248527.6	68.1	69.5	94.5	94.5	0.0	26.4
131	1940588.7	6248527.2	68.1	69.5	94.5	94.5	0.0	26.4
132	1940586.5	6248514.5	68.0	69.5	94.5	94.5	0.0	26.5
133	1940584.1	6248515.0	68.0	69.5	94.5	94.5	0.0	26.5

134	1940577.4	6248509.7	67.9	69.5	84.0	84.0	0.0	16.1
135	1940575.1	6248497.4	63.0	69.5	84.0	84.0	0.0	21.0
136	1940578.7	6248490.8	67.4	69.5	94.5	94.5	0.0	27.1
137	1940581.8	6248490.5	67.4	69.5	94.5	94.5	0.0	27.1
138	1940571.5	6248477.7	66.7	69.5	84.0	84.0	0.0	17.3
139	1940572.2	6248460.9	65.8	65.0	90.0	87.0	-3.0	22.0
140	1940583.7	6248458.7	65.7	65.0	90.0	87.0	-3.0	22.0
141	1940581.8	6248450.7	65.6	65.0	90.0	87.0	-3.0	22.0
142	1940578.9	6248451.3	65.5	65.0	90.0	87.0	-3.0	22.0
143	1940574.2	6248424.9	64.2	65.0	90.0	87.0	-3.0	22.8
144	1940577.5	6248425.0	64.4	65.0	90.0	87.0	-3.0	22.6
145	1940575.7	6248415.9	67.6	65.0	90.0	87.0	-3.0	22.0
146	1940565.1	6248418.6	63.2	65.0	90.0	87.0	-3.0	23.8
147	1940557.7	6248402.8	62.4	63.0	77.5	77.5	0.0	15.1
148	1940564.8	6248401.5	62.6	63.0	90.0	83.0	-7.0	20.4
149	1940561.7	6248388.9	61.8	63.0	88.0	83.0	-5.0	21.2
150	1940558.5	6248389.2	61.8	63.0	88.0	83.0	-5.0	21.2
151	1940553.7	6248383.2	61.5	63.0	77.5	77.5	0.0	16.0
152	1940556.7	6248377.4	61.4	63.0	88.0	88.0	0.0	26.6
153	1940559.6	6248376.4	62.2	63.0	88.0	83.0	-5.0	20.8
154	1940556.9	6248363.4	72.7	63.0	88.0	83.0	-5.0	20.0
155	1940553.3	6248366.3	61.7	63.0	88.0	83.0	-5.0	21.3
156	1940560.7	6248347.5	61.0	63.0	88.0	83.0	-5.0	22.0
157	1940560.4	6248338.8	60.7	63.0	88.0	83.0	-5.0	22.3
158	1940600.5	6248325.9	60.6	63.0	77.5	77.5	0.0	16.9
159	1940571.2	6248331.6	60.8	63.0	77.5	77.5	0.0	16.7
160	1940547.9	6248335.6	60.4	63.0	77.5	77.5	0.0	17.1
161	1940631.5	6248344.0	61.4	63.0	88.0	83.0	-5.0	21.6
162	1940565.0	6248419.0	63.2	65.0	79.5	79.5	0.0	16.3
163	1940572.3	6248460.9	60.8	65.0	79.5	79.5	0.0	18.7
164	1940579.2	6248476.8	66.9	69.5	94.5	90.0	-4.5	23.1
165	1940618.3	6248598.7	66.9	66.5	92.5	92.5	0.0	26.0
166	1940612.1	6248599.8	66.8	66.5	92.5	92.5	0.0	26.0
167	1940610.3	6248591.2	66.9	66.5	92.5	92.5	0.0	26.0
168	1940615.9	6248590.3	66.9	66.5	92.5	92.5	0.0	26.0
169	1940605.9	6248580.0	67.0	66.5	89.5	89.5	0.0	23.0
170	1940600.8	6248581.0	66.9	66.5	89.5	89.5	0.0	23.0
171	1940613.1	6248641.7	66.0	66.5	80.5	80.5	0.0	14.5
172	1940652.7	6248634.2	66.4	66.5	80.0	80.0	0.0	13.6
173	1940652.2	6248630.4	66.5	66.5	81.3	81.3	0.0	14.8
174	1940770.8	6248606.1	67.5	67.5	77.5	77.5	0.0	10.0
175	1940771.9	6248611.8	67.3	67.5	77.5	77.5	0.0	10.2
176	1940785.7	6248609.3	67.1	67.5	77.5	77.5	0.0	10.4
177	1940784.8	6248603.8	67.4	67.5	77.5	77.5	0.0	10.1
178	1940788.2	6248603.0	67.3	67.5	77.5	77.5	0.0	10.2
179	1940789.2	6248608.6	67.1	67.5	77.5	77.5	0.0	10.4
180	1940802.7	6248605.7	67.1	67.5	77.5	77.5	0.0	10.4
181	1940802.1	6248599.9	67.3	67.5	77.5	77.5	0.0	10.2
182	1940806.0	6248599.1	67.3	67.5	77.5	77.5	0.0	10.2
183	1940806.8	6248604.8	67.1	67.5	77.5	77.5	0.0	10.4
184	1940820.4	6248602.1	67.2	67.5	77.5	77.5	0.0	10.3
185	1940819.6	6248596.7	67.4	67.5	77.5	77.5	0.0	10.1
186	1940762.5	6248603.5	67.4	67.5	77.5	77.5	0.0	10.1
187	1940760.6	6248603.8	67.4	67.5	77.5	77.5	0.0	10.1
188	1940756.2	6248584.8	67.8	67.5	77.5	77.5	0.0	10.0
189	1940758.8	6248584.1	67.9	67.5	77.5	77.5	0.0	10.0
190	1940593.9	6248332.1	60.8	61.5	74.5	74.5	0.0	13.7
191	1940593.1	6248327.0	60.6	61.5	74.5	74.5	0.0	13.9
192	1940579.2	6248329.6	60.6	61.5	74.5	74.5	0.0	13.9
193	1940580.3	6248334.7	60.8	61.5	74.5	74.5	0.0	13.7

RESOLUTION NO. 2018-097

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS OF FACT PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, FOR SOLANA BEACH 101, A MIXED USE DEVELOPMENT, ON PROPERTY AT THE NORTHWEST CORNER OF HIGHWAY 101 AND DAHLIA DRIVE.

APPLICANT: Zephyr Partners
CASE NO.: 17-14-08 DRP/SDP/SUB/CSP

WHEREAS, in 2015, American Assets Trust (AAT) submitted an application for a Development Review Permit (DRP), Structure Development Permit (SDP), Major Subdivision (SUB), and a Comprehensive Sign Plan (CSP) to construct a project on property at the northwest corner of Highway 101 and Dahlia Drive in the city of Solana Beach, consisting of a specialty supermarket, commercial office space, retail and restaurant space, 31 multi-family residential units, and two floors of underground parking totaling 341 spaces on the site; and

WHEREAS, the City of Solana Beach ("City"), as lead agency, determined that an Environmental Impact Report (EIR) would be required for the AAT project and filed a Notice of Preparation (NOP) on July 1, 2015; and

WHEREAS, the NOP was distributed to the State Clearinghouse, local and regional responsible agencies, and other interested parties, during which time comments were solicited pertaining to environmental issues/topics that the EIR should evaluate; and

WHEREAS, the City held an NOP Scoping meeting on July 20, 2015, where comments were recorded from 16 speakers and several speakers also provided written comments on the NOP; and

WHEREAS, impacts analyzed in the EIR include aesthetics; air quality; cultural resources; geology/soils; greenhouse gas emissions (GHG's); hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services and recreation; transportation/traffic; public utilities, service systems, and energy; and biological resources; and

WHEREAS, agricultural resources and mineral resources were found not to be significant and therefore were not discussed in detail in the EIR; and

WHEREAS, in 2016, Zephyr Partners (hereinafter referred to as "Applicant") submitted an application for a new mixed-use development project (hereinafter considered the "proposed project" or "project") on the project site consisting of 45,586 square feet of commercial office space; 10,562 square feet of restaurant space; 2,920 square feet of outdoor dining space; 4,142 square feet of retail space; 25 multi-family

residential rental units totaling 33,473 square feet; and two levels of subterranean parking totaling 366 spaces; and

WHEREAS, initially, the Applicant's project was proposed as an alternative to the AAT project (at the time referred to as the "Zephyr Alternative"). In November 2016 AAT rescinded their project application and the Applicant's project was determined to be the proposed project; and

WHEREAS, the AAT project is now included as an EIR alternative; and

WHEREAS, the Applicant's project is wholly located within the footprint of the AAT project footprint and proposes similar residential and commercial uses, and therefore is considered to be a modification to the previous AAT project and relies upon the 2015 NOP; and

WHEREAS, the Draft Environmental Impact Report (DEIR) was prepared for the project addressing the project's potential effects on the environment; and

WHEREAS, a Notice of Completion of the DEIR was sent to the State Clearinghouse and the DEIR was circulated to State agencies for review through the State Clearinghouse (SCH), Office of Planning and Research (SCH No. 2015071004); and

WHEREAS, the DEIR was made available for review and comment by the public, agencies, and organizations from April 19, 2018 through June 4, 2018; and

WHEREAS, a Notice of Availability of the DEIR for review was mailed to organizations and parties expressing interest in the project, filed with the City Clerk, published in the San Diego Union Tribune, and posted on the City's website; and

WHEREAS, the City has prepared responses to the comments received on the DEIR, which have been incorporated into the Final EIR; and

WHEREAS, the City prepared a Final Project Environmental Impact Report (FEIR), with four Parts, including 1) an Introduction, 2) a Mitigation Monitoring and Reporting Program (MMRP), 3) Comments and Response to Comments, and 4) the Revised Draft EIR and its Appendices, with revisions incorporated as identified; and Findings of Fact for the project in accordance with the requirements of the California Environmental Quality Act of 1970 (CEQA); and

WHEREAS, the response to comments has been provided in a timely manner to the commenters; and

WHEREAS, the City published the FEIR on July 2, 2018; and

WHEREAS, on July 10, 2018, the City Council held a public hearing to solicit comments from the public, both for and against, relative to this matter; and

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

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. The City Council independently has received, reviewed, and considered the entire record, both oral and written, including the proposed FEIR and EIR Findings of Fact, prior to making a decision, and 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.
3. That the City Council adopts and certifies the FEIR in compliance with CEQA pursuant to Sections 15161 of the State CEQA Guidelines and the following findings of fact.

4. FINDINGS

- A. Pursuant to Section 15090 of the CEQA Guidelines, the City Council hereby certifies that: a) the FEIR has been completed in compliance with CEQA; b) the FEIR was presented to the City Council, and the City Council reviewed and considered the information contained in the FEIR prior to approving the Project; and c) the FEIR reflects the independent judgment and analysis of the City Council of the City of Solana Beach.
- B. An MMRP has been prepared for the proposed project, which is included in the FEIR, which the City has adopted and made a condition of approval of the proposed project. That MMRP is incorporated herein by reference and is considered part of the administrative record for the proposed project;
- C. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City's Community Development Department, Planning Division, will serve as the MMRP Coordinator;
- D. Exhibit A of this Resolution provides the Findings of Fact required under Section 15091 of the CEQA Guidelines for significant effect of the Project, feasibility of mitigation measures, and feasibility of alternatives. The City Council hereby adopts these various Findings of Fact attached hereto as Exhibit A and incorporates said findings herein by reference.
- E. In determining whether the proposed project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with CEQA Sections 21081.5 and 21082.2 and Guidelines Section

15901(b);

- F. The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final EIR;
 - G. The City reviewed the comments received on the DEIR and the responses thereto and has determined that neither the comments received nor the responses to such comments add new information regarding environmental impacts associated with the proposed project that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5;
 - H. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings concerning the environmental impacts identified and analyzed in the Final EIR;
 - I. The responses to comments on the DEIR, which are contained in the FEIR, clarify and amplify the analysis in the DEIR;
 - J. The City has made no decisions that constitute an irretrievable commitment of resources toward the proposed project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed project;
 - K. Copies of all the documents incorporated by reference in the FEIR are and have been available upon request at all times at the offices of the City's Community Development Department, Planning Division, custodian of record for such documents or other materials; and
 - L. Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and finds as stated in these Findings. To the extent that these Findings conclude that various project design features and mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings, therefore constitute a binding set of obligations that will come into effect when the City formally approves the proposed project. The project design features and adopted mitigation measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of project implementation.
5. The City Council hereby adopts the EIR Findings of Fact included as Exhibit A and certifies the FEIR included as Exhibit B with this Resolution.
6. 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, 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 the Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by Applicant.

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, and APPROVED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 10th day of July, 2018, by the following vote:

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

DAVE ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

EXHIBIT A

CITY OF SOLANA BEACH

Findings of Fact For the Solana 101 Project Final Environmental Impact Report

SCH No. 2015071004

July 2018

Prepared for:

City of Solana Beach
635 South Highway 101
Solana Beach, California 92075
Contact: Joseph Lim

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I. INTRODUCTION

a. Findings of Fact

The California Environmental Quality Act (CEQA) (Pub. Res. Code Sections 21000, et seq.) and the CEQA Guidelines (Guidelines) (14 Cal. Code Reg. Sections 15000, et seq.) promulgated thereunder, require that the environmental impacts of a project be examined before a project is approved. In addition, once significant impacts have been identified, CEQA and the Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision-maker certifying the Environmental Impact Report (EIR) to determine the adequacy of the proposed findings. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:



- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency's views on the ultimate balancing of the merits of approving a project despite its environmental risks. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The following Findings of Fact (Findings) are the findings that would need to be made by the decision-making body prior to approval of the proposed project. It is the discretion of the decision-maker certifying the Final EIR to determine the adequacy of the proposed Findings.

Having received, reviewed, and considered the Final EIR the Solana 101 Project SCH No. 2015071004 (proposed project), as well as all other information in the Record of Proceedings (as defined below) on this matter, the following Findings are hereby adopted by the City Council of the City of Solana Beach (City) in its capacity as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the proposed project.

b. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP), Notice of Availability (NOA) and all other public notices issued by the City in conjunction with the proposed project;
- Comments received on the NOP;



- The Draft EIR and appendices for the proposed project;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The reports and technical memoranda included or referenced in the responses to public comments;
- The Final EIR and all supplemental documents prepared for the Final EIR and submitted to the Solana Beach City Council prior to the City Council hearing;
- The reports and technical memoranda included or referenced in the Draft EIR and Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference or cited to in the Draft EIR and Final EIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings;
- City staff report prepared for this project and any exhibits thereto;
- Project permit conditions; and
- Any other relevant materials required to be in the record of proceedings by CEQA Section 21167.6(e).

Additionally, the Draft EIR and related technical studies were made available for review during the public review period online at the City of Solana Beach website (<http://www.ci.solana-beach.ca.us/>), as well as during normal business hours (8:00 a.m. to 5:00 p.m.), Monday through Friday at the City of Solana Beach Community Development Department at 635 S. Highway 101, Solana Beach, CA 92075.

c. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the City's actions related to the project, as detailed in Section I.B. above, are located at the Solana Beach Community Development Department (635 S. Highway 101, Solana Beach, CA 92075). The Planning Division of the Community Development Department is the custodian of the administrative record for the project. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. PROJECT SUMMARY

a. Project Location

The proposed project is located in the City of Solana Beach in western San Diego County. The project site is a 1.95-acre lot located west of Highway 101, the Coastal Rail Trail (linear park) and the North County



Transit District (NCTD) railroad ROW, north of Dahlia Drive, east of South Sierra Avenue, and south of an existing commercial development (CVS Pharmacy) south of Lomas Santa Fe Drive.

