

CITY OF SOLANA BEACH

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



AGENDA

Joint SPECIAL Meeting

Monday, December 17, 2018 * 5:00 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 [Public Meetings](#) webpage.

AGENDA MATERIALS

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

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.

SPECIAL ASSISTANCE NEEDED

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

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

CITY COUNCILMEMBERS

David A. Zito, Mayor

Jewel Edson, Deputy Mayor

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:

CLOSED SESSION REPORT: (when applicable)

FLAG SALUTE:

APPROVAL OF AGENDA:

ORAL COMMUNICATIONS:

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

B. PUBLIC HEARINGS: (B.1.)

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

This item was continued from the December 5, 2018 Meeting.

B.1. Public Hearing Continued: Consideration of Resolution Nos. 2018-131 and 2018-132 Certifying the Final Environmental Impact Report and Approving an Application for a Development Review Permit, Structure Development Permit, Vesting Tentative Parcel Map, Affordable Housing Plan, Density Bonus and Waiver of Development Standards, and Fee Waiver for Solana Highlands, a 260-unit residential community including affordable senior housing at 661 - 781 South Nardo Drive and 821 Stevens Avenue (Case # 17-14-29 Applicant: H.G. Fenton). (File 0600-40)

The proposed Project meets the minimum objective requirements under the SBMC, can be found to be 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 and the original staff report to approve a DRP, SDP, VTPM, Affordable Housing Plan, Density Bonus and Waiver of Development Standards, and Fee Waiver. Therefore, Staff recommends that the City Council:

1. Conduct the continued Public Hearing: Report Council disclosures, Receive public testimony, Close the public hearing.
2. Consider certification of the FEIR and adoption of **Resolution 2018-131**.
3. If the City Council certifies the FEIR and makes the requisite Findings of Fact and approves the project or an alternative, adopt **Resolution 2018-132** conditionally approving a DRP, SDP and VTPM, Affordable Housing Plan, Density Bonus and Waiver of Development Standards, and Fee Waiver for the Solana Highlands project, consider approval of the fee waiver, density bonus and development standards waivers, for a residential community and affordable senior housing project, at 661-781 South Nardo Drive and 821 Stevens Avenue, Solana Beach.

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

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

WORK PLAN COMMENTS:

COMPENSATION & REIMBURSEMENT DISCLOSURE:

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

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

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

ADJOURN:

A Special Meeting is scheduled for January 19, 2018
The Next Regularly Scheduled Meeting is January 9, 2019
Always refer the City's website Event Calendar for updated schedule or contact City Hall.
www.cityofsolanabeach.org 858-720-2400

AFFIDAVIT OF POSTING

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

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the December 17, 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 December 14, 2018 at 1:45 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 5:00 p.m., December 17, 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: December 17, 2018
ORIGINATING DEPT: Community Development Department
SUBJECT: **Continued Public Hearing: Consideration of Resolution Nos. 2018-131 and 2018-132 Certifying the Final Environmental Impact Report and Approving an Application for a Development Review Permit, Structure Development Permit, Vesting Tentative Parcel Map, Affordable Housing Plan, Density Bonus and Waiver of Development Standards, and Fee Waiver for Solana Highlands, a 260-unit residential community including affordable senior housing at 661 - 781 South Nardo Drive and 821 Stevens Avenue (Case # 17-14-29 Applicant: H.G. Fenton)**

BACKGROUND:

The Applicant, H.G. Fenton, is requesting City Council certification of the Final Environmental Impact Report (FEIR) and approval of a Development Review Permit (DRP), Structure Development Permit (SDP), Vesting Tentative Parcel Map (VTPM), and Affordable Housing Plan to construct the Solana Highlands Revitalization Project (the "Project"). The applicant is also seeking approval of an Affordable Housing Density Bonus and Waiver of Development Standards under density bonus law, and a Fee Waiver. The proposed Project is a residential development consisting of 260 residential units (including 32 senior affordable units) comprised of studios, one- and two-bedroom units, 10,287 square feet of clubhouse/leasing office space, 261,266 square feet of landscaped area, 65,434 square feet of open space, 525 on-site parking spaces including 233 in garages, 22 covered parking spaces and 270 open/guest parking spaces. The site is located within the City of Solana Beach High Density Residential (HR) Zone at 661-781 South Nardo Drive and 821 Stevens Avenue.

The issues before the Council are: 1) whether to adopt Resolution 2018-131 (Attachment 3) certifying the FEIR (Attachment 4) for the proposed Project pursuant to the Findings of Fact in Attachment 5 (3 Phase Development) or Attachment 6 (Single Phase Development); and 2) if the Council certifies the FEIR, whether to approve, approve with conditions, or deny the Applicant's request for a DRP, SDP, VTPM, Affordable Housing

Plan, Affordable Housing Density Bonus and Waiver of Development Standards, and Fee Waiver and adopt Resolution 2018-132 (Attachment 3).

DISCUSSION:

On December 5, 2018, the City Council opened and conducted the public hearing to consider the above-described Application, reviewed the staff report and presentation provided by staff, and considered oral and written evidence from the Applicant, View Claimants and the public related to the Solana Highlands project. During the public hearing, Council made a number of comments and asked questions of the Applicant and Staff. Below is a summary of those questions and comments with responses:

Questions asked:

- What percentage of the buildings exceed 30' in height?
 - Approximately 45% of the buildings (11 of the 24 buildings) exceed 30 feet in height (Buildings 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, and 25)
- Can the southern boundary of the site be landscaped earlier (after grading) rather than at the end of construction?
 - The Applicant evaluated the possibility of landscaping the area early in the project construction, however, they have indicated that the area is very tight and would be difficult to adequately water any landscaping that is installed in that area.
- Where is the southern property line relative to the acacia tree?
 - The Applicant has had a surveyor locate the property line as well as the beginning edge of grading at the southern and western boundary. Staff has added condition (5.A.XXVIII) that would require the Applicant to use every commercially available effort to preserve the acacia, and if they cannot, provide replacement landscaping that shall be of equal or larger size that will maintain the same or better level of screening, architectural significance, design value, and quality as shown in the Landscape Plan approved by the City Council.
- Were air quality impacts to children of the school specifically analyzed?
 - During the public hearing, the City's environmental consultant, Matt Valerio of Dudek stated that the EIR did analyze this impact and more conservatively used residential land use standards for this analysis as this is the most sensitive receptor (more so than a school with children). Since the meeting on December 5th, Staff met separately with representatives of St. James to better understand and address their concerns and, subsequent to that meeting, met again with them and the Applicant to further discuss their concerns. Staff is still evaluating the letter received from St. James to determine what, if any, additional measures can be applied to address their concerns.
- Will seniors have access to pool?
 - The current design does not provide direct or indirect pool access for the Affordable Senior Housing Project (Senior Housing). This is due to the

adjustments made to address view claims, The Senior Housing pad elevation was lowered significantly below the market rate portion of the Project which makes direct access infeasible. While the Senior Housing will have its own amenities on site, the Applicant has expressed a willingness to consider allowing indirect access to the pool area for the residents of the Senior Housing (see Condition 5.A.XIX).

- Could the Applicant and Claimant (John Wilson) further review requested 18" building height reduction?
 - The Applicant covered the efforts made to reduce/minimize view impairments at the December 5th meeting. The Applicant has indicated that they reached out to Mr. Wilson, but could not offer any further height reductions to Building 13 beyond the 13+ feet that had already been reduced.