The project site is a rectangular shaped parcel. The topography of the project site varies from an elevation of 61 to 68 feet above mean sea level (msl). The northern half of the project site consists of a former mobile home park, which includes 24 vacant concrete pads that were once used for trailers and mobile homes. This area also contains an access road, a variety of non-native landscape trees, overhead power lines, and debris from the former mobile home park. The eastern portion of the southern half of the project site contains a one-story metal building, which was formerly part of a gas station, and a paved parking area. The gas station building is currently used as a temporary satellite office for a small company with 4-6 employees. This is the only occupied structure on the project site. Two rusted metal poles that formerly displayed signage and a small abandoned coffee kiosk are also present in the southeastern portion of the site. The southwestern portion of the site contains two vacated, one-story, single-family residences and a vacated one-story retail commercial building with detached garage. The southern half of the project site also includes asphalt driveways, parking areas, and non-native landscape trees and shrubs.

b. Project Description

The project proposes to construct a new mixed-use development. The proposed project would include 45,587 square feet (SF) of commercial office space, 10,562 SF of restaurant space, 2,920 SF of outdoor dining space, and 4,142 SF of retail space. The restaurant and outdoor dining space would accommodate a combination of quality restaurants and restaurants with a high turnover of patrons. The proposed commercial office/restaurant/retail space would be divided between multiple buildings within the project site including three two-story office buildings, two two-story restaurants mixed with commercial or retail, and one one-story building consisting of a restaurant.

The project proposes 33,473 SF of multi-family residential space. The proposed residential component would be comprised of two separate two-story buildings for a total of 25 dwelling units (DU). Project density would be 13.97 DU/acre based on 1.79 acres of net lot area. The residential buildings would be composed of seven different unit designs consisting of 18 two bedroom/two bathroom and 7 one bedroom/one bathroom units, ranging in size from 940 SF to 1,310 SF. The proposed project's floor area ratio (FAR) would be 1.12, not counting the proposed subterranean parking garage. The proposed project's apartments, offices, and retail buildings would be located on an east-west open space spine that would also serve as a public walkway from Highway 101 through the development to South Sierra Avenue.

The proposed project would include a two-level subterranean parking garage for tenants, guests, employees, and patrons of the project site. The parking garage would provide a total of 366 on-site parking spaces, including 10 handicap accessible spaces, which meets the City's parking requirement for the proposed project. The project would provide two full-movement garage entrances via driveways on Dahlia Drive and South Sierra Avenue. The South Sierra Avenue entrance would be for residents only and the Dahlia Drive entrance would be for the commercial office, retail, and restaurant patrons and employees. In addition, seven reverse-diagonal parking spaces would be provided on South Sierra Avenue.



The proposed project would provide infrastructure and support systems on- and off-site including vehicle and bicycle parking, vehicular, transit and pedestrian access, utilities, drainage, and landscaping improvements, and transportation improvements.

c. Discretionary Actions

As described in Section 3.5 of the Final EIR, the following discretionary actions are associated with the proposed project and would be considered by the city:

- Major Subdivision (SUB)
- Development Review Permit (DRP)
- Structure Development Permit (SDP)
- Conditional Use Permit (CUP) for restaurants (with bars or cocktail lounges) and the sale of alcoholic beverages for off-site consumption
- Tentative Map for Office Condominiums
- Grading Permit
- Encroachment Removal and Maintenance Agreement
- Comprehensive Sign Plan
- Temporary Use Permit for offsite construction staging

Discretionary actions anticipated to be required by responsible agencies include:

- California Coastal Commission, Coastal Development Permit
- State Water Resources Control Board, Construction Activities Stormwater General Permit

d. Statement of Objectives

As described in Section 3.3 of the Final EIR, the following objectives are identified for the proposed project:

1. Design and implement a transit-oriented, mixed-use development, which includes a balance of commercial office space, commercial retail and restaurant space, multi-family residential units, and adequate underground parking spaces with access to mass transit.
2. Improve the existing aesthetic character of the site by replacing mostly vacant and abandoned development with new structures that complement existing surrounding development and are consistent with the Highway 101 Corridor Specific Plan development standards and design guidelines.
3. Implement planned improvements to Dahlia Drive and South Sierra Avenue to facilitate pedestrian movement, increase safety, and create visual continuity along the Highway 101 corridor.
4. Develop and implement a unique landscape and design plan for the project site that is consistent with the Highway 101 Corridor Specific Plan.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

For the purpose of CEQA and these Findings, the Record of Proceedings for the proposed project includes, among other things, the following documents:



Notice of Preparation. In accordance with Guidelines Section 15082, the City distributed an NOP of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on July 1, 2015. Various agencies and other interested parties responded to the NOP. Pursuant to Assembly Bill 52, the City provided consultation opportunity with Native American tribes, as relevant. The City's NOP and associated comments are included in the Final EIR as Appendix A.

Draft EIR. The Draft EIR for the proposed project was then prepared and circulated for review and comment by the public, agencies, and organizations. The Draft EIR addressed the project's potential effects on the environment, and was circulated for public review and comment pursuant to the State CEQA Guidelines for a period of 45 days: April 19, 2018 to June 4, 2018. A Notice of Completion of the Draft EIR was sent to the State Clearinghouse and the Draft EIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2015071004). A Notice of Availability of the Draft EIR for review was mailed to organizations and parties expressing interest in the project. The Notice of Availability was also filed with the City Clerk, published in the San Diego Union Tribune, and posted on the City's website. The Draft EIR is included in the Final EIR.

Response to Comments. As noted above, the public comment period on the Draft EIR concluded on June 4, 2018. The City received six comment letters on the proposed project. The City prepared responses to all written comments received and a list of the persons, organizations and public agencies providing comments, their comments and the City's responses to public comments have been incorporated into the Final EIR. The response to comments has been provided in a timely manner to the commenters.

Final EIR. The Final EIR was distributed on July 2, 2018. The Final EIR was prepared by the City in accordance with CEQA statutes and guidelines. The Final EIR contains the Draft EIR, all comments and recommendations received on the Draft EIR, a list of persons, organizations and public agencies commenting on the Draft EIR, responses to comments received during public review, changes to the Draft EIR, and the Mitigation Monitoring and Reporting Program.

Public Hearings. On July 10, 2018, the City of Solana Beach City Council held a public hearing on the proposed project to consider certification of the Final EIR, adoption of these Findings and the Mitigation Monitoring and Reporting Program, and approval of the proposed project.

Notice of Determination. Upon approval of the project, the City shall file a Notice of Determination with the County Clerk of San Diego County and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA Section 21152.

IV. SUMMARY OF IMPACTS

In identifying the following impacts, the City has considered project design features, as well as the applicable plans, programs, regulations, and policies. The project design features are part of the proposed project that the City has considered and will be made conditions of project approval. The City requires that the project be implemented consistent with the project description, project design features and applicable plans, programs, regulations and policies that the proposed project is subject to.



The Final EIR concludes that the project would have less than significant impacts and require no mitigation measures with respect to the following issues:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services and Recreation
- Transportation/Traffic
- Public Utilities, Service Systems and Energy

The Final EIR concludes that implementation of the project could result in potentially significant impacts that would be mitigated to below a level of significance with respect to the following issues:

- Biological Resources (Mitigation measure BIO-1)
- Cultural Resources (Mitigation measure CUL-1, CUL-2, CUL-3, CUL-4)
- Geology/Soils (Mitigation measure GEO-1)
- Greenhouse Gas Emissions (Mitigation measures GHG-1, GHG-2)
- Hazards and Hazardous Materials (Mitigation measure HAZ-1)
- Noise (Mitigation measures NOI-1, NOI-2, NOI-3, NOI-4)

The Final EIR concludes that no impacts would remain significant after the adoption of feasible mitigation measures.

V. FINDINGS REGARDING SIGNIFICANT IMPACTS

The CEQA Guidelines state that an agency's findings must be "accompanied by a brief explanation of the rationale for each finding" (Guidelines Section 15091(a)). This requirement applies to the findings relating to mitigation of significant impacts, mitigation measures under the jurisdiction of another agency, and infeasibility of mitigation measures and alternatives required under CEQA Section 21081(a) and Guidelines Section 15091(a), (c). Detailed findings on an issue are not required if the basis for the agency's decision is found in the EIR and the agency's findings incorporate or adopt the EIR's discussion and analysis. Accordingly, every citation to the Final EIR or other documents identified in these findings is hereby incorporated by reference as if fully set forth herein. In making each of the findings below, the City has considered the project design features and applicable plans, programs, and policies listed in the Final EIR.



a. Findings Regarding Significant Impacts that can be Mitigated to Below a Level of Significance (CEQA Section 21081(A)(1) and CEQA Guidelines Section 15091(a)(1))

The City, having reviewed and considered the information contained in the Final EIR, and the Record of Proceedings pursuant to Public Resource Code Section 21081(a)(1) and Guidelines Section 15091(a)(1), adopts the following findings regarding the significant effects of the proposed project, as follows:

Changes or alterations have been required in, or incorporated into, the project which would mitigate, avoid, or substantially lessen the significant environmental effects as identified in the Final EIR as described below.

1. Biological Resources

Significant Effect

As identified in the Final EIR Section 4.14.5.1, Biological Resources, construction impacts to nesting birds protected under the CFG Code and MBTA would be potentially significant and mitigation would be required.

Facts in Support of Finding

Vegetation on the project site consists of mature, non-native landscape trees and shrubs that would be removed prior to project construction. The mature landscape trees on the site have the potential to provide nesting habitat for birds protected under the MBTA and CFG Code.

Compliance with the MBTA and CFG Code (§3503) under which it is unlawful to “take, possess, or needlessly destroy” avian nests or eggs would be required. Due to the presence of mature trees and shrubs onsite, implementation of the proposed project could result in temporary impacts to active bird nests if site development activities occur during the bird breeding season (January 1 through September 15). Any activities that occur during the nesting/breeding season of birds such as raptors (e.g., Cooper’s hawk [*Accipiter cooperii*] and red-tailed hawk [*Buteo jamaicensis*]), and/or birds protected by the federal MBTA could result in a potentially significant impact.

The following mitigation measure, as included in the Final EIR, is feasible and will reduce potentially significant impacts on biological resources to a less than significant level, thereby avoiding any significant effects.

BIO-1: Pre-Construction Nesting Birds Survey. If construction activity occurs during the breeding season for raptors and other birds (January 1 through September 15), the project applicant shall retain a qualified biologist to conduct a biological survey for nesting bird species within the proposed impact area and a 300-foot buffer within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors (e.g., Cooper’s hawk and red-tailed hawk) and/or birds protected by the federal Migratory Bird Treaty Act. The qualified biologist shall submit a written report of the survey results to the City’s Community Development Department for review and approval prior to the commencement of any construction activity on the project site. If any active nests are detected, the area shall be flagged and mapped on the construction



plans along with a minimum 300-foot buffer and up to a maximum of 500 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete. Subject to consultation with and the prior written approval of the City's Community Development Department, the project biologist may reduce the avoidance buffer if a reduced buffer maintains protection of the nesting cycle of the avian species.

Rationale and Conclusion

The mitigation measure would require nesting bird surveys be completed prior to construction to survey the area for sensitive avian nests. Implementation of mitigation measure BIO-1 would reduce the potential for project construction to affect birds protected under the CFG Code and MBTA to a less than significant level.

2. Cultural Resources

IMPACT 2.1 ARCHEOLOGICAL AND TRIBAL CULTURAL RESOURCES

Significant Effect

As identified in the Final EIR Section 4.3.5.2, Cultural Resources, implementation of the proposed project has the potential to damage or destroy unknown subsurface archaeological, and tribal cultural resources which could result in a substantial adverse change in the significance of these resources.

Facts in Support of Finding

Effects on archaeological and tribal cultural resources generally occur as a result of construction activities, such as grading or trenching, which could potentially damage or destroy unknown buried archaeological and tribal cultural resources. While the area of potential effect has demonstrated areas of disturbance, it is possible that ground-disturbing activities associated with construction of the proposed project may uncover unknown subsurface archaeological or tribal cultural resources. In the event that subsurface archaeological or tribal cultural resources are encountered during construction, such resources could potentially be damaged or destroyed, resulting in a significant adverse impact.

The proposed project's potentially significant impacts on archaeological and tribal cultural resources, would occur as a result of construction activities including ground disturbance, excavation, and grading. The potential significant impact would be mitigated to below a level of significance with implementation of the mitigation measures identified in Section 4.3.5.2 of the Final EIR, as listed below.

CUL-1 Archaeological/Native American Monitoring. Due to the potential presence of previously unknown archaeological and/or tribal cultural resources, a grading monitoring program shall be implemented for the project. The monitoring program shall include the following elements:

1. The applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the project location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding unique archaeological resources and tribal cultural resources; and (2) to formalize protocols and procedures between the applicant and the



- TCA Tribe for the protection and treatment of, including but not limited to, ~~Native American human remains; funerary objects;~~ cultural and religious landscapes; ceremonial items; traditional gathering areas; and cultural items located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.
2. Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist confirming that the selected Native American monitor is associated with a TCA Tribe. Prior to any pre-construction meeting, the City shall approve all persons involved in the monitoring program.
 3. The qualified archaeologist and Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
 4. During the initial grubbing, site grading, excavation, or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be onsite fulltime. If imported fill materials, or fill used from other areas of the project site, are to be incorporated at the project site, those fill materials shall be absent of any unique archeological or tribal cultural resources. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of unique archaeological resources as defined in PRC Section 21083.2 or discoveries of tribal cultural resources as defined in PRC Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer have the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.
 5. In the event that previously unidentified tribal cultural or unique archaeological resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operations in the area of discovery to allow for evaluation of tribal cultural or unique archaeological resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so that the monitored grading can proceed.
 6. If a tribal cultural or unique archaeological resource is discovered, the archaeologist shall notify the City of said discovery and shall conduct consultation with TCA tribes to determine the most appropriate mitigation. The qualified archaeologist, in consultation with the City, the TCA Tribe, and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for treatment and disposition of the resource shall be made by the qualified archaeologist in consultation



with the TCA Tribe and the Native American monitor, and shall be submitted to the City for review and approval.

7. The avoidance and/or preservation of the tribal cultural resource and/or unique archaeological resource must first be considered and evaluated under CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The qualified archaeologist, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.
8. In accordance with CEQA, all tribal cultural resources shall be treated with culturally appropriate dignity. If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during the collection and cataloging of those resources. Moreover, if the qualified archaeologist does not collect the tribal cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the tribe's cultural and spiritual traditions.
9. The project archaeologists shall document evidence that all cultural materials have been repatriated and/or curated as follows:
 - A. It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe, as such preference would be the most culturally sensitive, appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.
 - B. Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.



CUL-2 Monitoring Report. Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusion of the archaeological and tribal cultural resources monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner, to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

Rationale and Conclusion

The mitigation measures require Archeological and Native American monitoring be implemented for the project during construction and all cultural materials found shall be documented. A monitoring report describing the results, analysis, and conclusion of the monitoring report shall be submitted to the City. With implementation of mitigation measures CUL-1 and CUL-2, potential impacts related to unique archaeological and tribal cultural resources, would be reduced to a less than significant level.

IMPACT 2.2 PALEONTOLOGICAL RESOURCES

Significant Effect

As identified in the Final EIR Section 4.3.5.3, Cultural Resources, implementation of the proposed project has the potential to damage or destroy unknown subsurface paleontological resources which could result in a substantial adverse change in the significance of these resources.

Facts in Support of Finding

Construction activities associated with the proposed project would include soil excavations to a depth of approximately 30 feet below existing grade in order to construct the two levels of underground parking. Thus, implementation of the proposed project would encounter native soils in the Quaternary undivided paralic deposits from approximately seven to 30 feet below existing grade and, as such, have the potential to uncover buried unknown paleontological resources. In the event that paleontological resources are encountered during construction, such resources could potentially be damaged or destroyed. Therefore, implementation of the proposed project would result in a potentially significant impact associated with paleontological resources.

The proposed project's potentially significant impacts on paleontological resources would occur as a result of construction activities including ground disturbance, excavation, and grading. The potential significant impact would be mitigated to below a level of significance with implementation of the mitigation measures identified in Section 4.3.5.3 of the Final EIR as listed below:

CUL-3 Paleontological Monitoring. A paleontological monitor shall be present during all cutting, grading, or excavation of previously undisturbed substratum. If a fossil of greater than 12 inches in any dimension (including circumference) is encountered, all operations in the area where the fossil was found shall be suspended immediately, the City shall be notified, and a qualified paleontologist shall be retained by the City to evaluate the significance of the find; to salvage, record, clean, and curate significant fossil(s); and to document the find in accordance with



current professional paleontological standards. Within 30 days of completion of ground-disturbing activities, either a letter signed by the paleontological monitor stating that no fossils were found or, if fossils were found, a report prepared by the qualified paleontologist documenting the mitigation program shall be submitted to the City.