Comments:

- Affordable Senior Housing Density Bonus
 - During the hearing, as well as subsequent to the hearing, questions continue to be asked about the possibility of reducing the number of the units for the Project. While the City's Affordable Housing Special Counsel addressed these comments at the December 5th public hearing, a memorandum citing State Law requirements regarding density bonuses and waivers of development standards for low income projects has been prepared and is included as Attachment 8. As discussed and summarized in the memorandum, because Solana Highlands is proposing affordable housing and is, therefore, eligible for a density bonus, State Law provides no authority for the City to reduce the Project's density (i.e., number of units).

- Supplemental Parking Conditions

- The following summarizes parking conditions (Attachment 7) that have been revised and added to Resolution 2018-132:

Senior Housing Parking – An additional six (6) parking spaces for visitor parking shall be added to the north side of the proposed Senior Housing parking area.

Parking Plan – A Parking Plan shall be required which identifies which garages, carport parking spaces and uncovered parking spaces are assigned to each apartment. The Parking Plan will also identify location of the all unreserved tenant parking spaces and unreserved visitor parking spaces in the Project.

No Charge for Parking – The Applicant shall not charge for parking spaces, however, does not prohibit higher rent for each apartment that includes exclusive reserved use of identified garage and/or covered carport parking spaces assigned to the apartment.

Visitor Parking – Visitor parking spaces will be marked with “visitor” parking signage and distributed evenly throughout the Project. No “visitor” parking spaces shall be reserved.

Garage Use – Leases for tenants shall specify that garages and covered carport parking spaces shall be used for vehicle parking and only incidental personal property storage.

- Direct contact information for the Construction Liaison should be provided and the notification boundary to property owners/residents should be expanded beyond 50 feet of the property regarding construction activity as a condition.
 - Staff has added a condition (5.A.IV) similar to NOI-3 in the Mitigation Monitoring and Reporting Program (MMRP) which requires the Applicant to establish a “Complaint Response Program” that includes contact information for construction complaints and requires noticing of property owners, residents and business owners within 300 feet of the project of construction activities.
- Details of the access to the bio retention basin between Buildings 16, 20 and 23 were requested.
 - The Applicant has prepared an exhibit for City Council review. (Attachment 4). Staff has also added a condition (5.A.XXVII) which requires that all “Useable Open Space” be accessible to residents of the community.
- More specificity was requested regarding the locations and amount of solar and Electric Vehicle (EV) charging and EV pre-wired spaces will be.
 - The exact locations of each of the EV charging spaces have not been determined. A minimum of 15 EV charging spaces are required. The Applicant has prepared an exhibit (Attachment 5) for City Council review.
- More detail was requested regarding any conditions with which the Applicant may have concerns.
 - The Applicant has been receptive to most of the conditions contained in the attached resolution. Staff has continued to work with the Applicant on all proposed conditions. While the Applicant has indicated that they are concerned with conditions that add costs to the project, Staff would defer to the Applicant regarding specific conditions that remain a concern.
- An example or rendering of retaining walls fronting Nardo was requested to ensure there was not a large mass of wall.
 - The Applicant has prepared a rendering of the retaining walls that will be visible from Nardo (Attachment 6).

DECEMBER 5, 2018 STAFF REPORT CORRECTIONS:

The subject line of the December 5, 2018 staff report included a reference to Resolution 2018-133 in error. No such resolution is being considered by the City Council.

Staff was made aware of a correction that should be noted in the staff report. Page 3 of the staff report cites key changes from the 2014/15 plan to the 2017/18 plan. Bullet #5 of those changes stated "The Building 25 pad has been lowered by approximately 9 feet...", but should read "The Building 25 pad has been lowered by approximately 17 feet..."

At the top of page 6, end of the first paragraph the sentence should read "...consisting of 32 affordable senior units and ~~28~~ 30 market rate units." Additionally, staff would like to correct the staff report description of the Market Rate Apartments on page 6 of 39 that describes the number of two-bedroom units. There are 115 two-bedroom units proposed in the Market Rate Apartment portion of the project.

FEIR ERRATA:

Since the posting of the Final Environmental Impact Report (FEIR) Staff noted additional changes that should be made. These changes do not affect the adequacy of the EIR, but should be corrected for consistency. The noted changes are contained in Attachment 2 to this Staff Report and, if approved by the City Council, would be incorporated into the FEIR.

ADDITIONAL CONDITIONS OF APPROVAL:

On December 5, 2018, staff recommended that additional conditions of approval be considered by the City Council in their review and consideration of the Project. The previously drafted conditions that were contained in Exhibit B to the Staff Report Addendum have now been incorporated into the attached revised Resolution 2018-132 (Attachment B). These conditions, along with newly recommended conditions, are shown in underline format.

DEPARTMENT RECOMMENDATION:

The proposed Project meets the minimum objective requirements under the SBMC, can be found to be 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 and the original staff report to approve a DRP, SDP, VTPM, Affordable Housing Plan, Density Bonus and Waiver of Development Standards, and Fee Waiver. Therefore, Staff recommends that the City Council:

1. Conduct the continued Public Hearing: Report Council disclosures, Receive public testimony, Close the public hearing.
2. Consider certification of the FEIR and adoption of Resolution 2018-131
3. If the City Council certifies the FEIR and makes the requisite Findings of Fact and approves the project or an alternative, adopt Resolution 2018-132 conditionally approving a DRP, SDP and VTPM, Affordable Housing Plan, Density Bonus and Waiver of Development Standards, and Fee Waiver for the Solana Highlands project, consider approval of the fee waiver, density bonus and development

standards waivers, for a residential community and affordable senior housing project, at 661-781 South Nardo Drive and 821 Stevens Avenue, Solana Beach.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager

Attachments:

1. December 5, 2018 Staff Report and Attachments
2. FEIR Errata
3. Resolution 2018-132 (revised)
4. Useable Open Space access exhibit
5. EV Charging Location Exhibit
6. Retaining Wall Rendering
7. Parking Conditions
8. Goldfarb Lipman Associates Memo – State Law Requirement regarding Density Bonuses and Waivers of Development Standards

December 5, 2018 Staff Report and Attachments

Item B.1.

Previously provided to City Council

AND

Located on the City's website

www.cityofsolanabeach.org

On the City's Council Meeting webpage

[Public Meetings](#) / Dec 5th Agenda

OR

direct link to Agenda

https://www.ci.solana-beach.ca.us/vertical/Sites/%7B840804C2-F869-4904-9AE3-720581350CE7%7D/uploads/12-05-18_Spec_ACTIONS.pdf

FEIR ERRATA

The following changes shall be included as an errata to the Final Environmental Impact Report.

Changes are **highlighted**.

FEIR Response to Comments Page 2-13

First paragraph, the following sentence shall read as follows, "The Landscape Concept Plan depicts that 261,266 SF (6.0 acres of the 13.4) when developed will remain be landscaped or remain as open space. The project also results in a net increase in usable open space of 20,105 SF."

FEIR Response to comments Page 2-53

Second paragraph: the following sentence shall read as follows, "The Landscape Concept Plan depicts that 261,266 SF (6.0 acres of the 13.4) when developed will be landscaped or remain as open space. The project also results in a net increase in usable open space of 20,105 SF."

FEIR Table 2-1, Page 3-2

The proposed open space total of 256,355 SF shall be corrected to 261,266 SF.

DEIR Table 2-1, Page 2-8

The proposed open space total of 256,355 SF shall be corrected to 261,266 SF.