Rationale and Conclusion

The mitigation measure requires a paleontological monitor be present during construction to monitor if any fossils are found and prepare a report if paleontological material is encountered. With implementation of mitigation measure CUL-3, potential impacts related to paleontological resources would be reduced to a less than significant level.

IMPACT 2.3 HUMAN REMAINS

Significant Effect

As identified in the Final EIR Section 4.3.5.4, Cultural Resources, implementation of the proposed project has the potential to disturb human remains due to prehistoric habitation of the region.

Facts in Support of Finding

No archaeological resources were identified or recorded within the proposed project area of potential effect. However, as stated in Section 4.3.1.4, the CHRIS records search conducted for the proposed project identified three previously recorded resources within the one-mile search radius containing human remains and/or burials. The close proximity of the three previously recorded sites indicates the likely presence of additional human remains within the overall region due to prehistoric human habitation of the region. Further, there is always the possibility that ground-disturbing activities associated with construction may potentially uncover presently obscured or buried unknown human remains resulting in a significant impact.

The proposed project's potentially significant impacts on human remains would occur as a result of construction activities including ground disturbance, excavation, and grading. The potential significant impact would be mitigated to below a level of significance with implementation of the mitigation measures identified in Section 4.3.5.4 of the Final EIR as listed below:

CUL-4 Discovery of Human Remains. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County Coroner has been contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descendants (MLD) from the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98; or



2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: a) the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 24 48 hours after being notified by the commission; b) the MLD identified fails to make a recommendation; c) or the landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Rationale and Conclusion

All excavation would be halted and the specimens examined if potential remains were encountered during construction of the project. Implementation of mitigation measure CUL-1, CUL-2, and CUL-4 would reduce the impacts to human remains to a less than significant level.

3. Geology/Soils

Significant Effect

As identified in the Final EIR Section 4.4.5, Geology and Soils, implementation of the proposed mixed-use development has the potential to result in significant impacts related to unstable soils.

Facts in Support of Finding

The proposed project is underlain by undocumented artificial fill overlying late to middle Pleistocene-age Old Paralic Deposits. Based on the Geotechnical Investigation, the bottom elevation of the proposed excavation would be stable and provide suitable support to the proposed buildings. However, excavations that are close to or below the water table, if encountered, may be unstable. The excavations would extend to below the groundwater level and dewatering would be required during construction. Therefore, the proposed project's parking structure design would be below the recommended design groundwater level, which has the potential to cause unstable soil conditions and result in a potentially significant impact.

The proposed project's potentially significant impacts related to unstable soils would be mitigated to below a level of significance with implementation of mitigation measure GEO-1 identified in Section 4.4.5.3 of the Final EIR, which is listed below.

GEO-1 Geotechnical Recommendations. Prior to issuance of grading permits for the proposed project, the City Engineer shall verify that the applicant has incorporated the following applicable recommendations in the Geotechnical Investigation prepared by NOVA dated May 2012 and the Update Letter prepared by NOVA dated August 2015 into the final project design and construction documents. These recommendations address issues including, but not limited to, excavation and fill, slope stability, site grading, erosion control, and monitoring. Construction documents shall be prepared to the satisfaction of the City Engineer. The following list of recommendations must be incorporated into the project design and construction documents:

1. For trench or other temporary excavations, safety shall be met by laying back the slopes no steeper than 1.5:1 (horizontal:vertical) for fill and Old Paralac Deposits material.
2. Structures/improvements in the vicinity of the planned shoring installations shall be reviewed for foundation support and tolerance to settlement. The shoring system shall be designed to limit ground settlement behind the shoring system to 0.5 inches or less.
3. An array of ground survey points shall be installed to monitor settlement. The survey points shall be installed on the shoring system and incrementally away from the excavation.
4. A dewatering system is required for construction and shall be designed by a professional dewatering engineer. The dewatering plan shall address anticipated drawdown, volume of pumping, potential for settlement, and groundwater discharge. Disposal of groundwater shall be performed in accordance with the guidelines of the San Diego Regional Water Quality Control Board.
5. Unstable excavation bottom conditions that are close to or below the water table shall be mitigated by over-excavation of the bottom to suitable depths and replacement with a one-foot thick gravel or lean concrete mud mat. Any loose, soft, or deleterious material shall be removed prior to placement of gravel or lean concrete.
6. The proposed structure shall be founded on conventional spread footings or a mat foundation supported on formational material using an allowable bearing capacity of 5,000 pounds per square inch (psi). Exterior footings shall be founded on a minimum of two feet of compacted fill using an allowable bearing capacity of 2,000 psi. The allowable bearing capacities shall be increased by one-third when considering loads of a short duration such as wind or seismic forces.
7. Foundations shall have an embedment depth of 24 inches or more below the lowest adjacent grade. Continuous footings shall be 18 or more inches wide and spread foundations shall be 24 or more inches square. Footings founded in low expansive granular materials shall be reinforced with four No. 4 or larger reinforcing bars, two placed near the top and two near the bottom of the footings.
8. Slab-on-grade floors, underlain by very low to low expansive materials, shall be five or more inches in thickness and be reinforced with No. 3 or larger reinforcing bars spaced 18 inches on center each way. Additional slab thickness and reinforcement recommendations shall be provided by a qualified structural engineer.
9. For the exterior site improvements such as sidewalks that are expected to be located outside of the proposed excavations, remedial grading shall consist of removing the upper two feet of the existing soil and replacing it with structural fill.

Rationale and Conclusion

The mitigation measure requires all recommendations from the Geotechnical Report be followed in regards to excavation and fill, slope stability, site grading, erosion control, and monitoring. With implementation of mitigation measure GEO-1, potential impacts related to unstable soils would be reduced to a less than significant level.



4. Greenhouse Gas Emissions

Significant Effect

As identified in the Final EIR Section 4.5.5.1, Greenhouse Gas Emissions, implementation of the proposed mixed-use development has the potential to result in significant impacts related to GHG emissions during operation of the project.

Facts in Support of Finding

Annual GHG emissions from operation of the proposed project would exceed the yearly screening threshold. Based on results of the CalEEMod air emissions modeling effort, operation of the proposed project is estimated to result in 2,016 MTCO₂e per year. This exceeds the CAPCOA Screening Criteria of 900 MTCO₂e per year and would result in a potentially significant impact.

The proposed project's potentially significant impacts to greenhouse gas emissions would be mitigated to below a level of significance with implementation of mitigation measures GHG-1 and GHG-2 identified in Section 4.5.5.1 of the Final EIR.

GHG-1 Green Power Purchase. Prior to the issuance of building permits, the project applicant shall demonstrate to the City Manager that the project has an agreement in place to purchase 100 percent green power (electricity) from the City's Community Choice Aggregation program, Solana Energy Alliance (SEA), or, if this program is not in place, the San Diego Gas & Electric EcoChoice program. All future commercial and residential tenant agreements for the proposed project land uses shall require that all tenants opt in to either the City's Community Choice Aggregation program or, if this program is not in place, the San Diego Gas & Electric EcoChoice program. The purchase must be sufficient to offset all remaining electricity demand from the project (approximately 1.6 million kwh/year, which is equivalent to 465 MTCO₂e/year) that is not provided by on-site solar power, such that all of the project's electricity demand is met through renewable sources. Final electricity demand and on-site solar power generation estimate shall be determined by a registered electrical engineer, retained by the project applicant and approved by the City, prior to entering into the agreement with San Diego Gas & Electric and/or the City. If the EcoChoice program is the only option, proof of enrollment in the EcoChoice program shall be provided to the City prior to obtaining building permits. The project applicant shall be responsible for paying the monthly program fee. In the event the EcoChoice program is full for commercial customers, the project applicant shall enroll in the EcoChoice waitlist, and permits shall not be issued until the project is enrolled in the City's Community Choice Aggregation program or the SDG&E EcoChoice program to offset the remaining electricity demand of 1.6 million kwh/year.

GHG-2 Carbon Reduction Program. Prior to the issuance of building permits, the project applicant shall implement a local carbon reduction offset program consistent with the City's Climate Action Plan and subject to the approval of the City Manager. The local offset program shall be demonstrated to the satisfaction of the City Manager to achieve an emissions reduction of at least 651 metric tons carbon dioxide equivalent (MTCO₂e) per year for 30 years, which equates to a total of 19,530 MTCO₂e. A portion of the project's required GHG emission reductions within the City shall be accomplished by implementing the following programs:



- Provide an additional 25 on-site electric vehicle charging stations for the proposed residential use, which is equivalent to offsetting 90 MTCO₂e per year.
- Provide an additional 18 on-site electric vehicle charging stations for the proposed commercial use, which is equivalent to offsetting 85 MTCO₂e per year.
- Provide two electric vehicle charging stations at the proposed reverse-diagonal parking spaces on South Sierra Avenue adjacent to the project site, which is equivalent to offsetting 280 MTCO₂e per year.
- Contribute towards SANDAG's regional bike-share program in an amount equivalent to providing 12 shared electric bicycles, which is equivalent to offsetting seven MTCO₂e per year.

Alternatively, and only if it can be demonstrated to the City Council that local programs cannot be feasibly implemented to fully offset 651 MTCO₂e annually for 30 years, the project applicant shall purchase California Air Resources Board-approved CO₂e offset credits to satisfy this mitigation requirement. There are currently three approved registries recognized by the State of California that implement established carbon offset programs: Climate Action Reserve; American Carbon Registry; and Verified Carbon Standard. Programs supported by the carbon offset programs include restoring wetlands, avoiding conversion of grasslands to crop production, capturing methane gas from landfills and/or manure, and supporting urban forestry. The applicant shall submit documentation of the offset purchase to the City Manager demonstrating that it mitigates the necessary portion of the required 651 MTCO₂e per year for 30 years, as provided by the approved registry, prior to the issuance of building permits.

Rationale and Conclusion

The mitigation measures would require the project to have an agreement in place to purchase 100 percent green power (electricity) and implement a local carbon reduction offset program consistent with the City's Climate Action Plan. With implementation of mitigation measures GHG-1 and GHG-2, potential GHG emissions impacts would be reduced to a less than significant level.

5. Hazards and Hazardous Materials

Significant Effect

As identified in the Final EIR Section 4.6.5.1, Hazards and Hazardous Materials, implementation of the proposed mixed-use project has the potential to result in significant impacts relating to the demolition of structures that have asbestos containing material (ACM).

Facts in Support of Finding

The project proposes demolition of structures that have asbestos containing material (ACM). Improper removal would have the potential to expose construction workers to a hazardous release of asbestos. This impact is potentially significant. The proposed project's potentially significant impacts to hazards and hazardous materials would be mitigated to below a level of significance with implementation of the mitigation measure HAZ-1 identified in Section 4.6.5.1 of the Final EIR.

HAZ-1 Asbestos Abatement. At least 10 working days prior to demolition or removal of existing on-site structures, the project applicant shall submit an Asbestos Removal, Renovation, and Demolition



Operations Notice of Intentions to the County of San Diego Air Pollution Control District. The Notice of Intentions must include:

1. The name and company of the person completing the notification form.
2. The type of notice (i.e., whether the notice is an original notification, a revision to an existing notification, including the type of revision, or a cancellation of an existing notification).
3. Type of operation (i.e., whether the operation(s) is a renovation, demolition, emergency renovation, emergency demolition, or planned renovation).
4. The facility name, address, building number, suite number, room number, city, state, and zip code.
5. The facility owner's name, address, city, state, zip code, contact person and title, and phone number.
6. The removal contractor's name, address, city, state, zip code, contractor's license number, contact person and title, and phone number.
7. The demolition contractor's name, address, city, state, zip code, contractor's license number, contact person and title, and phone number.
8. A description of the facility, including the number of floors, the number of dwelling units, age of the facility, and the past and present use of the facility.
9. Scheduled start and completion dates of renovation operations and/or of demolition operations.
10. The work practices, equipment, and engineering controls to be used in demolition operations.
11. Description of procedures to be followed in the event that unexpected regulated asbestos-containing material (RACM) is found or any Category I Nonfriable asbestos-containing material (ACM) or Category II Nonfriable ACM becomes crumbled, pulverized, broken into smaller pieces, or reduced to powder.
12. The name, address, city, state, zip code, contact person and title, and phone number of the waste transporter for all demolition debris containing no asbestos.
13. A certification that at least one person trained in accordance with San Diego Air Pollution Control District Regulation XII, District Rule No. 1206 Subsection (f)(8) will supervise the stripping and removal described by this notification.
14. Information about the individual conducting the facility survey including: name, company, title, mailing address and phone number, and the certification number for the Environmental Protection Agency (EPA) approved Building Inspector Course passed by the individual.
15. The condition of each ACM identified by the facility survey to be removed, stripped, or disturbed, or a statement that no ACM to be disturbed by renovation or demolition operations has been identified at the facility.
16. The procedure(s), including analytical methods, used to detect the presence of RACM, Category I Nonfriable ACM, and Category II Nonfriable ACM.
17. For all ACM to be removed, stripped, or disturbed, the categorization of each material containing more than one percent asbestos as friable ACM, Category I Nonfriable ACM, or Category II Nonfriable ACM.



18. A description of the facility components containing ACM to be removed, stripped, or disturbed.
19. An estimate for the total amount of ACM to be removed, stripped, or disturbed from the facility including the surface area in square feet of other facility components, or volume in cubic feet if square footage cannot be established in the course of renovation or demolition operations regulated by this rule.
20. The specific work practices, equipment, and engineering controls that will be used to remove each ACM.
21. The name, address, city, state, zip code, contact person and title, and phone number of the waste transporter for all ACWM.
22. The name, address, city, state, zip code, and phone number of the waste disposal site for all ACWM.

In addition, a copy of the Asbestos Survey must be maintained on site for the duration of the project.

Rationale and Conclusion

The mitigation measure would require the project to submit an Asbestos Removal, Renovation, and Demolition Operations Notice of Intentions to the County of San Diego Air Pollution Control District. With implementation of mitigation measure HAZ-1, potential impacts related to airborne release of asbestos during demolition of existing onsite structures would be reduced to a less than significant level.

6. Noise

IMPACT 6.1 EXCESSIVE NOISE LEVELS

Significant Effect

As identified in the Final EIR Section 4.9.5.1, Noise, implementation of the proposed project has the potential to result in significant impacts related to excessive noise levels if truck deliveries and use of restaurant patios would occur during nighttime hours.

Facts in Support of Finding

The proposed project would accommodate restaurant uses that may include bars and operate into late night hours (past 10:00 p.m.). If these establishments would include outdoor areas, nighttime use could result in loud conversation or amplified music that would be annoying or disturbing to nearby residents and violate Section 7.34.140 of the City's Noise Ordinance (Disturbing, Excessive and Offensive Noises). In addition, if truck deliveries of supplies and products to the proposed commercial uses were to regularly occur late at night or early morning (between 10:00 p.m. and 7:00 a.m.), even the short duration of truck beeping outside the dock area and door operation may be considered a significant nuisance to residents. Nighttime deliveries and nighttime restaurant use would result in a potentially significant impact.

The potentially significant noise impacts identified for the proposed project would be mitigated to below a level of significance with implementation of mitigation measures NOI-1 and NOI-2 in Section 4.9.5.1 of the Final EIR, as listed below:



NOI-1 Limitations on Truck Deliveries. Commercial truck deliveries to the project shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. Limitations on truck deliveries shall be required as part of all commercial tenant agreements. A sign shall be posted at the loading dock entrance that includes the loading dock hours and a phone number for receptors to report any violations to the City of Solana Beach Code Compliance Department. The Code Compliance Department shall be responsible for issuing a fine or similar penalty for any violations.