Page 3-1:

Section ES.2, Summary of the Proposed Project (Page ES-4 of the Executive Summary Chapter)

Text describing the required approvals for the proposed project

The proposed project would involve a phased construction plan designed to enable partial occupancy of the site for approximately 39 months. The phased construction plan would consist of three phases, which are anticipated to have varying durations with some phases being longer in duration and others shorter. ~~Required~~ Requested permits approvals for the proposed project ~~would~~ include: Development Review Permit (DRP), Structure Development Permit (SDP), Affordable Housing Plan, Density Bonus and Waiver of Development Standards, Sewer Easement Abandonment Permit, Development

~~Agreement, Adjustment Plan/Tentative Ministerial Parcel Vesting Tentative Map, Approval of a Fee Waiver, and permits that may be required by other agencies including a Coastal Development Permit and a signed development agreement with the City for the proposed density bonus.~~

Page 3-7:

Section 2.7, Approvals (Page 2-29 of the Project Description chapter)

Text describing the required approvals for the proposed project

The following ~~permits approvals are required~~ have been requested from the City for the proposed project:

- Development Review Permit
- Structure Development Permit
- Affordable Housing Plan
- Density Bonus and Waiver of Development Standards: Building Height and Wall, Fence, and Retaining Wall Height Waiver (interior of property, as well as front, side, and rear yard setbacks)
- Approval of a Fee Waiver ~~(Affordable Housing Fee)~~
- Sewer Easement Abandonment Permit
- Development Agreement
- Adjustment Plat/Tentative Ministerial Parcel Vesting Tentative Map
- Permits that may be required by other agencies, including a Coastal Development Permit from the California Coastal Commission

Page 3-10:

Section 3.9.4, Impact Analysis (Pages 3.9-15 and 3.9-16 of the Land Use and Planning chapter)

Text describing the requested density bonus in relation to the municipal code.

The applicant proposes to comply with the Affordable Housing Ordinance as permitted in SBMC Section 17.70.025(B)(1), the applicant proposes to by entering into a Development Agreement with the City to providing 15.5% (32 units) of the permitted 206 units as units affordable to low-income households, as defined in Health & Safety Code

Section 50079.5. State law would entitle the project to a density bonus of 27.5%. Therefore, the project's actual permitted maximum allowable density is 263 units (0.275 x 207 permitted units = 56.93 additional units; 207 + 56.93 = 263.65/264 rounded up). The project would be allowed to round up to 264, per the Density Bonus Law Roundups required by state density bonus law (California Government Code, Section 65915). Although the project would be allowed to build 264 units with the 27.5% density bonus, the project is proposing to construct 260 units, which is actually a density bonus of 26%.

Page 3-11:

Table 3.9-1, Project's Consistency with City of Solana Beach General Plan (as Amended through 2014) (Pages 3.9-21, 3.9-24, 3.9-30, and 3.9-31 of the Land Use and Planning chapter)

Text included in the 'Project' column, which describes how the proposed project would or would not be consistent with the associated General Plan policy.

Policy LU-5.2:

The proposed project would include a density bonus of 26% to allow a total of 260 dwelling units, with 32 units set aside for rental to low-income, senior households at affordable rents for a 55-year term, as required by Solana Beach Municipal Code (SBMC) Section 17.70.025 (C), and the applicant would provide 15.5% affordable units in exchange for regulatory incentives (density bonus and waivers) to satisfy the requirements of the has proposed to enter into a development agreement with the City, as permitted by the Affordable Housing Ordinance (SBMC Section 17.70.025 (B)(1)), which would obligate the developer to provide the affordable rental units as proposed.

Page 3-14 (first paragraph):

Section 3.11, Regulatory Setting (Page 3.11-5 and 3.11-6 of the Population and Housing chapter)

Text describing the relevant goals and policies of the City of Solana Beach General Plan, related to population and housing.

The proposed project would applicant proposes to provide the affordable units on site and enter into a Development Agreement with the City in exchange for regulatory incentives, as permitted by the SBMC Affordable Housing Ordinance, Section 17.70.025(B)(1), and would provide 15.5% of the permitted 206 units as affordable units (32 affordable units).

RESOLUTION NO. 2018-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT, STRUCTURE DEVELOPMENT PERMIT, VESTING TENTATIVE PARCEL MAP, AFFORDABLE HOUSING PLAN, DENSITY BONUS WITH DEVELOPMENT STANDARDS WAIVER, AND FEE WAIVER FOR THE SOLANA HIGHLANDS RESIDENTIAL COMMUNITY AND AFFORDABLE SENIOR HOUSING PROJECT AT 661-781 SOUTH NARDO DRIVE AND 821 STEVENS AVENUE.

APPLICANT: H.G. Fenton

CASE NO.: 17-14-29 DRP/SDP/VTPM/AFFORDABLE HOUSING AGREEMENT

WHEREAS, H.G. Fenton (hereinafter referred to as "Applicant") has submitted an application for a Development Review Permit (DRP) and Structure Development Permit (SDP), Affordable Housing Plan, Density Bonus with Development Standards Waiver, and Fee Waiver subject to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the applicant is also requesting approval of a Vesting Tentative Parcel Map (VTPM) which would modify the property from three lots to two lots; and

WHEREAS, at the duly and properly noticed public hearing held on December 5, 2018, and the continued public hearing held on December 17, 2018, the City Council received and considered evidence concerning the proposed application as revised; and

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

WHEREAS, the City Council of the City of Solana Beach certified the Final Environmental Impact Report (FEIR), and adopted a Mitigation Monitoring and Reporting Program (MMRP) and Findings of Fact for the Solana Highlands project in accordance with the California Environmental Quality Act and the State CEQA Guidelines via Resolution 2018-131; and

WHEREAS, this decision is based upon the oral and written 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.

RESOLUTION NO. 2018-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT, STRUCTURE DEVELOPMENT PERMIT, VESTING TENTATIVE PARCEL MAP, AFFORDABLE HOUSING PLAN, DENSITY BONUS WITH DEVELOPMENT STANDARDS WAIVER, AND FEE WAIVER FOR THE SOLANA HIGHLANDS RESIDENTIAL COMMUNITY AND AFFORDABLE SENIOR HOUSING PROJECT AT 661-781 SOUTH NARDO DRIVE AND 821 STEVENS AVENUE.

APPLICANT: H.G. Fenton

CASE NO.: 17-14-29 DRP/SDP/VTPM/AFFORDABLE HOUSING AGREEMENT

WHEREAS, H.G. Fenton (hereinafter referred to as “Applicant”) has submitted an application for a Development Review Permit (DRP) and Structure Development Permit (SDP), Affordable Housing Plan, Density Bonus with Development Standards Waiver, and Fee Waiver subject to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, the applicant is also requesting approval of a Vesting Tentative Parcel Map (VTPM) which would modify the property from three lots to two lots; and

WHEREAS, at the duly and properly noticed public hearing held on December 5, 2018, and the continued public hearing held on December 17, 2018, the City Council received and considered evidence concerning the proposed application as revised; and

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

WHEREAS, the City Council of the City of Solana Beach certified the Final Environmental Impact Report (FEIR), and adopted a Mitigation Monitoring and Reporting Program (MMRP) and Findings of Fact for the Solana Highlands project in accordance with the California Environmental Quality Act and the State CEQA Guidelines via Resolution 2018-131; and

WHEREAS, this decision is based upon the oral and written 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 pursuant to State CEQA Guidelines section 15090, 15091 and 15097, the City Council has adopted and certified the FEIR in compliance with CEQA, made the required Findings of Fact and adopted the MMRP as set forth in Resolution 2018-131.
3. That the request for a DRP, SDP and VTPM for the Solana Highlands project , a residential development consisting of 260 residences (including 32 affordable senior units) consisting of studios, one and two bedrooms, 10,287 square feet of clubhouse/leasing office space, 261,266 square feet of landscaped area, 65,434 square feet of open space, 525 on-site parking spaces including 233 garages, 22 covered spaces and 270 open/guest spaces, is conditionally approved based upon the following Findings and subject to the following Conditions:

4. FINDINGS

Based on the totality of the record, the City Council makes the following 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 High Density Residential (HR). Multi-family residential development under this category will range between 13 and 20 dwelling units per acre. Other compatible uses such as accessory dwelling units, home occupations, religious institutions, educational institutions, parks and recreation facilities, and public utilities are permitted or conditionally permitted. Assuming maximum development and an average household size of 2.4 persons per unit, population densities in these areas could be as high as approximately 48 persons per acre. Most of Solana Beach's high density residential development is located in the southwestern portion of the city (i.e., along the coastal bluffs south of the Plaza and in the area generally bounded by Via de la Valle, Solana Circle, Nardo Avenue, and Stevens Avenue). The project is proposing 260 residential units or 19.4 dwelling units per acre. The proposed Project may be found consistent with the General Plan, which designates the property as High Density Residential (HR) and may be found to be consistent with the following General Plan policies in the City's Land Use (LU) Element for residential land uses:

Policy LU-1.1: Encourage the development and protection of healthy residential neighborhoods by ensuring sensitive transitions between those neighborhoods and

adjoining areas and preventing deterioration through rehabilitation and maintenance efforts.

Project Consistency: The project has been subject to a view assessment process to ensure sensitive transitions between the project and adjacent neighborhoods and has undergone substantial changes, as described in the staff report, to create appropriate transitions.

Policy LU-1.2: The City's land use plan shall include residential land uses comprising a range of housing types, locations, and densities.

Project Consistency: The City's general plan and housing element include a range of housing types, locations, and densities,

Policy LU-1.3: In order to protect the rental housing stock, protect purchasers of dwelling units, assure consistency with the general plan density requirements, assure adequate parking, and assure adequate public facilities, conversion of existing apartments to condominiums or other similar forms of subdivision shall be regulated pursuant to City zoning and subdivision ordinances. The regulations shall ensure that conversion of apartments to condominiums or other similar types of subdivisions will meet current standards for the construction of new condominiums or other similar types of multi-family dwellings within the city.

Project Consistency: No condominium conversion is proposed as part of this project.

Policy LU-1.4: Pursue opportunities to improve and protect existing residential neighborhoods by enhancing the pedestrian and bicycle experience, implementing traffic calming measures where appropriate, and providing convenient access to schools, parks, beaches, and other amenities and services.

Project Consistency: As described in the staff report, the project includes 50 bicycle parking spaces and will construct extensive traffic calming measures and

pedestrian safety measures on streets adjacent to the project.

Policy LU-6.6: Promote infill development, redevelopment, rehabilitation, and reuse efforts that protect and contribute positively to existing neighborhoods and surrounding areas.

Project Consistency: The project is located on an existing developed infill site that will be reused and, through extensive landscaping and new construction, contribute positively to the surrounding area.

Policy LU-6.7: Promote appropriate transitions in building height and bulk, which are sensitive to the visual and physical character of adjacent neighborhoods.

Project Consistency: As described in the staff report, the project has been subject to an extensive view assessment process and has proposed major design changes to ensure that it is sensitive to the visual and physical character of the adjacent neighborhoods.

The project is consistent with the following General Plan programs and goals in the City's Housing Element, including regional housing needs assessment / local share goals and affordable housing goals, including:

- (1) Continuing to implement the density bonus and affordable housing ordinances.
- (2) Addressing and mitigating constraints to housing development by approving development standards and waivers needed for project construction and a fee waiver.
- (3) Providing 32 affordable housing units for the elderly (seniors) as an identified "Special Needs Group" in the Housing Element. The continued affordability of these units will be ensured for 55 years, and that the rents be limited to those affordable to low income households.
- (4) Meeting the local share of the Regional Housing Needs Assessment (RHNA) as established by SANDAG by providing a portion of the 150 lower income units that are the City's share of the regional housing need.
- (5) Developing a site with the 260 units that were identified as the site's potential in the City's Housing Element.

- (6) Redeveloping an older apartment complex to preserve neighborhood quality.

The proposed project is also consistent with the requirements of Title 17 in that the proposed project density of 260 units is permitted with a density bonus. As designed the project meets the minimum lot area of 10,000 square feet in that each lot will be 1.25 acres and 11.64 acres in size, respectively. The proposed buildings will have a minimum front yard setback of 25 feet, side yard setback of 10 feet and rear yard setback of 25 feet as required in the HR zone. Per the City's parking ordinance, the project requires 494 parking spaces. The applicant is consistent with the parking ordinance requirement by proposing 525 parking spaces on-site. The parking provided for the affordable senior units is consistent with Section 65915(p) of the Government Code and the City's density bonus ordinance.

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

- (1) Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and 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 High Residential Density (HR) Zone. According to SBMC 17.20.010 this zone allows 13 to 20 dwelling units/net acre and is intended for multiple-family attached units such as apartments and condominium buildings. Such areas are located in close proximity to major community facilities, commercial centers and transportation routes. It is intended that development in this zone utilize innovative site planning, and provide on-site recreational amenities.

No significant adverse effects upon neighboring properties have been identified or are anticipated to occur from the project implementation, and the project has been extensively redesigned to protect view impacts. 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 and has found that project impacts

either will not occur, will be less than significant, or will be less than significant with mitigation in all the topic areas analyzed.

- (2) 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 24 buildings including one affordable senior housing building (Building 25) and one clubhouse/leasing center (Building 19). All parking would be provided onsite in either the form of a garage or surface parking including covered and uncovered and includes 233 garages, 22 covered spaces and 270 open/guest spaces.

Fifteen of the 24 buildings would be two stories in height and nine of the Buildings would be three stories in height. In general, the buildings located along South Nardo Avenue would be two stories and the buildings that are internal to the site would be three stories. The affordable senior building would also be three stories and is located at the southeast corner of the site.

The project includes a total of 260 units with a breakdown as follows:

- (a) 12 studio apartments that are 420 square feet in size
- (b) 128 one-bedroom apartments ranging in size from 517 to 954 square feet
- (c) 120 two-bedroom apartments ranging in size from 731 to 1,212 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.

Project amenities on site would include a recreation facility/clubhouse building and associated recreation facilities such as a pool, spa, barbecue areas, walking paths, and passive usable open space. Additionally, the project would include a small private park along South Nardo Avenue to reduce effects to public and private views in proximity to the existing greenspace on site.

The SBMC includes development standards for high density residential development based on the zone in which the project is located, including required setbacks, maximum FAR, and building

height. The proposed Project meets or exceeds all required setbacks, and is below the maximum allowable FAR.

Required parking and landscaping standards are contained in the City's Off Street Parking Design Manual (OSPDM).

The highest point of the Project is 149.5 above Mean Sea Level (MSL), measured at Story Pole #39, with the Project 25 feet at that location. The maximum height of the Project is 47.1' above the lowest point of the existing/proposed grade at Story Pole #86 where the project site elevation is 116 feet above MSL at that location. As required by State law, the City will waive development standards for height of buildings, retaining walls, and walls and fences that would otherwise physically preclude development of the property with the permitted density bonus.

- (3) 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.

Per SBMC 17.56.040, the proposed development is subject to the City's Water Efficient Landscape Regulations. The existing site contains developed areas and vegetation consisting of both native trees and non-native ornamental trees, shrubs and other plant species.

The conceptual landscaping plan for the Project proposes 261,266 square feet of landscaped area which is equal to approximately 45% of the project site. During construction of the proposed Project, it is anticipated that all of the existing trees, shrubs and other vegetation would be removed as part of the proposed Project due to the extent of grading that is proposed on site to lower pad elevations.

The Project has been conditioned to comply with the LCP LUP Policy 3.53 regarding mitigation for native tree species removed from a project site. The inclusion of five (5) California Sycamores would replace the existing mature 5 California Sycamores on site in accordance with City LCP requirements for native tree mitigation.