NOI-2 Limitations on Commercial Outdoor Patios. Use of outdoor patios associated with commercial restaurant and retail uses or operation of devices for amplifying sound or music on the project site shall be limited to the hours of 8:00 a.m. to 10:00 p.m., in accordance with SBMC Section 7.34.140(B)(5). Hours of patio operation shall be required to be posted on restaurant and retail use storefronts as a notice to customers. Limitations on outdoor patio use shall be required as part of all commercial tenant agreements. Hours of patio operation and a phone number for receptors to report any violations to the City of Solana Beach Code Compliance Department shall be posted in the public plaza. The Code Compliance Department shall be responsible for issuing a fine or similar penalty for any violations.

Rationale and Conclusion

These mitigation measures would require limited time of operation of truck deliveries and commercial outdoor patios. With the implementation of mitigation measures NOI-1 and NOI-2, the proposed project's potential impact related to excessive noise levels would be reduced to a less than significant level.

IMPACT 6.2 EXCESSIVE GROUNDBORNE VIBRATION

Significant Effect

As identified in the Final EIR Noise Section 4.9.5.3, implementation of the proposed project has the potential to result in significant impacts related to ground-borne vibration from construction activities.

Facts in Support of Finding

Ground-borne vibration and noise from proposed project construction would exceed the applicable County of San Diego thresholds and have the potential to result in groundborne vibration nuisance impacts from construction activities at adjacent residential and commercial uses that are in close proximity to the project site. A potentially significant nuisance vibration impact would occur. However, no damage is expected because existing residential land uses within 95 feet of the project site and existing commercial uses within 80 feet of the project site do not contain vibration-sensitive equipment.

The potential groundborne vibration impacts identified for the proposed project would be mitigated to below a level of significance with implementation of mitigation measure NOI-3 identified in Section 4.9.5.3 of the Final EIR, as listed below:

NOI-3 Construction Vibration Notification. The construction contractor shall provide written notification to all residential units located within 95 feet of the property boundary and commercial land uses within 80 feet of the property boundary at least three weeks prior to the start of construction activities informing them of the estimated start date and duration of



daytime vibration-generating construction activities. This notification shall include information warning about the potential for impacts related to vibration-sensitive equipment.

Rationale and Conclusion

The mitigation measure would require the construction contractor to give notice to all nearby residents of the start date of construction. Implementation of mitigation measure NOI-3 would allow surrounding land uses to prepare for potential vibration exposure and would reduce nuisance impacts related to construction vibration to a less than significant level.

IMPACT 6.3 TEMPORARY NOISE INCREASE

Significant Effect

As identified in the Final EIR Section 4.9.5.4, Noise, implementation of the proposed project has the potential to result in significant impacts related to construction noise levels at adjacent multi-family residences and commercial uses.

Facts in Support of Finding

Construction noise levels would have the potential to exceed the City's noise ordinance standard of 75 dBA during construction and the project would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. A potentially significant impact regarding construction noise levels at adjacent multi-family residences and commercial uses would occur.

The potential construction noise impacts identified for the proposed project would be mitigated to below a level of significance with implementation of mitigation measure NOI-4 identified in Section 4.9.5.4 of the Final EIR, as listed below:

NOI-4 Construction Noise Best Management Practices. The project applicant shall implement the following measures during construction of the proposed project:

1. Prior to issuance of any construction permits, an 8-foot-height construction noise barrier shall be constructed along the western property line to reduce construction noise. The noise barrier shall be continuous with no openings or gaps within its entirety. It will be constructed of "Quilted Barrier Absorber" Type: BBC-13X manufactured by Sound Seal, or equivalent. Product specification for Type BBC-13X is presented in the ABC Acoustics noise technical study (April 2018) provided in Appendix H to the EIR.
2. During construction, idling time for all equipment shall be limited to five minutes or less.
3. Prior to the start of each phase of construction, the staging area for the phase shall be sited to maximize the distance between construction equipment staging areas and occupied residential areas.
4. During construction, use of electric air compressors and similar power tools, rather than diesel equipment, shall be used.
5. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive noise receivers.



6. During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors.

Rationale and Conclusion

The identified barrier under mitigation measure NOI-4 is capable of reducing noise levels by approximately 15 dBA which would reduce noise levels during the most noise intensive construction phase (grading) to below the significance threshold of 75 dBA at 50 feet from the construction area. Implementation of mitigation measure NOI-4 would reduce impacts related to construction noise levels to a less than significant level.

b. Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA Section 21081(A)(2) and CEQA Guidelines Section 15091(a)(2))

The City, having reviewed and considered the information contained in the Final EIR, finds pursuant to CEQA Section 21081(a)(2) and Guidelines Section 15091(a)(2) that there are no changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

c. Findings Regarding Infeasible Mitigation Measures (CEQA Section 21081(A)(3) and CEQA Guidelines Section 15091(a)(3))

Under CEQA, “[i]t is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects....The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.” (Pub. Res. Code Section 21002.) Moreover, CEQA defines “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, social, legal, and technological factors.” (Guidelines Section 15364.)

In accordance with CEQA, the Final EIR evaluated potential mitigation measures for biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials and noise impacts. None of the mitigation measures is considered infeasible.

d. Findings Regarding Project Alternatives

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated.



The EIR determined that all of the potential significant impacts of the proposed project can be avoided or reduced to a level below significance by the implementation of feasible mitigation measures. The potential significant impacts and the mitigation measures which can avoid or reduce them below significance are summarized in the EIR in Volume 2 (Draft EIR), Chapter 1 (Executive Summary), Table 1-1, and are discussed in more detail in Volume 2 (Draft EIR), Chapter 4 (Environmental Analysis) of the EIR. The mitigation measures also are set forth in the Mitigation Monitoring and Reporting Program adopted by the City Council pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097.

The EIR examined a reasonable range of alternatives to determine whether they could meet the proposed project's objectives while avoiding or substantially lessening one or more of the proposed project's unavoidable significant impacts. The alternatives analyzed in Chapter 6.0 (Alternatives) of Volume 2 (Draft EIR) of the EIR included (1) the No Project/No Build Alternative, (2) the No Project/American Assets Trust Alternative, (3) the Reduced Project/Affordable Housing Alternative, and (4) the Transit Priority Project Alternative. Because all of the potential significant impacts of the proposed project can be reduced or avoided to a level below significance by the implementation of feasible mitigation measures, no findings regarding project alternatives are required.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS NOT REQUIRED

CEQA Guidelines Section 15093 states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The project, as proposed, would substantially lessen all of the potential impacts to a level below significance through mitigation measures, which are considered feasible. No unavoidable environmental risk or unavoidable adverse environmental effects are anticipated to result from the proposed mixed use development. Therefore, the City finds it unnecessary to adopt a Statement of Overriding Considerations for the proposed project.



VII. CONCLUSION

The City has independently reviewed and analyzed the Final EIR as required by CEQA. Prior to that review and analysis, the City circulated the Draft EIR and appendices and those documents also reflect the City's independent review, analysis, and judgment pursuant to CEQA.

As part of the certification of the Final EIR, the City finds that the Final EIR reflects the independent judgment of the City, acting in its capacity as the lead agency. As required by CEQA (Public Resources Code Section 21081.6), the City in adopting these findings also adopts the MMRP. The City hereby finds that the MMRP meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of the mitigation measures set forth herein, which mitigate the identified significant impacts associated with the project and are fully enforceable through permit conditions, agreements, these findings, and other measures.

For the foregoing reasons, the City of Solana Beach concludes the proposed Solana 101 project will result in a number of significant impacts that would be minimized through feasible mitigation measures. Therefore, the City of Solana Beach has adopted these Findings and has not adopted a Statement of Overriding Considerations.



RESOLUTION NO. 2018-098

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A MAJOR SUBDIVISION FOR WHICH A TENTATIVE MAP IS REQUIRED FOR THE PURPOSE OF CONSOLIDATING FIVE EXISTING PARCELS INTO ONE PARCEL AND SUBDIVIDING THE NEW PARCEL AS A CONDOMINIUM PROJECT (COMMON INTEREST DEVELOPMENT) TO ALLOW FOR CONDOMINIUM OWNERSHIP OF A MAXIMUM OF 26 COMMERCIAL UNITS AND ONE UNDIVIDED MULTIFAMILY RESIDENTIAL UNIT FOR 25 RENTAL APARTMENTS FOR SOLANA BEACH 101, A MIXED USE DEVELOPMENT ON PROPERTY AT THE NORTHWEST CORNER OF HIGHWAY 101 AND DAHLIA DRIVE.

**APPLICANT: Zephyr Partners
CASE NO.: 17-14-08 SUB**

WHEREAS, Zephyr Partners (hereinafter referred to as “Applicant”) has submitted an application for a Major Subdivision (SUB) for which a tentative map (TM) is required pursuant to Title 16 (Subdivisions), of the Solana Beach Municipal Code (SBMC) for the Solana Beach 101 project (the “proposed project” or “project”); and

WHEREAS; the SUB is required for the purpose of consolidating five existing parcels into one parcel and subdividing the new parcel as a condominium project (common interest development) to allow for condominium ownership of a maximum of 26 commercial units and one undivided multifamily residential unit for 25 rental apartments for the Solana Beach 101 project; and

WHEREAS, at the public hearing on July 10, 2018, the City Council received and considered evidence concerning the proposed project; and

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

WHEREAS, the City Council of the City of Solana Beach certified the Final Environmental Impact Report (FEIR), and adopted a Mitigation Monitoring and Reporting Program (MMRP) and Findings of Fact for the Solana Beach 101 project in accordance with the California Environmental Quality Act and the State CEQA Guidelines via Resolution 2018-098; and

WHEREAS, the City Council approved the request for a Development Review Permit (DRP) and Structure Development Permit (SDP) for the project via Resolution 2018-099; 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 City Council has adopted and certified the Project FEIR in compliance with CEQA pursuant to Sections 15161 of the State CEQA Guidelines and made the required Findings of Fact.
3. That the City Council approved the request for a DRP and SDP to construct the Solana Beach 101 project, a mixed-use development consisting of 45,586 square feet of commercial office space; 10,562 square feet of restaurant space; 2,920 square feet of outdoor dining space; 4,142 square feet of retail space; 25 multi-family residential rental units totaling 33,473 square feet; and two levels of subterranean parking totaling 366 spaces.
4. That the request for a Major Subdivision for which a tentative map is required to consolidate the five existing parcels into one 78,043 net square foot (1.79-acre) parcel after dedications on Highway 101, Dahlia Drive, and South Sierra Avenue, and to subdivide the new parcel as a condominium project (common interest development) to allow for condominium ownership of a maximum of 26 commercial units and one undivided multifamily residential unit for 25 rental apartments, is conditionally approved based upon the following Findings and subject to the following Conditions:

5. FINDINGS

- A. In accordance with Section 16.12.090 (Major Subdivisions) of the City of Solana Beach Municipal Code (SBMC), the City Council finds the following:
 1. *That the proposed map is consistent with applicable general and specific plans and with applicable zoning provisions of the SBMC.*

The proposed tentative map would consolidate the existing five parcels into one parcel and provide for condominium ownership of a maximum of 26 commercial office, retail, and restaurant units and one undivided multifamily residential unit for 25 rental apartments.

The proposed tentative map is consistent with the General Plan, which designates the property as General Commercial (C) and allows resident and visitor-serving commercial uses and retail uses of a larger scale than those permitted in Special Commercial areas, but which still have a minimal disturbance to nearby residential neighborhoods.

Residential uses are allowed as a secondary use in conjunction with permitted commercial uses at a maximum density of 20 units per acre. The density of the project is 14 dwelling units per acre.

The site is located within the C Zone and the South Highway 101/South Sierra District of the HWY 101 SP. The design of the subdivision, as conditioned, is consistent with all applicable provisions of the Title 17 (Zoning) and the HWY 101 SP, including allowable uses, minimum lot area, required street frontage, maximum allowable density, minimum yard dimensions, and all other applicable zoning provisions. The proposed tentative map is also consistent with all applicable provisions of Title 16 (Subdivisions) of the SBMC.

Condominium ownership is permissible with approval of a DRP. The City Council approved the DRP for this project.

Therefore, the proposed tentative map is consistent with applicable general and specific plans and with applicable zoning provisions of the SBMC.

- II. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans and with applicable land use and zoning provisions of the SBMC.*

The proposed subdivision would allow separate condominium ownership of a maximum of 26 commercial units in the development and would not otherwise impact the design or improvement of the project. If the final map is not recorded, the design and improvements of the project could remain the same; the only difference would be that the property would remain under single ownership. The City Council approved the DRP for the project. Therefore, the design or improvement of the proposed subdivision is consistent with applicable general and specific plans and with applicable land use and zoning provisions of the SBMC.

- III. That the site is physically suitable for the proposed type of development.*

The City Council approved the DRP for the project. If the final map is not recorded, the project could remain the same; the only difference would be that the property would remain under single ownership. Therefore, the site is physically suitable for the proposed type of development.

- IV. That the site is physically suitable for the proposed density of development.*

The maximum allowable density for this site after consolidation of the existing parcels is 20 dwelling units per net acre, or 36 dwelling units for this 1.79 net acre site (after consolidation and dedications). The project proposes 25 multifamily dwelling units, or 14 dwelling units per acre. The density of the proposed development complies with the SBMC and the HWY 101 SP for mixed use development. The density would remain the same if the final map was not recorded and the property remained under single ownership. The City Council approved the DRP for the project. Therefore, finding that the site is physically suitable for the proposed density of development could be made.

- V. *Unless an Environmental Impact Report was prepared in respect to the project and a finding was made pursuant to Section 21081(c) of the Public Resources Code, that specific economic, social, or other considerations make feasible the mitigation measures or project alternatives identified in the environmental impact report.*

A FEIR and MMRP were prepared for the Solana Beach 101 project in accordance with the California Environmental Quality Act of 1970. The EIR found that project impacts would be less than significant or would be less than significant with mitigation in all the topic areas analyzed. The City Council certified the FEIR, adopted Findings of Fact, and approved the MMRP for the project. Therefore, this subject finding can be made.

- VI. *That the design of the subdivision or the type of improvements are not likely to cause serious public health problems.*

A Final EIR and MMRP were prepared for the project. The proposed project was reviewed against the applicable environmental issues contained in the Initial Study Checklist in Appendix G of the CEQA Guidelines. Environmental topics that could cause serious public health problems were analyzed, including air quality, geology/soils, greenhouse gas emissions (GHG's), hazards and hazardous materials, hydrology and water quality, public services, transportation/traffic, public utilities, service systems, and energy. The EIR found that project impacts would be less than significant or would be less than significant with mitigation in all the topic areas analyzed. The City Council certified the Final EIR and approved the MMRP for the project. The subdivision allows a common interest development for condominium ownership of a maximum of 26 commercial units within the Solana Beach 101 project. The proposed development and the types of improvements would be the same if the project were to be approved with or without approval of a major subdivision. Therefore, the design of the subdivision or types of improvements are not likely to cause serious public health problems.

- VII. *That the design of the subdivision or the type of improvements will not conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the City Council may approve a map if they find that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public.*

The subdivision consolidates the existing parcels into one parcel and subdivides the new parcel as a common interest development to allow for condominium ownership of a maximum of 26 commercial units and one undivided multifamily residential unit for 25 rental apartments. There are no existing easements of record or easements established by court judgement, acquired by the public at large, for access through or use of property within the proposed subdivision.

- VIII. *That all requirements of the CEQA, as amended, and the environmental protection provisions of this code have been met.*

A FEIR and MMRP were prepared for the Solana Beach 101 project in accordance with the California Environmental Quality Act. The FEIR found that project impacts would be less than significant or would be less than significant with mitigation in all the topic areas analyzed. The City Council certified the FEIR, adopted Findings of Fact, and approved the MMRP for the project. Therefore, this subject finding can be made.

- IX. *That the proposed map meets the requirements or conditions of Title 16 (Subdivisions) and the Subdivision Map Act.*

The Subdivision Map Act (SMA) (Government Code Section 66426) requires a tentative and final map (a major subdivision) for all subdivisions creating five or more condominiums as defined by Section 783 of the Civil Code, subject to certain exceptions. The project requires approval of a major subdivision pursuant to Title 16 (Subdivisions) of the SBMC because the Applicant proposes to consolidate the existing parcels into one parcel and subdivide the new parcel as a common interest development to allow for condominium ownership of a maximum of 26 commercial units and one undivided multifamily residential unit for 25 rental apartments. The tentative map was reviewed for compliance with Title 16 and the Subdivision Map Act and meets the requirements and conditions.

- X. *In the case of conversions of residential real property to a common interest development, that all required notices and reports to tenants have been or will not be sent as required by law.*

The project site is composed of five parcels, one of which has an abandoned single-family residence and another of which is the site of an abandoned mobile home park. No residential tenants live onsite. No public notices for this project are required to be mailed to tenants onsite pursuant to SBMC Section 17.72.030 (Public Hearing and Notice Requirements) due to its vacant status.

- XI. Subject to the exceptions contained in Government Code Section 66474.4, the property is not subject to a contract entered into pursuant to the Land Conversion Act of 1965 (Williamson Act) and the parcels resulting from the subdivision would be too small to sustain agricultural use. The determination of ability to sustain agricultural use shall be made according to the provisions to Government Code Section 66474.4.*

The property is not subject to a contract entered into pursuant to the Williamson Act contract. The property has a zoning designation of C (General Commercial) and was used previously for commercial and residential uses. The proposed mixed use development is consistent with the current zoning for the property.

6. CONDITIONS

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

- A. Prior to obtaining a building permit or grading permit, a Subdivision Map shall be prepared and recorded in accordance with Chapter 16.20 of SBMC.
- B. Pay Subdivision Map plan check fee in accordance with the current Engineering Fee Schedule.
- C. Provide a Subdivision Map Guarantee within ten days before recording the Final Map.
- D. The applicant shall comply with Section 66436 of the Government Code by furnishing to the City Engineer a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: (a) they have received from the developer a copy of the proposed Final Map; (b) they object or do not object to the filing of the Final Map without their signature; (c) in the case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint use certificate" on the map when required by the governing body.
- E. On the Final Map, dedicate ten feet of additional street right-of-way width along Highway 101 and Dahlia Drive. Dedicate five or eight feet of additional

street right-of-way width along South Sierra Avenue, as shown on the tentative map. Dedicate a five-foot-wide public pedestrian access easement along South Sierra Avenue as shown on the tentative map.

- F. In accordance with SBMC Section 16.20.020, the City Council shall approve the final subdivision map prior to recording.
7. 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.
 8. EXPIRATION: The approval or conditional approval of a tentative map shall expire in accordance with SBMC 16.12.100 (Expiration of Tentative Map) 24 months from the date the map was approved or conditionally approved unless it was extended pursuant to SBMC 16.12.110. If the DRP and SDP expire, the Final Map shall not be recorded.
 9. INDEMNIFICATION AGREEMENT: The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify 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, 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 the Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by Applicant.
 10. NOTICE TO APPLICANT: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this resolution you must comply with the provisions of Government Code Section 66020. Generally, the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 10th day of July, 2018, by the following vote:

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

DAVE ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk

RESOLUTION NO. 2018-099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT, AND STRUCTURE DEVELOPMENT PERMIT FOR SOLANA BEACH 101, A MIXED USE DEVELOPMENT ON PROPERTY AT THE NORTHWEST CORNER OF HIGHWAY 101 AND DAHLIA DRIVE.

APPLICANT: Zephyr Partners
CASE NO.: 17-14-08 DRP/SDP/CSP

WHEREAS, Zephyr Partners (hereinafter referred to as "Applicant") has submitted an application for a Development Review Permit (DRP), Structure Development Permit (SDP), and Comprehensive Sign Program (CSP) subject to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, at the public hearing on July 10, 2018, the City Council received and considered evidence concerning the proposed application as revised; and

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

WHEREAS, the City Council of the City of Solana Beach certified the Final Environmental Impact Report (FEIR), and adopted a Mitigation Monitoring and Reporting Program (MMRP) and Findings of Fact for the Solana Beach 101 project in accordance with the California Environmental Quality Act and the State CEQA Guidelines via Resolution 2018-098; 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 City Council has adopted and certified the FEIR in compliance with CEQA pursuant to Sections 15161 of the State CEQA Guidelines, adopted the MMRP, and made the required Findings of Fact.
3. That the request for a DRP and SDP for Solana Beach 101, a mixed use development consisting of 45,587 square feet of commercial office space, 10,562 square feet of restaurant space, 2,920 square feet of outdoor dining space, 4,142 square feet of retail space, 25 multi-family residential rental units totaling 33,473

square feet, and two levels of subterranean parking totaling 366 spaces for the project, is conditionally approved based upon the following Findings and subject to the following Conditions:

4. FINDINGS

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

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

General Plan Consistency: The proposed project is consistent with the General Plan, which designates the property as General Commercial (C) and allows resident and visitor serving commercial uses and retail uses of a larger scale than those permitted in Special Commercial areas, but which still have a minimal disturbance to nearby residential neighborhoods. Residential uses are allowed as a secondary use in conjunction with permitted commercial uses at a maximum density of 20 units per acre. The maximum number of units permitted for the 1.79 net acre site is 36 units. The project is proposing 25 residential units or 14 dwelling units per acre. The project could be found to be consistent with the following General Plan policies in the Land Use (LU) Element for mixed-use land uses:

Policy LU-1.6 Encourage the establishment of mixed-uses that provide for housing and jobs near transit routes, shopping areas, and recreational uses to promote public transit use, walking, and biking.

Policy LU-1.7 Encourage and facilitate neighborhood serving restaurants, including outdoor dining/sidewalk cafes, in mixed-use areas and along the Highway 101 corridor.

Policy LU-1.8 Within mixed-use areas, encourage an overall high-quality streetscape design, where feasible and appropriate, that includes bike lanes; on-street parking; minimal curb cuts; enhanced crosswalks; appropriate sidewalk widths; parkways; street trees, planters, and wells; street lighting; street furniture; wayfinding; kiosks; enhanced paving; public art; and other features that contribute to the character of Solana Beach.

The project could be found to be consistent with the following General Plan goals and program in the City's Housing Element:

Goal 1: The adequate provision of a range of safe and decent housing opportunities that will meet Solana Beach's share of the existing and future housing needs of the region.

Goal: Increased energy conservation and waste reduction in new and existing residential and mixed-use development.

Program 1: Encourage mixed-use development.

Zoning Ordinance Consistency: The property is located within the General Commercial (C) Zone and S. Highway 101/S. Sierra District of the Highway 101 Specific Plan (HWY 101 SP). The proposed mixed use development is consistent with the permitted uses for the C Zone found in SBMC Sections 17.28.010, 17.24.020, and 17.28.030, which allow for a mixed use development with a maximum of 20 dwelling units per net acre. The maximum number of units permitted for the 1.79 net acre site is 36 units. The project is proposing 25 residential units or 14 dwelling units per acre. The HWY 101 SP indicates that residential dwellings in a mixed use development may be permitted in any portion of the building (or buildings) pursuant to a DRP, provided that total residential development does not exceed 40 percent of gross allowable floor area. As designed, the residential floor area is 35.7 percent of the total floor area.

Further, the proposed project complies with the SBMC and the HWY 101 SP regulations, including setbacks, maximum building height, Floor Area Ratio (FAR), and parking requirements.

The SBMC requires developments of five or more units for rent or for sale to comply with the SBMC affordable housing requirements (Chapter 17.70). The Applicant has indicated that the residential units will be for rent. According to SBMC Section 17.70.025, the developers of "for rent" residential projects are required to pay the Affordable Housing Impact Fee (AHIF) in order to satisfy the inclusionary affordable housing requirements. The AHIF for the project is calculated by multiplying the gross square footage of the rental market rate units by the AHIF of \$25.28. The total square footage is 33,473 square feet, or \$846,197.

The project is also located within the Coastal Zone. As a condition of project approval, the Applicant will be required to obtain a Coastal Development Permit, Waiver, or Exemption from the California Coastal Commission prior to the issuance of a building permit.

Local Coastal Plan (LCP) Land Use Plan (LUP) Consistency: The Solana Beach City Council adopted a Local Coastal Plan (LCP) Land Use Plan (LUP) on February 27, 2013 (amended and certified on June 11, 2014). Although the LUP has been certified by the California Coastal Commission, the Local Implementation Plan (LIP) portion of

the LCP has not yet been certified; as such, the provisions of the LUP are considered by the Coastal Commission to be advisory rather than mandatory at this time. The purpose of the LUP is to implement the State's goals for the coastal zone. The City's LUP provides long-term goals that promote the beneficial use of lands in the city and the beach and shoreline for residents and visitors alike. The Proposed Project could be found to be consistent with LCP/LUP. The LUP Land Use Plan designates the property General Commercial(C). This land use category is intended to provide for commercial activities and services of a more intensive nature and includes both visitor serving land uses and land uses likely to be patronized by residents. These uses would be located primarily along major transportation routes and would include major shopping facilities and service centers. In addition, the general commercial uses are intended to accommodate and promote tourist-oriented commercial and pedestrian-oriented uses along Highway 101. The property is not located within either Visitor Serving Commercial Overlay in the LUP. In particular, the proposed Project could be found to be consistent with the policies in Chapter 5—New Development, which includes general policies for new development, and policies for commercial development, residential development, and archaeology. The proposed Project also could be found to be consistent with the policies in Chapter 7—Public Works, including policies for circulation and traffic.

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 subject lot is located within the General Commercial (C) Zone and within the boundaries of the S. Highway 101/S. Sierra District of the HWY 101 SP. Surrounding properties to the north and south are also located within the C Zone and the S. Highway 101/S. Sierra District of the HWY 101 SP and are developed with a mixture of commercial uses in one- and two-story structures, several with structured parking. The property immediately east of South Highway 101 is developed with the Coastal Rail Trail (a linear park) and the North County Transit District (NCTD) railroad right-of-way; the South Cedros District

of the HWY 101 SP is east of the NCTD railroad. A pedestrian bridge directly across from the southeast corner of Dahlia and South Highway 101 provides access across the NCTD railroad tracks from the Coastal Rail Trail to the South Cedros District. Properties to the west, across South Sierra Avenue, are zoned High Residential (HR), which has a maximum allowable density of 13-20 dwelling units per acre, and are developed with multi-story multifamily residential developments with structured parking; these properties are not within the HWY 101 SP.

The proposed project has been designed to generally follow the topography of the site, which slopes generally upward from an elevation of approximately 61 feet above MSL on the west to 68 feet MSL on the east. The majority of the project includes two-story buildings, with a one-story portion of one structure proposed at the southeast corner of Highway 101 and Dahlia Drive. Project design includes various width landscaped planters around the perimeter of the project. The project meets or exceeds all development standards and design guidelines for the S. Highway 101/S. Sierra District of the HWY 101 SP.

No adverse effects upon neighboring properties have been identified or are anticipated to occur from the project implementation. As conditioned, the proposed project gives consideration to the protection of surrounding areas from potential adverse effects and provides protection of the property from adverse surrounding influences. Additionally, the City Council has certified the FEIR for this project found project impacts not to occur, to be less than significant, or to be less than significant with mitigation in all the topic areas analyzed, including, but not limited to, aesthetics, air quality, geology and soils, noise, tribal and cultural resources, biology, hazardous materials, and greenhouse gas emissions (GHG's).

- 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 project includes a total of seven buildings, with the commercial uses in five buildings and the residential uses in two buildings. All parking would be provided in a two-level underground parking garage; only the entrances to the parking garage would be visible from the public rights-of-way. Commercial offices would occupy both floors of three 2-story buildings, including one building on the west side of the project site facing S. Sierra Avenue and two office buildings located in the center of the site. A fourth two-story building, facing the

northeast corner of S. Highway 101, is designed with a ground floor restaurant with office space on the second floor. A fifth commercial building, fronting S. Highway 101, would include a “to-go” restaurant on the ground floor and another restaurant on the southeast corner of S. Highway 101 and Dahlia Drive. The two restaurants would be separated on the ground floor by an outdoor area, with retail space on the second floor that connects the two first-floor restaurants. Outdoor dining areas are proposed on the east side of the proposed “to go” restaurant facing S. Highway 101, and on the east and south sides of the restaurant at the corner of S. Highway 101 and Dahlia.

The 25 multi-family units are proposed to be located in two separate 2-story structures located on the south side of the site, with one building facing Dahlia Drive and the southwest corner of Dahlia and S. Sierra Avenue, and the other building located parallel to it on the north, with its west end facing S. Sierra. Each unit proposes private open space in the form of patios for the units on the ground floor and balconies for the units on the second floor, which provides additional building articulation and reduced apparent mass.

With the exception of the two interior office buildings and the northernmost residential structure, all structures are oriented to the public streets, and all structures are designed to be easily accessible by patrons and residents from public sidewalks, an interior walkway that runs throughout the site, and from the parking garage via elevators and stairwells.

The HWY 101 SP also includes design guidelines that provide qualitative direction for public and private development in the specific plan area. The design guidelines for the S. Highway 101/S. Sierra District of the HWY 101 SP include automobile-oriented retail uses facing Highway 101 and a transitional edge facing residential neighborhoods on S. Sierra Avenue. Site planning guidelines for the S. Highway 101/S. Sierra District call for projects to provide a visually open building edge on S. Highway 101 that allows deep views into parcels; additionally, no more than 40 percent of the setback can be occupied by buildings and the remaining frontage will have a minimum 20-foot additional setback. The proposed project could be found to meet these guidelines. Rather than a single building façade along S. Highway 101, the project proposes separate buildings to break up mass, with the northern-most and middle commercial buildings separated by an open space that extends into and through the entire site and connects with the sidewalk

on S. Sierra; this open space includes a continuous walkway flanked with planters, seating, patios, and synthetic turf area. The first floor “to go” restaurant and the southernmost restaurant are also separated by open space that connects to the internal walkway. The majority of the southern-most restaurant is one story with outdoor dining space located along the front (facing Highway 101) and wrapping around the corner to face Dahlia Drive, which provides a stepped effect into the development from the intersection that minimizes bulk at the corner. The site plan also varies the setbacks of the buildings that face South Highway 101, with the middle restaurant set back farther than the other buildings, with patio dining located in front. In addition to providing modulation of the project elevation, the outdoor dining areas activate the frontage on S. Highway 101. The site plan also varies the setbacks of the structures that face South Sierra. The design guidelines also call for buildings to step away from the setback line on S. Highway 101, with second stories located a minimum of 15 feet from the setback line. The 2-story buildings that face Highway 101 meet or exceed this requirement.

The design guidelines for mixed use development in the District include providing residential use on the east side of S. Sierra to offer a compatible transition between residential uses on the west side of S. Sierra and office uses to the east. They provide for residential frontage on the ground floor and above, or commercial on the ground floor and residential above. The proposed project is designed such that the west ends of both 2-story residential buildings would face S. Sierra, with the driveway ramp to the residential portion of the parking structure and a 2-story office building comprising the remaining frontage. The office building on S. Sierra Avenue has been set back to allow for a 15-foot landscape buffer between the sidewalk and the building face, and walkways into the site also break up the project elevation from S. Sierra.

The development standards for mixed use development do not require a minimum setback on Dahlia Drive, and the design guidelines do not specifically address site planning for projects that front Dahlia. The façade of the 2-story residential building that fronts on Dahlia is proposed to be set back a minimum of 15 feet to allow for a 15-foot landscape buffer between the sidewalk and the building. The building façade and is further articulated via patios adjacent to the sidewalk on the ground floor and balconies on the second floor.

The proposed project's color palette and materials implement the HWY 101 SP, and include warm earth tones, cement plaster with a smooth finish, siding, masonry, exterior porcelain wall tile, metal siding, metal roofing, and canvas awnings, with accented balconies and raised planters.

- 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 landscaping development standards for mixed use developments in the C Zone in the HWY 101 SP refer to the SBMC. Per SBMC 17.56.040, the proposed development is subject to the City's Water Efficient Landscape Regulations. In addition, the HWY 101 SP provides area-wide and district-specific design guidelines for landscaping on both public and private property. The HWY 101 SP calls for area-wide landscaping that creates an overall unity for the Specific Plan area through coordination of landscape character of public and private areas. In particular, landscaping for this site should create a memorable, unified image along Highway 101 and a residential character along the east side of S. Sierra that is similar to that of the residential development on the west side of S. Sierra.