The Project would include the installation of mature (boxed) trees to reduce visual and aesthetic effects from the loss of the existing vegetation on site. Larger shade trees would include approximately

10 84-inch box Coast Live Oaks along the southern edge of the site and approximately 60 trees that would be a mix of Coast Live Oaks, Aleppo Pines, and California Sycamores, in 24-inch boxes throughout the site. A further mix of trees ranging in size and style includes over 400 trees to be planted on site.

The landscape plan includes the use of native species and/or drought-tolerant plant material. No invasive or potentially invasive species would be used. Planting is intended to be a connecting device linking the various pieces of the project site and design styles. The landscape plan uses plant material to help define spaces, create/encourage circulation paths, emphasize entry points, and provide softness and scale to the architecture. Evergreen, deciduous, and flowering material are proposed throughout the site and mature native trees are proposed. New landscaping would use significantly less water than the current landscaping, as the proposed project would use reclaimed water for all landscape uses and would also comply with all California landscape water-usage standards.

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.

- (4) 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.

Residential projects in the City are required to comply with parking standards in SBMC 17.52. The parking requirements for the affordable senior housing element are per the State bonus density code (CGC 65915(p)). Although this maximum required parking ratio could apply to the entire property, the Applicant is complying

with SBMC Chapter 17.52 for the market-rate portion of the site (e.g., 228 units).

The proposed Project meets or exceeds the parking requirements for automobile and motorcycle parking as outlined in SBMC 17.52. The proposed project includes 525 onsite parking spaces, 50 bicycle spaces, 17 motorcycle spaces and 9 accessible spaces.

Pedestrian paths are provided throughout the site to facilitate internal pedestrian circulation across and within the site.

Vehicular access to the site would be provided from two driveway locations on South Nardo Drive. In addition, direct access to the affordable senior housing building would be provided from the existing curb cut serving the existing multi-family units off Stevens Avenue located south of the intersection of South Nardo Drive and Stevens Avenue.

All entrances would provide full movement driveways allowing inbound and outbound movements. The Project driveways are proposed to be unsignalized.

Pedestrian access to and from the project site would be provided via new and/or improved perimeter sidewalks along South Nardo Drive and Stevens Avenue.

- (5) 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 175,000 cubic yards with 154,000 cubic yards of soil to be exported off-site. The project site varies from an elevation of approximately 39 to 150 feet above MSL, sloping upward from southeast to northwest. The majority of the proposed grading is intended to facilitate a general lowering of elevations on the site to address the potential for private view impairment and to facilitate internal circulation for pedestrians as well as vehicles.

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 City's SCOUP permits.

- (6) 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).

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.

- (7) 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 high-density residential development within the HR Zone and, pursuant to the SBMC, requires common usable open space in the amount of 250 square feet per residential unit for a total of 65,000 square feet. The proposed project provides a total of 65,434 square feet of open space.

In addition, as designed, each of the proposed residential units has its own patio (first floor units) or balcony (for second floor units) that is directly accessed from the residence.

The proposed project includes passive usable open space areas. Additionally, the proposed project would include a small fenced park area, along South Nardo Avenue.

The site currently has a recorded easement as part of the County of San Diego's approval of Special Use Permit No. P. 68-187 prior

to the City's incorporation. The language of the recorded easement specifically allows for amendments to the original Special Use Permit (SUP) as well as additional activities authorized by the Grantee. By virtue of city incorporation, the City is now holds the recorded easement's Grantee interest. As such, the site is subject to the City's zoning regulations. Provided that all the required findings for issuance of the City's Development Review Permit (DRP) can be made, it would constitute the Grantee's authorization and act as an amendment to the SUP or supersede the SUP in its entirety. .

III. Portions of the property that is the subject of this application are subject to a Grant of Open Space Easement recorded July 6, 1970 in the Official Records of San Diego County for the benefit of the County of San Diego as Grantee. The City is now the Grantee as the successor in interest to the County upon incorporation.

The Open Space Easement provides that:

(i) no portion of the Open Space shall be graded, excavated or filled except in compliance with said Special Use Permit No. P 68-187 (as the same may be from time to time amended) or an authorization by Grantee in implementation thereof and (ii) no natural or artificial improvements shall be constructed, installed, erected, permitted or maintained (other than the natural and artificial improvements complying with said Special Use Permit No. 68-187 (as the same may be from time to time amended) or an authorization by Grantee in implementation thereof).

The City's requirements for a Development Review Permit and a Site Development permit are equivalent to the Special Use Permit approved by the County in 1970, and the City's approval of the Development Review Permit and the Site Development Permit constitutes an amendment to Special Use Permit No. 68-187, allowing development and grading of the site as shown on the approved plans. The City as Grantee hereby authorizes the amendment of the Grant of Open Space Easement to permit grading, excavation, and fill and construction, installation, erection, permission, and maintenance of those natural and artificial improvements as shown on the approved plans for the Development Review Permit and the Special Development Permit.

III.IV. 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 and approvals required by the City, including the SDP, VTPM and Affordable Housing Plan, Fee Waiver, and Density Bonus with Waiver of Development Standards are being processed concurrently with the Development Review Permit.

The Project is also located within the Coastal Zone as the entire City of Solana Beach is 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 by the City.

~~IV.V.~~ 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 does not include mitigation measures that 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. All applicant proposed project design features are included as conditions of project approval.

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

1. The Applicant for the Structure Development Permit has made a reasonable attempt to resolve the view impairment issues with the person(s) requesting View Assessment. Since 2014, the Applicant has changed the project design to address claims filed in 2015 by lowering the overall elevation/grade of the site. Additional modifications have been made to address 2018 view claims. The key changes include, but are not limited to, dropping building pads between 3 feet and 17.5 feet, moving the secondary driveway 114.5 east resulting in Buildings 5 and 10 to be moved westerly, lowering Building 12 ridgeline 6 additional feet to address 2018 claim, lowering Building 13 ridgeline additional 4.5 feet to address 2018 claim, and relocating units from Building 12 to accommodate the dropped roofline.
2. There is no public property adjacent to the site, except right-of-way therefore, the proposed structures do not significantly impair a view from public property.
3. The proposed structures are designed and situated in such a manner as to minimize impairment of views. The Applicant has dropped building pads onsite by increasing the amount of soil to be excavated and exported off

site. The proposed export of materials has lowered building pads between 3 feet and 17.5 feet. Additionally, reduced building heights from three stories to two stories has resulted in lowering of rooflines by as much as 19 feet from the original 2014 proposed project.

4. There is no significant cumulative view impairment caused by granting the application. There have been no new or proposed projects in the area that would contribute to cumulative view impairment impacts. As described in the staff report the Applicant has revised the project since 2014 to address all potential private view impairments.
5. The proposed structures are compatible with the immediate neighborhood character. The Applicant has designed the project with similar architectural features, materials, roof types and colors that can be found in the surrounding neighborhoods.

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.

C. In accordance with Chapter 16.24 (Minor Subdivision) of the Solana Beach Municipal Code, the City Council finds the following:

- I. That the proposed lot or parcel was not approved or recorded less than two years prior to the filing for approval of the subject vesting tentative parcel map.

The proposed lots within this vesting parcel map boundary have not been recorded within the last two years. The existing legal parcels created under Subdivision Map numbers 1757 and 6672 were recorded with the County Recorder's Office of the County of San Diego on 6/27/1923 and 6/25/1970 respectively.

- II. That the proposed lot or parcel was a legally created lot or parcel.

The proposed tentative parcel map boundary consists of existing legal parcels created under Subdivision Map numbers 1757 and 6672 recorded with the county recorder office of the County of San Diego on 6/27/1923 and 6/25/1970 respectively.

- III. That the proposed subdivisions proposes creation of less than five (5) lots.

The proposed subdivision will only create a total of two parcels.

- IV. That the vesting tentative parcel map meets the requirement of this code.

The proposed Vesting Tentative Parcel Map meets all requirements of Chapter 16.24, as well as the State Subdivision Map Act as defined in section 66425.5.

- V. That the proposed lot or parcel was not part of an approved tentative parcel map wherein the parcel map requirement was previously waived.

The proposed tentative parcel map boundary consists of existing legal parcels created under Subdivision Map numbers 1757 and 6672 recorded with the County Recorder's Office of the County of San Diego on 6/27/1923 and 6/25/1970 respectively. The proposed parcels were not part of an approved parcel map where the parcel map requirement was previously waived.

- VI. That the proposed map is consistent with applicable general and specific plans and applicable provisions of SBMC Title 17.

The proposed Vesting Tentative map is consistent with applicable general and specific plans and applicable provisions in that the proposed each parcel meets the minimum lot size of 10,000 square feet, will have a minimum street frontage of 60 feet, and will have a minimum lot depth of 100 feet as required by the HR zone district.

- VII. That the site is physically suitable for the type of development.

The project site is physically suitable for the type of development in that the site is currently developed as a multi-family residential development and is proposing to be used as multi-family residential development project that is consistent with the permitted density of a maximum 20 dwelling units per acre.

- VIII. That the site is physically suitable for the proposed density of development.

The site is physically suitable for the proposed density of development as demonstrated in the site plan, grading plan, and all other supporting studies prepared for the Project Environmental Impact Report. The zoning and General Plan Land Use allow for a maximum density of up to 20 dwelling units per acre. When developed the project density will be 19.59 dwelling units per acre for Parcel 1 and 18.08 dwelling units per acre for Parcel 2 for a total density of 19.4 dwelling units per acre.

- IX. That the design of the subdivision or the proposed improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision and the proposed improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as analyzed in the Project's EIR. The subdivision itself will not change or alter the site. However, the Project EIR identified two mitigation measures that would ensure impact to biological resources would be reduced to less than significant by, 1) requiring a Tree Protection Plan be submitted to the City's satisfaction, and 2) requiring a project biologist to conduct pre-construction survey in the proposed project impact area and a 500-foot buffer around the impact area no earlier than 7 days prior to any on-site grading and construction activities during the bird nesting/breeding season.

- X. That the design of the subdivision will not cause serious public health problems.

The design of the subdivision itself will not cause serious public health problems, and Project's EIR has identified 17 mitigation measures that would reduce potentially significant environmental impacts to a less than significant standard for development of the 260 unit multi-family residential project.

- XI. The design of the subdivision will not conflict with 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 and 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 design of the subdivision will not conflict with easements of record, nor any easements acquired by the public at large. Any public easements or easements acquired by the public at large, for access through or use of property, including necessary for public utilities, for the new development shall be provided and recorded as part of the final map.

D. In accordance with Section 16.17.020(H) (Vesting Tentative Maps) of the Solana Beach Municipal Code, the City Council finds the following:

- I. On the basis of the studies and reports submitted by the subdivider, all public facilities necessary to serve the subdivision or mitigate any impacts created by the subdivision will be available for the entire time that the vesting tentative map is valid plus any time during which the rights conferred by Section 16.17.030 exist.

E. In accordance with Chapter 17.70 (Affordable Housing) of the Solana Beach Municipal Code, the City Council finds the following:

- I. The Affordable Housing Plan is consistent with the requirements of Chapter 17.70 by providing 15.5 percent of units affordable to low income senior households. The developer has agreed to the limitation on rents in exchange for a density bonus and waivers of development standards pursuant to Government Code Section 65915.
- II. State and federal fair housing laws require that senior housing be contained in a separate building, so that the affordable senior units cannot be geographically separated. Because senior households are almost entirely comprised of one or two persons, and primarily one person households, the City hereby approves fewer two-bedroom units in the senior housing than proposed for market-rate housing.

F. In accordance with Section 17.70.045 (Fee Waiver) of the Solana Beach Municipal Code, the City Council finds the following:

- I. The provision of the fee waiver is needed to provide for affordable housing needs identified in the housing element which otherwise would not be met, based on the memorandum dated November 29, 2018 from Keyser Marston Associates, which concluded that the proposed project demonstrates the need for financial assistance related to the provision of the 32 low income units, that the fee reduction would not provide a windfall profit to the developer, and that the fee reduction is warranted by the project's economic characteristics.

G. In accordance with Section 17.20.050 of the Solana Beach Municipal Code, the City Council finds the following regarding the density bonus and waiver of development standards:

- I. By providing 15.5 percent low income units, the project qualifies for a density bonus of 57 additional dwelling units. The developer has applied for a density bonus of 53 additional dwelling units, permitted by Government Code Section 65915(f).
- II. The development standards being waived would physically preclude development of the project with the density bonus to which the project is entitled. Without the proposed waiver, pad elevations required to fulfill the design goals while minimizing view impairment would not be feasible. Driveways could not be constructed to facilitate vehicular or pedestrian access to building pads set at elevations that allow the project to be built to minimize view impairment. The intent of the walls is to allow the new buildings on the north side of the site to step down from South Nardo

Avenue so that the buildings are no taller than or closer to the street than the existing development.

H. In accordance with California Government Code Section 65863 (No Net Loss Findings), requiring cities to demonstrate that it has adequate capacity to accommodate its regional housing need, the City Council finds the following:

- I. The City's 2013 – 2017 Housing Element identified Solana Highlands as having a capacity for 260 total units, resulting in a net increase of 66 units, and that the 66 units could be constructed at a density suitable for lower income housing. The proposed project contains 260 total units, but results in a net increase of only 62 units and contains only 32 lower income units. Section 65863(b)(2) requires the City to demonstrate that the remaining sites identified in the Housing Element are adequate to accommodate the City's share of the regional housing need for lower income housing.
- II. The City's total lower income need for the 2013-2021 period was 150 units. The City has approved 10 lower income units on South Sierra Street (the Pearl). If 32 low-income units are approved in Solana Highlands, the City's remaining lower income RHNA will total 108 units.
- III. The Housing Element identified sites for up to 280 lower income units, significantly more than the 150 required. The four largest sites remaining (City Hall (14 units), 140 South Sierra Parking Lot (20 units), and North County Transit District Station (113 units)) together can accommodate 147 lower income units, well in excess of the 108 units required. Therefore, the City has more than adequate sites to accommodate the City's share of the regional housing need for lower income housing.

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 for the net increase of 62 units prior to building permit issuance, as established by SBMC Section 17.72.020 and Resolution 1987-36.
- II. The Applicant shall pay the required Public Art Fee for the net increase of 62 units 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.

III. The Mitigation Monitoring and Reporting Program (MMRP) prepared for the proposed project is hereby adopted and made a condition of approval of the proposed project.

IV. Prior to issuance of any demolition or grading permit, the Applicant shall establish a "Complaint Response Program" (CRP) subject to the approval of the City Manager. As part of the construction CRP, the Applicant shall designate a "Construction Liaison" who will be responsible for notifying the City and responding to any local complaints about construction activities and institute reasonable measures, approved by the City Manager, to correct the problem within 48 hours after receiving a complaint. The CRP shall require that all property owners, residents and business owners within 300 feet of the construction site be provided contact information for the Construction Liaison to use to communicate complaints and/or concerns. The notification shall also describe the activities anticipated, provide dates and hours, and provide contact information with a description of a complaint and response procedure.

III.V. Building Permit plans must be in substantial conformance with the plans presented to the City Council on December 5, 2018 and December 17, 2018 and located in the project file dated October 2018.