The existing site contains developed areas and disturbed vegetation consisting of non-native ornamental and non-native annual plant species. No native species or vegetation communities were identified within the proposed project area. The conceptual landscaping plan for the project proposes 11,668 square feet of irrigated landscape area, 2,354 square feet of BMP (best management practices for stormwater management) planting area, 703 square feet of non-irrigated landscape area, and 20,371 square feet of hardscape areas. Landscaping would include a variety of trees, shrubs, succulents, grasses, synthetic turf, and groundcover throughout the site; no natural turf is proposed.

Perimeter landscaping along S. Highway 101 includes planters in the public right-of-way and planters and trees between the sidewalk and the buildings. The proposed landscaping is consistent with and complements the design theme for City's recently constructed landscaping in the public right-of-way along S. Highway 101. Perimeter landscaping along S. Sierra and Dahlia includes planters and street trees in the public right-of-way, and planters, trees, and bioretention planters (also known as best

management practices or BMP planters, which are designed to manage stormwater runoff) between the sidewalk and the buildings. The landscaping along the east and southern property lines will also provide screening for the onsite tenants and will soften the view of the project from the existing multifamily residential development on the west side of S. Sierra Avenue. Staff notes that since all required parking would be provided in underground parking garages, the Applicant is not required to comply with the landscape requirements of the Off-Street Parking Design Manual (OSPDM).

The proposed landscape species would include native plants and well-adapted species that are responsive to the local climate and limited water resources. The landscape plan would include a water-efficient drip irrigation system and low to moderate water use plants. The landscape plan also incorporates gathering spaces into the open space design concept, including areas for seating, dining, lounging, and playing. A focal rainwater element would be located along Highway 101, which would channel roof drainage through an overhead tunnel with a waterfall to a BMP planter.

The Applicant's conceptual landscape plan has been reviewed by the City's third-party landscape architect who has recommended approval of the conceptual landscape plan. The Applicant would be required to submit detailed construction landscape drawings that would be reviewed by the City's third-party landscape architect for conformance with the conceptual plan. In addition, the City's third-party landscape architect would perform inspections during the construction phase of the project. A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible. Proposed landscaping has been conditioned so that the landscaping shall be maintained to ensure that it does not exceed the height of the adjacent rooflines when installed or at maturity.

- 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.*

Mixed use projects in the HWY 101 SP are required to comply with parking standards in the SBMC. The project requires a total of 361 parking spaces for the proposed uses; 366 parking spaces have been provided. All the required automobile and motorcycle parking spaces would be provided in a two-level subterranean parking garage that extends below the majority of the project site. The parking garage is designed with a total of 47 parking spaces for residential parking on the west side of Level 1, directly below the residential land uses to allow for close proximity to residences and short walking distances. Residential parking would be secured with gate access. Residents would have key cards for access to the residential parking. A total of 313 commercial spaces would be available on both Level 1 and Level 2 of the parking structure. A total of 51 parking spaces would be designated for electric and alternative fuel vehicles, 11 spaces would be equipped to charge electric vehicles, and 11 spaces would be prewired to be EV charging capable. The SBMC requires that developments with over 100 spaces shall designate at least one percent of the total parking space area for motorcycle parking, or four motorcycle parking spaces for this project, the design of which shall conform with the OSPDM. The SBMC requires that general commercial and office uses with 10 or more parking spaces shall provide at least one bicycle parking space per 10 full automobile parking spaces, or 31 spaces for this project, and shall conform with the OSPDM. The SBMC indicates that locking bicycle facilities should be conveniently located near the entrances to buildings for which they serve and when possible, provide weatherproofing or be under cover. Design standards for bicycle spaces are prescribed in the OSPDM. The proposed project meets or exceeds the on-site parking requirements for automobile, bicycle, and motorcycle parking.

Vehicular access to the two-level subterranean parking garage would be provided via one driveway off of Dahlia Drive and one driveway off South Sierra Avenue. Both entrances would provide full movement driveways allowing inbound and outbound movements. The S. Sierra Avenue entrance would be for residents only and the Dahlia Drive entrance would be for the commercial office, retail, and restaurant patrons and employees, the general public, and guests of the residences. The project driveways are proposed to be unsignalized.

The SBMC requires that developments of 25,001 square feet and larger provide a minimum of one loading space, a minimum of 10 feet wide and 35 feet deep. The project

proposes a loading space on the ground floor of the project site, accessible through a roll-up door from a driveway on Dahlia Drive. The loading space would be adjacent to the restaurant/retail space. Delivery trucks would be completely enclosed in the loading space following entry of the truck and closing the roll-up door, similar to a home garage. In addition, a parallel curb space for delivery truck staging and passenger drop-off/pick-up has been provided at the east end of Dahlia Drive in front of the restaurant and proposed onsite commercial loading zone bay.

The project also would provide additional parking spaces in the public right-of-way, including seven reverse-diagonal parking spaces S. Sierra Avenue, which would be an extension of the existing diagonal street parking to the north; 11 standard diagonal parking spaces on S. Highway 101, including two ADA parking spaces; and four parallel parking spaces on Dahlia Drive.

The project site is located within 0.5 miles of the Solana Beach Transit Center. An existing NCTD bus stop is located on the eastern edge of the project site along S. Highway 101. The bus stop and shelter are proposed to be relocated a short distance to the north (in front of the existing CVS site) to accommodate the proposed new on-street diagonal parking spaces on S. Highway 101.

Pedestrian access to the project site would be provided via new and/or improved perimeter sidewalks along S. Highway 101, Dahlia Drive, and S. Sierra Avenue. The east-west combined walkway/open space design of the proposed project also allows for public access through the project site from S. Highway 101 to South Sierra Avenue, as per the design guidelines of the South Highway 101/South Sierra District of the HWY 101 SP. Three staircases and elevators would provide access to the site from the underground parking structure. Pedestrian access to multi-family residential units would be available from Highway 101, Dahlia Drive, and South Sierra Avenue. Pedestrians would access the second level residential units and the underground parking structure via elevators or stairs.

As proposed, the project provides dedications along S. Highway 101, S. Sierra Avenue, and Dahlia Drive. Improvements to S. Highway 101 in the public right-of-way include closing the two existing driveways and improvements to the existing sidewalk, curb, and gutter, installing on-street

parking spaces, and installing landscaped planters. The dedication along the entire length of Dahlia Drive will provide half-width road improvements including curb, gutter, and sidewalk, on-street parallel parking spaces, a loading space for delivery trucks and/or loading/unloading of passengers, and installing landscaping. Dedications along S. Sierra will provide half-width road improvements, including curb, gutter, and sidewalk. reverse-diagonal on-street parking, and landscaping.

- 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 is proposed in the amount of 49,200 cubic yards of soil to be exported off-site. The project site varies from an elevation of approximately 61 to 68 feet above MSL, sloping upward from west to east. The project has been designed to generally follow the existing contour. The majority of the proposed grading would be required to provide two levels of subterranean parking.

The Engineering Department has included a condition that the Applicant shall participate in the Sand Compatibility and Opportunistic Use Program (SCOUP) and deposit soil exports on city beaches if the Applicant's soil engineer determines that any or all of the soil to be exported is compatible with beach sediments in accordance with the SCOUP Plan prepared by Moffatt & Nichol, dated March 2006, available on the SANDAG website.

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

All new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of the Zoning Ordinance (SBMC 17.60.060) and the Off-Street Parking Design Manual.

All light fixtures will be shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding area. Adequate lighting shall be provided in all parking areas used by the public for safe pedestrian and vehicular movement. A minimum lighting level of 0.2 foot-candles is required for all parking areas. All lights provided to illuminate any loading space or parking area shall be designed, adjusted and shielded to avoid casting light toward public roads and adjoining residential properties.

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

The project is a mixed use development on a lot within the C Zone and does not require common usable open space for residential units. However, as designed, each of the proposed residential units has its own patio or balcony that is directly accessed from the unit. A synthetic turf area is proposed adjacent to the residential portion of the project

- 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 SDP, are being processed concurrently with the Development Review Permit. The CSP will be returned to the City Council at a later date or the City Council will authorize the City Manager and/or Community Development Director to review and approve the CSP at a later date. Although a restaurant use requires approval of a Conditional Use Permit (CUP), the Applicant is not requesting approval of CUPs for the any of the proposed restaurant spaces at this time; instead, the Applicant or a future restaurant operator will be required to apply for a CUP at a later date.

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

The Applicant is required to obtain approval from the California Coastal Commission prior to issuance of building permits. The FEIR that was certified for this project includes mitigation measures that may require permits or approval from other agencies. The Mitigation Monitoring and Reporting Program (MMRP) was adopted for this project as a part of

certification of the FEIR and the mitigation measures are included as conditions of project approval.

B. 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. All development shall be compatible with the topography, vegetation, and colors of the natural environment and with the scenic, historic and recreation resources of the designated areas.

The proposed project has been designed to generally follow the topography of the site, which slopes generally upward from an elevation of approximately 61 feet above MSL on the west to 68 feet above MSL on the east. The existing vegetation onsite is non-native and ornamental and is proposed to be replaced with native and well adapted species that are responsive to the local climate and that coordinate with the landscaping theme in the public rights-of-way along S. Highway 101. The proposed project's color palette would include warm earth tones. Materials for the exterior of the proposed project include cement plaster with a smooth finish, siding, masonry, exterior porcelain wall tile, metal siding, metal roofing, and canvas awnings, with accented balconies and raised planters.

II. The placement of buildings and structures shall not detract from the visual setting or obstruct significant views, and shall be compatible with the topography of the site and adjacent areas. In prime viewshed areas designated in the General Plan, buildings and structures should not be placed along bluff-top silhouette lines or on the adjacent slopes within view from a lagoon area, but should be clustered along the bases of the bluffs and on the mesa tops set back from the bluff-top silhouette lines. Buildings and structures should be sited to provide unobstructed view corridors from the nearest scenic highway, or view corridor road. These criteria may be modified when necessary to mitigate other overriding environmental considerations such as protection of habitat or wildlife corridors.

As noted above, the site is located within a view corridor in the Conservation and Open Space Element and is within 100 feet of the Coastal Rail Trail, which is a significant recreational and scenic resource. The proposed project would be visible from all three key vantage points (KVPs), from S. Highway 101, from the Coastal Rail Trail, and from View Corridor #24. However, the project would not block views of key scenic resources and open space areas within the city. The proposed project has been designed to generally follow the topography of the site. The site is not located along a bluff-top within a prime viewshed as designated in the General Plan or on adjacent slopes within view from a lagoon area.

The proposed design went through the required 30-day public noticing period required for the Structure Development Permit because the proposed residence will exceed 16 feet in height from the pre-existing grade. The Applicant redesigned the project to address four claims for view assessment that were received, and the claimants subsequently withdrew their claims; therefore, it could be found that the proposed design, as redesigned, would not obstruct significant views.

- III. The removal of native vegetation shall be minimized and the replacement vegetation and landscaping shall be compatible with the vegetation of the designated area. Landscaping and plantings shall be used to the maximum extent practicable to screen those features listed in paragraphs (F)(4), (5) and (6) of this subsection. Landscaping and plantings shall not obstruct significant views, either when installed or when they reach mature growth.*

The existing site contains developed areas and disturbed vegetation consisting of non-native ornamental and non-native annual plant species. No native species or vegetation communities were identified within the proposed project area. The project is required to comply with the Water Efficient Landscaping Regulations of SBMC 17.56, which require native, non-invasive plant species for any new landscaping. The conceptual landscaping plan includes native plant species and well-adapted species that are responsive to the local climate and limited water resources. The landscape plan would include a water-efficient drip irrigation system and low to moderate water use plants.

A separate condition has been added to require that native or drought-tolerant and non-invasive plant materials and water-conserving irrigation systems are required to be incorporated into the landscaping to the extent feasible.

Proposed landscaping has been conditioned so that the landscaping shall be maintained to ensure that it does not exceed the height of the adjacent rooflines when installed or at maturity.

- IV. Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas shall be screened from view, to the maximum extent feasible, from either the scenic highway or the adjacent scenic, historic, or recreational resource. Acceptable screening methods shall include, but are not limited to, the use of existing topography, the strategic placement of buildings and structures, or landscaping and plantings which harmonize with the natural landscape of the designated area.*

All required parking would be provided in a two-level subterranean parking garage and therefore would be screened from view. The

project proposes two access driveways to the underground parking garage. The portion of the parking garage that provides residential parking would be accessed via a driveway off S. Sierra, while the remainder of the parking would be accessed via a driveway off Dahlia. The required commercial loading area would take access via Dahlia Drive and is proposed to be located inside a portion of the restaurant building located at the southwest corner of S. Highway 101 and Dahlia, and therefore would be screened from view. A connected pedestrian walkway and open spaces would provide common pedestrian access into and through the proposed project.

- V. *Utilities shall be constructed and routed underground except in those situations where natural features prevent undergrounding or where safety considerations necessitate aboveground construction and routing.*

The Engineering Department has placed a condition on the project that requires any new utility services including, but not limited to, electrical and telephone, to be undergrounded. There are no existing overhead utilities surrounding this project. There are a few above ground utility cabinets which will be either relocated, undergrounded, or eliminated.

- VI. *The alteration of the natural topography of the site shall be minimized and shall avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system. Alterations of the natural topography shall be screened from view from either the scenic highway or the adjacent scenic, historic, or recreational resource by landscaping and plantings which harmonize with the natural landscape of the designated area, except when such alterations add variety to or otherwise enhance the visual setting of the designated area. However, design emphasis shall be placed on preserving the existing quality of scenic resources rather than concealment of disturbances or replacement in kind. In portions of the scenic area overlay zone containing sensitive lands, grading may be severely restricted or prohibited.*

The entire site has been disturbed as a result of previous development and the topography no longer exists in a natural condition, nor are there sensitive lands. The proposed project has been designed to follow the existing topography of the site, which varies from an elevation of approximately 61 to 68 feet above MSL, sloping upward in an easterly direction. The majority of the grading would be required to provide the subterranean parking garage.

- VII. *Off-site signs shall be prohibited in areas subject to the scenic area overlay zone, except temporary real estate signs pursuant to SBMC 17.64.060. The number, size, location, and design of all other signs shall be consistent with the Comprehensive Sign Ordinance (Chapter*

17.64 of the SBMC) and shall not detract from the visual setting of the designated area or obstruct significant views.

The Applicant provided a proposed Comprehensive Sign Plan (CSP) for the City Council's consideration. Staff has not had adequate time to review the most recently submitted CSP for compliance with the SBMC. Therefore, Staff recommends that the City Council either direct that the CSP be returned to the Council for review or authorize the City Manager and/or Community Development Director to review and approve the CSP as provided for in the SBMC. Staff recommends that the completed CSP be submitted for consideration by Staff or the City Council within ninety (90) days following approval of the DRP and SDP.

- VIII. The interior and exterior lighting of the buildings and structures and the lighting of signs, roads and parking areas shall be compatible with the lighting permitted in the designated area. All exterior lighting, including lighting in designated "dark sky" areas, shall be in conformance with SBMC 17.60.060 (Exterior Lighting Regulations).*

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

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

Maximum building height of structures in the C Zone in the South Highway 101/South Sierra District of the HWY 101 SP is 35 feet. As part of the permit application for the previously proposed American Assets Trust (AAT) project, temporary story poles were erected on the project site in December 2015 to show the height and general outline of the previously proposed structures. After notice was issued to residents within 300 feet of the project site, the City received two claims of potential view impairment. The claims were evaluated by the VAC on March 17, 2015 and the VAC recommended denial of the project due to the inability to make the required findings. Given that the AAT project did not proceed, these two claims were given a "pending" status and were considered valid claims for the currently proposed Project.

As part of the proposed Project's permit application, revised story poles were installed and certified on November 17, 2017 to show the height and outline of the currently proposed structures. As certified, the story poles show a maximum building height of 32.5 feet from the proposed grade. A public notice was issued to residents within 300 feet

of the project area on February 16, 2018, notifying them of the proposed Project. A corrected notification was subsequently issued on February 21, 2018. The deadline for residents to submit a view assessment claim was March 19, 2018. Two new applications for view assessment were received, in addition to the two "pending" claims from the previous AAT project, for a total of four view assessment claims.