IV.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 149.5 above Mean Sea Level (MSL), measured at Story Pole #39 and 47.1' above the lowest point of the existing/proposed grade at Story Pole #86 as measured from the lower of the existing or proposed grade, and is in conformance with the plans as approved by the City Council on December 17, 2018 and the certified story pole plot plan.

VII. BUILDING PAD ELEVATIONS.

The elevation (based on Mean Sea Level ("MSL") elevation) of the building pad for each building set forth on the Preliminary Grading Plan (Sheet G 2.1 dated 6/19/2018) (the "Grading Plan") which is part of the Plans submitted by the Applicant to the City dated June 27, 2018 and revised October 24, 2018 in connection with the application for the Development Review Permit and Structure Development Permit for this Project (the "Initial Project Plans") shall not be increased above the MSL elevation set forth on the Grading Plan.

VIII. BUILDING HEIGHTS.

a. Finished Building Heights. The maximum finished height of all buildings and structures of the Project shall not exceed the maximum

finished heights set forth on the Initial Project Plans and the modification thereto for Building #12 (lowers the finished height), Building #13 (lowers the finished height), and Building #10 (expands the building envelope without increasing the finished height) submitted by the Applicant to the City and presented to the View Assessment Commission on October 16, 2018 and November 20, 2018 concerning the Structure Development Permit for the Project (the "Modifications to Project Plans") to address the applications for View Assessment filed for the Project. The maximum finished heights include but are not limited to installation of roofing materials, parapet walls, if any, mechanical equipment (including heating, ventilation, and air conditioning equipment) and related screening of each roof or roof section. The "Initial Project Plans" and "Modifications to Project Plans" are collectively referred to as the "Project Plans"

b. Confirmation of Building Heights Before Framing Inspection. Within sixteen (16) months after the City Council's approval of the Development Review Permit for this Project (as conditioned by the City Council), but no later than March 1, 2020, the Applicant shall prepare and submit to the City Manager a chart in the form and content acceptable to the City Manager which at a minimum sets forth the following information for each roof or roof section of each building or structure in the Project:

(i) The building number for each building as set forth on the Preliminary Grading Plan (or identify the structure if no number) and the height of those story poles and the height of the ridge(s) of each roof and roof section of each building or structure and the applicable story pole number for each roof ridge;

(ii) The maximum height based on Mean Sea Level (MSL) elevation of the completed framing for each ridge of each roof and roof section of each building or structure before installation of anything on the rough framing, including installation of roofing materials or other materials or equipment; and

(iii) The maximum finished height based on Mean Sea Level (MSL) elevation for each ridge of each roof and roof section of each building or structure after installation of roofing materials, parapet walls, if any, mechanical equipment (including heating, ventilation, and air conditioning mechanical equipment) and related screening of each roof and roof section.

The foregoing maximum heights shall be consistent with the maximum finished heights set forth in the Project Plans.

c. Roof Slopes. The slopes of the roofs shall not be decreased or increased.

IX. ROOF DECKS.

a. Second Floor Level and Third Floor Level Decks. There shall not be any deck on the roof of any building, including on the roof of a one-floor building, two-floor building, or three-floor building.

X. EXTERIOR MATERIALS.

a. Materials Approved. When constructing the buildings in the Project, The Applicant shall use exterior materials that are of the same type and design and have the same appearance, finish, and architectural design significance and are substantially the same or better quality as the exterior materials shown in the plans, illustrations, photographs, photo and electronic simulations, renderings, and other visual and graphic images submitted by The Applicant to the City Council to obtain approval of this Project. The Project, including the affordable senior housing units, shall be constructed with the same design type and same or better quality materials as shown on such visual and graphic images.

b. Materials Sample Board. Within ninety one (1) year after City Council's conditional approval of the Development Review Permit for this Project, The Applicant shall prepare and submit for approval by the City Manager a sample board of materials that provides samples of the exterior materials in compliance with the requirements set forth in subsection (a) above and identifies the manufacturer, model, and other product information for each exterior material for the Project.

~~V.~~XI. 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 by the City.

~~VI.~~XII. 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.

~~VII.~~XIII. Native or drought tolerant and non-invasive plant materials and water conserving irrigation systems shall be incorporated into proposed landscaping to the extent feasible.

~~VIII.~~XIV. Any new exterior lighting fixtures shall be in conformance with the City-Wide Lighting Regulations of SBMC Section 17.60.060.

XV. PARKING.

- a. Addition of Parking Spaces on Lot B. Owner has proposed a total of five hundred twenty-five (525) total parking spaces for the Project allocated as follows: 488 spaces for Lot A; and 37 spaces for Lot B. Owner has subsequently agreed to add six (6) additional parking spaces on Lot B for a total of 43 spaces on Lot B. The six (6) additional spaces shall be added at the north side of the proposed parking area for Lot B. The six (6) additional parking spaces shall be designated as “visitor” parking.
- b. Quantity of Parking Spaces for the Project. All references to “parking spaces” mean parking for cars and trucks, not motorcycles. Owner has proposed a total of 525 parking spaces for the Project. With the six (6) additional visitor parking spaces for Lot B as provided in Subsection (a) above, the Project and Project Plans shall provide a total of five hundred thirty-one (531) parking spaces (a cumulative total for tenants and visitors) for the Project (includes Lot A [market rate apartments] and Lot B [affordable senior apartments]). All parking spaces shall be in compliance with the City’s Off-Street Parking Manual.

The zoning applicable to the Project based on the type of apartments (e.g., amount of bedrooms in each apartment) and quantity of apartments in the Project requires a total of 494 parking spaces (this is the total for both tenants and visitors, and includes ADA parking spaces). The Project shall provide a total of 531 parking spaces. Thus, in order for Owner to provide 531 parking spaces, the Project and Project Plans shall provide the 494 parking spaces required by zoning plus an additional 37 extra parking spaces.

The 531 parking spaces are allocated as follows:

- (i) 488 Lot A; and
- (ii) 43 Lot B.

- 1) LOT A. There shall be a total of four hundred eighty-eight (488) parking spaces on Lot A, and these parking spaces shall be allocated as follows:

There will be a maximum of 343 reserved parking spaces available for tenants, at least 88 unreserved parking spaces available for tenants, and 57 visitor parking spaces. Thus, the 488 parking spaces are allocated as follows:

343 maximum reserved parking spaces for tenants (based on 1 space for studio apartment, 1 space for one bedroom, and 2 spaces for two bedrooms)

88 minimum unreserved parking spaces for tenants

57 visitor parking spaces (228 apartments = 57 visitor spaces)

=488 total parking spaces on Lot A

2) **LOT B.** There shall be a total of forty-three (43) parking spaces on Lot B, and these parking spaces shall be allocated as follows:

There will be a maximum of 37 reserved parking spaces available for tenants, no unreserved parking spaces for tenants, and 6 visitor parking spaces. Thus, the 43 parking spaces are allocated as follows:

37 maximum reserved parking spaces for tenants (based on 1 space for studio apartment, 1 space for one bedroom, and 2 spaces for two bedrooms)

0 minimum reserved parking spaces for tenants

6 visitor parking spaces

=43 total parking spaces on Lot B

c. Reserved Parking Spaces for Tenants. Owner shall assign reserved parking spaces for tenants of the Project as provided herein. However, Owner shall not reserve for or assign to any tenant more reserved parking spaces than as follows: 1 parking space for a studio apartment; 1 parking space for a one bedroom apartment; and 2 parking spaces for a two bedroom apartment. Owner shall not reserve any "visitor" parking spaces on the Project.

Owner shall prepare a written parking plan (the "Parking Plan") and identify thereon which garages, carport parking spaces, and uncovered parking spaces are assigned to each apartment as reserved parking spaces for each apartment and the location of all unreserved tenant parking spaces and visitor parking spaces in the Project. Owner shall submit the Parking Plan to the City Manager on or before March 1, 2020 for approval thereafter by the City Council.

With regard to the parking spaces on Lot A, Owner shall assign one (1) garage parking space to each apartment (to the extent there are sufficient quantity of garages, noting there are more apartments than garages) for the exclusive use of that apartment so that all garage parking spaces on Lot A are assigned to specific apartments. After assigning all garage parking spaces to specific apartments, then Owner shall assign one (1) covered carport parking space to each apartment that does not have a garage parking space assigned to the apartment (to the extent there are sufficient quantity of carport parking spaces, noting that there are more apartments than garages and carport parking spaces combined). After all garage parking spaces and carport parking spaces have been assigned to apartments, then Owner shall assign one (1) uncovered parking space to each of the remaining apartments that do not have a garage or carport parking space assigned to that apartment. In addition, if an apartment is a two-bedroom apartment, then the second reserved parking space assigned to a two bedroom apartment will be an uncovered parking space.

The garages that are located in the building where the apartment is located will be assigned first to the apartments located in that same building and then to the apartments located closest thereto. The same principal will be used to assign reserved carport parking spaces and reserved uncovered parking spaces.

The apartment and the garage and/or covered carport parking space and/or uncovered parking space(s) assigned to each specific apartment for the exclusive reserved use of the tenant of that apartment shall constitute a single premises for the purpose of the rental of that apartment.

Tenants who have apartments with assigned reserved parking space(s) (either garage, carport, and/or uncovered parking space) shall be required by their lease to park in their assigned reserved parking spaces and not in the unreserved parking spaces. Owner shall strictly enforce this requirement by providing appropriate enforcement provisions and remedies in the leases, including monetary penalties and/or towing for violations.

For the purpose of example and not for limitation, if the tenant of a two bedroom apartment consists of two occupants with two vehicles and the tenant's apartment has a reserved garage parking space and a reserved uncovered parking space assigned to the tenant's two bedroom apartment, then the tenant shall park in the garage and reserved uncovered parking space and shall not park in an unreserved parking space. However, if there are three occupants of

the two bedroom apartment and the assigned garage and reserved uncovered parking spaces are being used by two of the occupants, then the third occupant will park in an unreserved uncovered parking space.

The purpose of the requirements herein are to have each garage and covered carport parking space assigned to a specific apartment to ensure that all garages and covered carport parking spaces in the Project will be used for parking before the unreserved tenant parking spaces are used, thereby making available to tenants of the Project as many unreserved uncovered parking spaces as possible for the shared use of all tenants of the Project. With parking spaces available in the Project, tenants are discouraged from parking off site in the neighborhood surrounding the Project.

1) Request by Owner for Conversion of Unreserved Parking Spaces to become Reserved Parking Spaces on Lot A. The existing development on the Property that will be demolished to construct the Project does not have sufficient parking spaces for the tenants and visitors of the Property. Consequently, many tenants and visitors to the Property park on the streets in the neighborhood near the Property. This has caused a shortage of parking in the neighborhood and other negative impacts.

Owner has represented to the residents of the neighborhood and area near the Property and the City Council that the 531 parking spaces to be provided by the Project will provide a sufficient quantity of parking spaces for tenants and visitors of the Project so that they can park on the Property, not on the streets of the surrounding neighborhood. However, if Owner wants to increase the amount of uncovered reserved parking spaces on Lot A by converting some of the "unreserved" uncovered parking spaces to become "reserved" uncovered parking spaces (Owner shall not increase the amount of reserved parking spaces on Lot B), then Owner may request approval from the City Council to convert up to thirty-seven (37) of the eighty-eight (88) total unreserved uncovered parking spaces to become reserved uncovered parking spaces.

In connection with Owner's request, Owner shall submit a proposed modified Parking Plan which identifies and changes such unreserved uncovered parking spaces to become reserved uncovered parking spaces (the "**Modified Parking Plan**") to the City Council for approval. The Modified Parking Plan shall be accompanied by documentary analysis, data, and information which establish and demonstrate that the Owner's proposed

Modified Parking Plan will not cause, encourage, or otherwise result in tenants or visitors of the Project parking on the streets in the neighborhood adjacent to the Project and will eliminate and prevent on-street parking by tenants and visitors. The goal and actual effect of any Modified Parking Plan shall be to have all tenants and visitors of the Project park in the Project, not on nearby streets, and eliminate or prevent their on-street parking and the reasons or incentives for tenants and visitors to park on the streets. The Modified Parking Plan shall demonstrate that it will achieve this goal and produce the actual desired result and thereafter it shall actually achieve this goal.

If Owner elects to request an increase in the amount of reserved uncovered parking spaces by converting unreserved uncovered parking spaces as provided herein, then Owner shall submit the Modified Parking Plan and supporting analysis and documents required herein to the City Manager on or before March 1, 2020 for approval thereafter by the City Council.

- d. Unreserved Parking Spaces for Tenants. All unreserved parking spaces shall remain open for parking by all tenants of the Project who do not have a reserved parking space for their use as provided herein. The leases for tenants shall provide that tenants shall use their reserved parking spaces first before using any unreserved parking spaces. Owner shall strictly enforce this requirement by providing appropriate enforcement provisions and remedies in the leases, including monetary penalties and towing for violations.
- e. Visitor Parking Spaces. The visitor parking spaces shall be marked with signage as "visitor parking." The size, design, and location of signage for visitor parking shall be in compliance with the City's Off-Street Parking Manual and approved by City Manager. The visitor parking spaces shall be distributed evenly throughout the Project as approved by City Manager. The Applicant shall not reserve any "visitor" parking spaces on the Project.
- f. Tenants Shall Not Park in Visitor Parking Spaces. Tenants shall not be permitted to park in visitor parking spaces. The leases for tenants of the Project shall provide that tenants shall not park in parking spaces with signage stating the space is "visitor" parking. Notwithstanding the foregoing, tenants may park in visitor parking spaces only between the hours of 11:00 p.m. and 7:00 am, if such spaces are not in use during this time period. Owner shall strictly enforce this requirement by providing appropriate enforcement provisions and remedies in the leases, including monetary penalties and towing for violations.

g. No Charge for Parking. There shall not be any charge or fee to park in the Project, whether for any tenant of the Project (reserved or unreserved parking spaces) or their respective invitees, guests, and visitors. There shall not be any charge or fee for any parking spaces for tenants (reserved or unreserved), whether the parking spaces are provided as required by zoning or not, any parking spaces for visitors, and for any parking spaces constructed in the Project that exceed the total amount of spaces required by zoning.

The foregoing prohibition against Owner charging for any parking spaces in the Project shall not apply to Owner charging a higher rent for each apartment that includes exclusive reserved use of a specific identified garage and/or covered carport parking space assigned to that specific apartment for the exclusive use of that apartment. However, in order to permit this exemption from the prohibition against charging for parking spaces, each garage and uncovered carport parking space in the Project shall be assigned to a specifically identified apartment for the exclusive use of that apartment, with one garage or covered carport parking space assigned to each apartment as provided in Subsection (c) above. The garage parking spaces and covered carport parking spaces shall be assigned to the extent of the quantity of garages and covered carport parking spaces in the Project (i.e., there are more apartments than garages and carport parking spaces).

h. Access to Parking. There shall not be any gate, barrier, or other restriction to access any driveway/vehicle access to the Project.

i. No Assignment to Third Party. No parking spaces in the Project shall be assigned, sold, conveyed, transferred to any third party owner or otherwise reserved for any tenant beyond the amount of parking spaces allocated to the tenant's type of apartment as provided herein.

j. Garages Shall be Used for Parking