The Project was reviewed by the VAC on May 15, 2018. The Commission voted to continue the project to a later date to give the Applicant time to work with the claimants and revise the proposed Project. In response, the Applicant proposed a revised project design that reduces the proposed building heights. The highest point of the revised string line was certified at the location of Story Pole #47 at a height of 96.1 feet above MSL. The string line of the tallest portion of the structure as measured from the lower of the existing or proposed grade was certified at 32.2 feet above the existing grade at the location of Story Pole #57. The heights of the story pole string lines were lowered to reflect the revised building heights, although the original story poles were not changed. The heights of the string lines were certified by a licensed land surveyor on May 29, 2018.

The project was scheduled for the June 19, 2018 meeting. The Commission again voted to continue the meeting to a later date to give the Applicant additional time to work with the claimants to revise the proposed project. After working further with the view claimants, the Applicant again redesigned the proposed Project by reducing the height of the residential, retail, and restaurant buildings, and the claimants withdrew their applications for view assessment. As a result, the SDP will be issued administratively with the DRP should the Council make the findings to certify the EIR and approve the project. The Applicant will be required to show compliance with the approved maximum height and three-dimensional building envelope that was approved by the SDP at the time of submittal for a building permit and also prior to requesting a framing inspection.

5. CONDITIONS

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

A. Community Development Department Conditions:

- I. The Applicant shall pay required Public Facilities Fees and Park Fees, as established by SBMC Section 17.72.020 and Resolution 1987-36.
- II. The Applicant shall pay the required Regional Transportation

Congestion Improvement Program (RTCIP) Fee, per dwelling unit, prior to building permit issuance.

- III. The Applicant shall pay the required Public Art Fee prior to building permit issuance. If the proposed public art is approved by the Council and installed according to the approved plan, the Public Art Fee can be refunded at the building final inspection.
- IV. The Applicant shall pay the required Affordable Housing Impact Fee in the amount of \$846,197.00 prior to building permit issuance.
- V. Building Permit plans must be in substantial conformance with the plans presented to the City Council on July 10, 2018 and located in the project file dated July 10, 2018.
- VI. Prior to requesting a framing inspection, the Applicant will be required to submit a height certification, signed by a licensed land surveyor, certifying that the maximum building height of the structure does not exceed 94.4 feet above MSL at Story Pole #207, and 29.0 feet above the existing grade as measured from the lower of the existing or proposed grade at the location of Story Pole #202, and is in conformance with the plans as approved by the City Council on July 10, 2018 and the certified story pole plot plan.
- VII. All onsite fences, walls, retaining walls, hedges, other dense landscaping, and/or any combination thereof, shall comply with applicable regulations of SBMC Section 17.60.070 (Fences, Walls, and Retaining Walls).
- VIII. The Applicant shall obtain required California Coastal Commission (CCC) approval of a Coastal Development Permit, Waiver or Exemption as determined necessary by the CCC, prior to the issuance of a grading or building permit.
- IX. The Applicant will be required to provide a full Landscape Documentation Package in compliance with SBMC Chapter 17.56 prior to building permit issuance, which will be reviewed and inspected by the City's third-party landscape professional.
- X. Native or drought tolerant and non-invasive plant materials and water conserving irrigation systems shall be incorporated into proposed landscaping to the extent feasible.
- XI. Landscaping shall be maintained to ensure that it does not exceed the height of the adjacent rooflines when installed or at maturity.

- XII. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC Section 17.60.060.
- XIII. 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.
- XIV. Adequate lighting shall be provided in all parking areas used by the public for safe pedestrian and vehicular movement. A minimum lighting level of 0.2 foot-candles is required for all parking areas. All lights provided to illuminate any loading space or parking area shall be designed, adjusted, and shielded to avoid casting light toward public roads and adjoining residential properties. Light standards shall not exceed 16-feet in height, unless approved by discretionary permit.
- XV. The on-site lighting in the subterranean parking garage is required to remain in good working condition 24 hours per day.
- XVI. Construction shall only occur between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday. Construction activities shall not occur on Sunday or holidays.
- XVII. Although the project plans indicate spaces for three restaurants, this project approval does not specifically entitle the Applicant or a future applicant restaurant operator(s) to operate a restaurant. Prior to operating any restaurant, with or without service of any alcoholic beverage on-site, the Applicant or restaurant operator(s) shall obtain a Conditional Use Permit for each restaurant. If any application for a restaurant includes a request for service of any alcoholic beverage on-site, the Applicant or restaurant operator will be required to demonstrate to the satisfaction of the Community Development Director, application and approval of an applicable alcohol beverage permit from the State of California Alcohol Beverage Control (ABC), as well as additional conditions the City may impose. Additionally, live entertainment is not permitted with this project approval. Should the Applicant or any other future applicant desire to have live entertainment at any establishment, the Applicant shall apply for and obtain an Entertainment Establishment License prior to any live entertainment.
- XVIII. All businesses shall comply with the sound level limits established by Solana Beach Municipal Code Section 7.34.040 during hours of operation.

- XIX. All business identification signage shall comply with the sign regulations established by Solana Beach Municipal Code Section 17.64 (Comprehensive Sign Ordinance) and with the approved comprehensive sign plan. Any proposed signage will require a separate sign and/or building permit approved by the City of Solana Beach prior to the installation of any sign. Tenants shall receive landlord approval for the proposed signage prior to the issuance of sign and/or building permits. Any proposed signage that is not in compliance with the approved comprehensive sign plan will require the Applicant or tenant to process a comprehensive sign plan modification under the discretion of the Community Development Director.
- XX. All of the conditions of this project are continuing conditions. Failure of the Applicant to comply with any or all of said conditions at any time may result in the revocation of the permits granted for the development and use of the property.
- XXI. All project plan sheets that were not updated from the original submittal shall be corrected to be consistent with the site plan reviewed and approved by City Council. Revised plans shall be submitted to the Community Development Department to the Director's satisfaction prior to plan check submittal.
- XXII. The on-street loading space on Dahlia Drive shall be restricted to use by commercial truck deliveries and drop-off and pick-up of passengers by on-demand car services or valet services. No public parking shall be permitted. The curb adjacent to the on-street loading space shall be painted white, and one or more signs, to the satisfaction of the Engineering Department, shall be posted adjacent to the space that includes the following information, in a form to be approved by the Engineering Department: "Commercial truck deliveries shall be prohibited between the hours of 2:00 p.m. and 10:00 a.m. On-demand car services or valet services shall be prohibited only when commercial loading activities are occurring within their designated loading times. Limitations regarding the use of the on-street loading space shall be required as part of all commercial tenant agreements. The sign(s) shall include the above-referenced hours and a phone number for receptors to report any violations to the City of Solana Beach Code Compliance Division. The Code Compliance Division shall be responsible for issuing a fine or similar penalty for any violations."
- XXIII. Prior to the issuance of building permits, the project Applicant shall demonstrate to the City Manager that the project has an agreement

in place to purchase 100 percent green power (electricity) from the City's Community Choice Aggregation program, Solana Energy Alliance (SEA) "SEA Green" product, or, if this program is not in place, the San Diego Gas & Electric EcoChoice program. All future commercial and residential tenant agreements for the proposed project land uses shall require that all tenants opt in to either the City's SEA Green program or, if this program is not in place, the San Diego Gas & Electric EcoChoice program. The purchase must be sufficient to offset all remaining electricity demand from the project (approximately 1.6 million kwh/year, which is equivalent to 465 MTCO_{2e}/year) that is not provided by on-site solar power, such that all of the project's electricity demand is met through renewable sources. Final electricity demand and on-site solar power generation estimate shall be determined by a registered electrical engineer, retained by the project Applicant and approved by the City, prior to entering into the agreement with San Diego Gas & Electric and/or the City. If the EcoChoice program is the only option, proof of enrollment in the EcoChoice program shall be provided to the City prior to obtaining building permits. The project applicant shall be responsible for paying the monthly program fee. In the event the EcoChoice program is full for commercial customers, the project applicant shall enroll in the EcoChoice waitlist, and permits shall not be issued until the project is enrolled in the City's SEA Green program or the SDG&E EcoChoice program to offset the remaining electricity demand of 1.6 million kwh/year.

- XXIV. Prior to the issuance of building permits, the project Applicant shall implement a local carbon reduction offset program consistent with the City's Climate Action Plan and subject to the approval of the City Manager. The local offset program shall be demonstrated to the satisfaction of the City Manager to achieve an emissions reduction of at least 651 metric tons carbon dioxide equivalent (MTCO_{2e}) per year for 30 years, which equates to a total of 19,530 MTCO_{2e}. A portion of the project's required GHG emission reductions within the City shall be accomplished by implementing the following programs:
- a. Provide an additional 25 on-site electric vehicle charging stations for the proposed residential use, which is equivalent to offsetting 90 MTCO_{2e} per year.
 - b. Provide an additional 18 on-site electric vehicle charging stations for the proposed commercial use, which is equivalent to offsetting 85 MTCO_{2e} per year.
 - c. Provide two electric vehicle charging stations at the proposed reverse-diagonal parking spaces on South Sierra Avenue

adjacent to the project site, which is equivalent to offsetting 280 MTCO₂e per year.

- d. Contribute towards SANDAG's regional bike-share program in an amount equivalent to providing 12 shared electric bicycles, which is equivalent to offsetting seven MTCO₂e per year.

Alternatively, and only if it can be demonstrated to the City Council that local programs cannot be feasibly implemented to fully offset 651 MTCO₂e annually for 30 years, the project Applicant shall purchase California Air Resources Board-approved CO₂e offset credits to satisfy this mitigation requirement. There are currently three approved registries recognized by the State of California that implement established carbon offset programs: Climate Action Reserve; American Carbon Registry; and Verified Carbon Standard. Programs supported by the carbon offset programs include restoring wetlands, avoiding conversion of grasslands to crop production, capturing methane gas from landfills and/or manure, and supporting urban forestry. The Applicant shall submit documentation of the offset purchase to the City Manager demonstrating that it mitigates 651 MTCO₂e per year for 30 years, as provided by the approved registry, prior to the issuance of building permits.

XXV. At least 10 working days prior to demolition or removal of existing on-site structures, the project Applicant shall submit an Asbestos Removal, Renovation, and Demolition Operations Notice of Intentions to the County of San Diego Air Pollution Control District. The Notice of Intentions must include:

- a. The name and company of the person completing the notification form.
- b. The type of notice (i.e., whether the notice is an original notification, a revision to an existing notification, including the type of revision, or a cancellation of an existing notification).
- c. Type of operation (i.e., whether the operation(s) is a renovation, demolition, emergency renovation, emergency demolition, or planned renovation).
- d. The facility name, address, building number, suite number, room number, city, state, and zip code.
- e. The facility owner's name, address, city, state, zip code, contact person and title, and phone number.

- f. The removal contractor's name, address, city, state, zip code, contractor's license number, contact person and title, and phone number.
- g. The demolition contractor's name, address, city, state, zip code, contractor's license number, contact person and title, and phone number.
- h. A description of the facility, including the number of floors, the number of dwelling units, age of the facility, and the past and present use of the facility.
- i. Scheduled start and completion dates of renovation operations and/or of demolition operations.
- j. The work practices, equipment, and engineering controls to be used in demolition operations.
- k. Description of procedures to be followed in the event that unexpected regulated asbestos-containing material (RACM) is found or any Category I Nonfriable asbestos-containing material (ACM) or Category II Nonfriable ACM becomes crumbled, pulverized, broken into smaller pieces, or reduced to powder.
- l. The name, address, city, state, zip code, contact person and title, and phone number of the waste transporter for all demolition debris containing no asbestos.
- m. A certification that at least one person trained in accordance with San Diego Air Pollution Control District Regulation XII, District Rule No. 1206 Subsection (f)(8) will supervise the stripping and removal described by this notification.
- n. Information about the individual conducting the facility survey including: name, company, title, mailing address and phone number, and the certification number for the Environmental Protection Agency (EPA) approved Building Inspector Course passed by the individual.
- o. The condition of each ACM identified by the facility survey to be removed, stripped, or disturbed, or a statement that no ACM to be disturbed by renovation or demolition operations has been identified at the facility.
- p. The procedure(s), including analytical methods, used to detect the presence of RACM, Category I Nonfriable ACM, and Category II Nonfriable ACM.

- q. For all ACM to be removed, stripped, or disturbed, the categorization of each material containing more than one percent asbestos as friable ACM, Category I Nonfriable ACM, or Category II Nonfriable ACM.
- r. A description of the facility components containing ACM to be removed, stripped, or disturbed.
- s. An estimate for the total amount of ACM to be removed, stripped, or disturbed from the facility including the surface area in square feet of other facility components, or volume in cubic feet if square footage cannot be established in the course of renovation or demolition operations regulated by this rule.
- t. The specific work practices, equipment, and engineering controls that will be used to remove each ACM.
- u. The name, address, city, state, zip code, contact person and title, and phone number of the waste transporter for all ACWM.
- v. The name, address, city, state, zip code, and phone number of the waste disposal site for all ACWM.
- w. In addition, a copy of the Asbestos Survey must be maintained on site for the duration of the project.

XXVI. Commercial truck deliveries to the project shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. Limitations on truck deliveries shall be required as part of all commercial tenant agreements. A sign shall be posted at the loading dock entrance that includes the loading dock hours and a phone number for receptors to report any violations to the City of Solana Beach Code Compliance Division. The Code Compliance Division shall be responsible for issuing a fine or similar penalty for any violations.

XXVII. Use of outdoor patios associated with commercial restaurant and retail uses or operation of devices for amplifying sound or music on the project site shall be limited to the hours of 8:00 a.m. to 10:00 p.m., in accordance with SBMC Section 7.34.140(B)(5). Hours of patio operation shall be required to be posted on restaurant and retail use storefronts as a notice to customers. Limitations on outdoor patio use shall be required as part of all commercial tenant agreements. Hours of patio operation and a phone number for receptors to report any violations to the City of Solana Beach Code Compliance Division shall be posted in the public plaza. The Code Compliance Division shall be responsible for issuing a fine or similar penalty for any violations.

- XXVIII. The construction contractor shall provide written notification to all residential units located within 95 feet of the property boundary and commercial land uses within 80 feet of the property boundary at least three (3) weeks prior to the start of construction activities informing them of the estimated start date and duration of daytime vibration-generating construction activities. This notification shall include information warning about the potential for impacts related to vibration-sensitive equipment.
- XXIX. The project applicant shall implement the following measures during construction of the proposed project:
- a. Prior to issuance of any construction permits, an 8-foot-height construction noise barrier shall be constructed along the western property line to reduce construction noise. The noise barrier shall be continuous with no openings or gaps within its entirety. It will be constructed of “Quilted Barrier Absorber” Type: BBC-13X manufactured by Sound Seal, or equivalent. Product specification for Type BBC-13X is presented in the ABC Acoustics noise technical study (April 2018) provided in Appendix H to the EIR.
 - b. During construction, idling time for all equipment shall be limited to five minutes or less.
 - c. Prior to the start of each phase of construction, the staging area for the phase shall be sited to maximize the distance between construction equipment staging areas and occupied residential areas.
 - d. During construction, use of electric air compressors and similar power tools, rather than diesel equipment, shall be used.
 - e. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from or shielded from sensitive noise receivers.
 - f. During construction, stockpiling and vehicle staging areas shall be located as far as practical from noise-sensitive receptors.
- XXX. If construction activity occurs during the breeding season for raptors and other birds (January 1 through September 15), the project applicant shall retain a qualified biologist to conduct a biological survey for nesting bird species within the proposed impact area and a 300-foot buffer within 72 hours prior to construction. This survey is necessary to ensure avoidance of impacts to nesting raptors (e.g., Cooper’s hawk and red-tailed hawk) and/or birds protected by the

federal Migratory Bird Treaty Act. The qualified biologist shall submit a written report of the survey results to the City's Community Development Department for review and approval prior to the commencement of any construction activity on the project site. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 300-foot buffer and up to a maximum of 500 feet for raptors, as determined by the project biologist, and shall be avoided until the nesting cycle is complete. Subject to consultation with and the prior written approval of the City's Community Development Department, the project biologist may reduce the avoidance buffer if a reduced buffer maintains protection of the nesting cycle of the avian species.

B. Fire Department Conditions:

- I. FIRE HYDRANTS AND FIRE FLOWS: The applicant shall provide fire hydrants of a type, number, and location satisfactory to the Solana Beach Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Multi-family residential or industrial fire hydrants shall have two (2) 4" inch and two (2) 2 ½" inch NST outlets.
 - a. Fire Flow shall be provided per CFC Appendix B. A maximum reduction in fire flow of is 50 percent with an approved fire sprinkler system.
 - b. Fire hydrants shall be provided per CFC Appendix C (number, spacing, and type)
- II. AUTOMATIC FIRE SPRINKLER SYSTEM: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department.
 - a. All buildings/occupancies shall be protected with NFPA 13 fire sprinkler systems.
 - b. NFPA 13 fire sprinkler systems shall not be used for area increase or height increase per the approved Alternate Materials & Methods Mitigation.
- III. 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. 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.

- IV. GATES: All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are prohibited unless they meet standards approved by the Solana Beach Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Solana Beach Fire Department standards. Emergency egress and access shall meet the requirements of the CBC and CFC.
- V. RESPONSE MAPS: Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates and shall be charged a reasonable fee for updating all response maps.
- VI. CONSTRUCTION MATERIALS: Prior to delivery of combustible building construction materials to the project site all of the following conditions shall be completed to the satisfaction of the Fire Department:
 - a. All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency.
 - b. As a minimum the first lift of asphalt paving shall be in place to provide a permanent all-weather surface for emergency vehicles; and
 - c. Water supply for fire protection (fire hydrants and standpipes) shall be installed, in service and accepted by the Fire Department and applicable water district.
- VII. OBSTRUCTION OF ROADWAYS DURING CONSTRUCTION: All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Solana Beach Fire Department. A phasing and staging plan shall be submitted for review and approval.
- VIII. 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. Directories shall provide to identify buildings/addresses.

- IX. SMOKE DETECTORS/CARBON MONOXIDE ALARMS/FIRE SPRINKLER SYSTEMS: Smoke detectors/carbon monoxide/fire sprinklers shall be inspected by the Solana Beach Fire Department.
 - X. CLASS "A" ROOF: All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.
 - XI. WET STANDPIPE SYSTEM: A Class I or Class III combined wet standpipe system is required. Standpipe system shall be designed and installed per NFPA 14 and Solana Beach Fire Department requirements.
 - XII. FIRE ALARM SYSTEM: A California State Fire Marshal listed fire alarm system is required and shall be designed and installed per NFPA 72, California Fire Code, and Solana Beach Fire Department requirements.
 - XIII. SOLAR PHOTOVOLTAIC INSTALLATIONS (Solar Panels): Solar photovoltaic systems shall be installed per the California Fire Code and Solana Beach Fire Department requirements.
 - XIV. FIRE COMMAND CENTER: A fire command center shall be provided per the CFC and Solana Beach Fire Department requirements.
 - XV. EMERGENCY RESPONDER RADIO COVERAGE: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communications systems of the jurisdiction at the exterior of the building per CFC Section 510.
 - XVI. FIRE-RESISTANCE CONSTRUCTION: Building III and Building IV shall be separated by a fire wall as defined by the California Building Code to create a separate building.
- C. Engineering Department Conditions:
- I. 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. All proposed improvements within the public right-of-way shall comply with city standards including but not limited to the off-street parking design manual.

- II. 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, issuance of building permits and/or grading permits.
- III. All construction demolition materials shall be recycled according to the City's Construction and Demolition recycling program and an approved waste management plan shall be submitted.
- IV. All parking and ingress/egress shall conform to the City of Solana Beach Off Street Parking Manual.
- V. The applicant is proposing tie back system in the Public Right-Of-Way. The tie back system shall be disengaged after construction and shall not extend beyond the center line of the street. The applicant shall enter into an Encroachment, Maintenance, Removal and Liability Agreement with the City for the tie back system.
- VI. Complete to the satisfaction of the City Engineer all grading, paving, public improvements, landscaping, and drainage improvements.
- VII. An Encroachment Maintenance Removal Agreement is required for all private encroachments in the public right-of-way, such as landscaping, irrigation and decorative concrete sidewalks.
- VIII. A curb utilization plan is required to be prepared for the entire frontage of the project including the proposed loading zone for trash bin pick up on Highway 101, and the proposed loading zone to the satisfaction of the City Engineer.
- IX. Relocate the existing bus stop shelter, bench, signage and bike rack to 315 South Highway 101.
- X. The biofiltration basins shall not be located in the public right-of-way, including those portions dedicated on the final subdivision map.
- XI. Any new utility services including, but not limited to, electrical and telephone, shall be undergrounded. Any existing ground utility cabinets shall be either relocated, undergrounded, or eliminated.

XII. PUBLIC IMPROVEMENTS.

- a. Obtain an Improvement Permit for the public improvements along South Highway 101, Dahlia Drive, and South Sierra Avenue, as shown on the Tentative Map. Submit an Improvement Plan prepared by a registered civil engineer and obtain approval from the City Engineer. The design and construction of all improvements shall be in conformance with the Off-street Parking Design Manual, any specifications of the City of Solana Beach and subject to the approval of the City Engineer. Conditions for approval of the Improvement Plan shall include, but is not limited to the following:
 - i. Pay improvement plan check fee in accordance with the current Engineering Fee Schedule prior to approval of the improvement plan. Improvement inspection fee shall be paid prior to the issuance of an Improvement Permit.
 - ii. Obtain and submit securities to guarantee the improvements in a form prescribed by the City of Solana Beach.

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

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

Community Development Department for further information.

- d. Show all proposed on-site private drainage facilities intended to discharge water run-off. Elements of this design shall include a hydrologic and hydraulic analysis verifying the adequacy of the facilities and identify any easements or structures required to properly convey the drainage. The construction of drainage structures shall comply with the standards set forth by the San Diego Regional Standard Drawings.
- e. Pay grading/engineering 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/engineering permit.
- f. Obtain and submit grading/engineering security in a form prescribed by the City of Solana Beach Municipal Code grading ordinance.
- g. Obtain haul permit for export of soil. Dispose of all excavated material at a legal dump site.
- h. The applicant shall participate in the Sand Compatibility and Opportunistic Use Program (SCOUP) and deposit soil exports on city beaches. The applicant's soil engineer shall investigate, perform testing and determine if a portion of the soil to be exported is compatible with beach sediments in accordance with the SCOUP Plan prepared by Moffatt & Nichol, dated March 2006, available on the SANDAG website.
- i. Submit certification from a registered civil engineer and soils engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by engineer of record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the engineer of record and soils engineer certifying the as-built conditions.

XIV. DRAINAGE.

- a. This project is required to provide a detention basin and the corresponding outflow system. This detention basin shall be designed to reduce the rate of runoff for the proposed development to that of the existing condition to the satisfaction of the City Engineer.

- b. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design. This project is considered a Priority Development Project and a PDP Water Quality Technical Report shall be prepared.
- c. 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.
- d. The drainage for the underground parking shall drain to an approved oil separator or trap prior to discharging to the sewer system (UBC 311.2.3.1).

XV. SEWER.

- a. Sewer permit and encroachment permit required for private sewer lateral. If the lowest point of the pad elevation is lower than the upstream Manhole rim elevation, a backflow prevention device shall be installed on private property. 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 storm water entering the property from city streets or sanitary sewer backup into any part of the development due to blockage in main sewer line. 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.
- b. The Applicant shall pay in full the one-time sewer capacity/connection fees of \$4500.00 per Equivalent Dwelling Unit (EDU). The EDU assignment is determined by SBMC 14.08.060. The applicant shall provide all documentation requested by the city in order to determine the appropriate sewer assessment.
- c. Pay in full the prorated portion of the current annual sewer charge for the remainder of the fiscal year.
- d. Cap all abandoned sewer laterals at the main.

- e. Any proposed grease traps shall be maintained and serviced within the project boundary.
- XVI. Prior to issuance of grading permits for the proposed project, the City Engineer shall verify that the Applicant has incorporated the following applicable recommendations in the Geotechnical Investigation prepared by NOVA dated May 2012 and the Update Letter prepared by NOVA dated August 2015 into the final project design and construction documents. These recommendations address issues including, but not limited to, excavation and fill, slope stability, site grading, erosion control, and monitoring. Construction documents shall be prepared to the satisfaction of the City Engineer. The following list of recommendations must be incorporated into the project design and construction documents:
- a. For trench or other temporary excavations, safety shall be met by laying back the slopes no steeper than 1.5:1 (horizontal:vertical) for fill and Old Paralac Deposits material.
 - b. Structures/improvements in the vicinity of the planned shoring installations shall be reviewed for foundation support and tolerance to settlement. The shoring system shall be designed to limit ground settlement behind the shoring system to 0.5 inches or less.
 - c. An array of ground survey points shall be installed to monitor settlement. The survey points shall be installed on the shoring system and incrementally away from the excavation.
 - d. A dewatering system is required for construction and shall be designed by a professional dewatering engineer. The dewatering plan shall address anticipated drawdown, volume of pumping, potential for settlement, and groundwater discharge. Disposal of groundwater shall be performed in accordance with the guidelines of the San Diego Regional Water Quality Control Board.
 - e. Unstable excavation bottom conditions that are close to or below the water table shall be mitigated by over-excavation of the bottom to suitable depths and replacement with a one-foot thick gravel or lean concrete mud mat. Any loose, soft, or deleterious material shall be removed prior to placement of gravel or lean concrete.
 - f. The proposed structure shall be founded on conventional spread footings or a mat foundation supported on formational material using an allowable bearing capacity of 5,000 pounds

per square inch (psi). Exterior footings shall be founded on a minimum of two feet of compacted fill using an allowable bearing capacity of 2,000 psi. The allowable bearing capacities shall be increased by one-third when considering loads of a short duration such as wind or seismic forces.

- g. Foundations shall have an embedment depth of 24 inches or more below the lowest adjacent grade. Continuous footings shall be 18 or more inches wide and spread foundations shall be 24 or more inches square. Footings founded in low expansive granular materials shall be reinforced with four No. 4 or larger reinforcing bars, two placed near the top and two near the bottom of the footings.
- h. Slab-on-grade floors, underlain by very low to low expansive materials, shall be five or more inches in thickness and be reinforced with No. 3 or larger reinforcing bars spaced 18 inches on center each way. Additional slab thickness and reinforcement recommendations shall be provided by a qualified structural engineer.
- i. For the exterior site improvements such as sidewalks that are expected to be located outside of the proposed excavations, remedial grading shall consist of removing the upper two feet of the existing soil and replacing it with structural fill.

XVII. Due to the potential presence of previously unknown archaeological and/or tribal cultural resources, a grading monitoring program shall be implemented for the project. The monitoring program shall include the following elements:

- a. The applicant shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the project location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding unique archaeological resources and tribal cultural resources; and (2) to formalize protocols and procedures between the applicant and the TCA Tribe for the protection and treatment of, including but not limited to, cultural and religious landscapes; ceremonial items; traditional gathering areas; and cultural items located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and

all other ground disturbing activities.

- b. Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist confirming that the selected Native American monitor is associated with a TCA Tribe. Prior to any pre-construction meeting, the City shall approve all persons involved in the monitoring program.
- c. The qualified archaeologist and Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
- d. During the initial grubbing, site grading, excavation, or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be onsite fulltime. If imported fill materials, or fill used from other areas of the project site, are to be incorporated at the project site, those fill materials shall be absent of any unique archeological or tribal cultural resources. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of unique archaeological resources as defined in PRC Section 21083.2 or discoveries of tribal cultural resources as defined in PRC Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer have the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.
- e. In the event that previously unidentified tribal cultural or unique archaeological resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operations in the area of discovery to allow for evaluation of tribal cultural or unique archaeological resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so that the monitored grading can proceed.
- f. If a tribal cultural or unique archaeological resource is discovered, the archaeologist shall notify the City of said

discovery and shall conduct consultation with TCA tribes to determine the most appropriate mitigation. The qualified archaeologist, in consultation with the City, the TCA Tribe, and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for treatment and disposition of the resource shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor, and shall be submitted to the City for review and approval.

- g. The avoidance and/or preservation of the tribal cultural resource and/or unique archaeological resource must first be considered and evaluated under CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The qualified archaeologist, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.
- h. In accordance with CEQA, all tribal cultural resources shall be treated with culturally appropriate dignity. If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during the collection and cataloging of those resources. Moreover, if the qualified archaeologist does not collect the tribal cultural resources that are unearthed during the ground-disturbing activities, the Native American monitor may, at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the tribe's cultural and spiritual traditions.
- i. The project archaeologists shall document evidence that all cultural materials have been repatriated and/or curated as follows:
 - i. It is the preference of the City that all tribal cultural resources be repatriated to the TCA Tribe, as such preference would be the most culturally sensitive,

appropriate, and dignified. Therefore, any tribal cultural resources collected by the qualified archaeologist shall be provided to the TCA Tribe. Evidence that all cultural materials collected have been repatriated shall be in the form of a letter from the TCA Tribe to whom the tribal cultural resources have been repatriated identifying that the archaeological materials have been received.

OR

- ii. Any tribal cultural resources collected by the qualified archaeologist shall be curated with its associated records at a San Diego curation facility or a culturally-affiliated tribal curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility or culturally affiliated tribal curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence that all cultural materials collected have been curated shall be in the form of a letter from the curation facility stating that the prehistoric archaeological materials have been received and that all fees have been paid.

XVIII. Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, that describes the results, analysis, and conclusion of the archaeological and tribal cultural resources monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner, to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

XIX. A paleontological monitor shall be present during all cutting, grading, or excavation of previously undisturbed substratum. If a fossil of greater than 12 inches in any dimension (including circumference) is encountered, all operations in the area where the fossil was found shall be suspended immediately, the City shall be notified, and a qualified paleontologist shall be retained by the City to evaluate the significance of the find; to salvage, record, clean, and curate significant fossil(s); and to document the find in accordance with

current professional paleontological standards. Within 30 days of completion of ground-disturbing activities, either a letter signed by the paleontological monitor stating that no fossils were found or, if fossils were found, a report prepared by the qualified paleontologist documenting the mitigation program shall be submitted to the City.

XX. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County Coroner has been contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours. The NAHC shall identify the person or persons it believes to be the most likely descendants (MLD) from the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

OR

b. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: a) the NAHC is unable to identify an MLD or the MLD fails to make a recommendation within 48 hours after being notified by the commission; b) the MLD identified fails to make a recommendation; c) or the landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

XXI. The City has adopted a Transportation Impact Fee (TIF) program to fund the construction of various multi-modal transportation facilities identified in the City's Comprehensive Active Transportation Strategy (dated June 2015) and in conformity with the City's Circulation Element (dated November 2014). The Applicant shall pay all TIF fees associated with the proposed development to the satisfaction of the City Engineer.

XXII. Due to actual field conditions encountered during construction additional engineering department conditions may be added as warranted.

6. ENFORCEMENT: Pursuant to SBMC 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.16 and 1.18 in addition to any applicable revocation proceedings.
7. EXPIRATION: The Development Review Permit, Structure Development Permit, and Comprehensive Sign Plan for the project will expire on 24 months from the date of approval unless the Applicant has recorded a Final Map (if required), obtained building permits, and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council.
8. INDEMNIFICATION AGREEMENT: The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, 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 the Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by Applicant.
9. NOTICE TO APPLICANT: Pursuant to Government Code Section 66020, you are hereby notified that the 90-day period to protest the imposition of the fees, dedications, reservations or other exactions described in this resolution commences on the effective date of this resolution. To protest the imposition of any fee, dedications, reservations or other exactions described in this resolution you must comply with the provisions of Government Code Section 66020. Generally, the resolution is effective upon expiration of the tenth day following the date of adoption of this resolution, unless the resolution is appealed or called for review as provided in the Solana Beach Zoning Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 10th day of July, 2018, by the following vote:

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

DAVE ZITO, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk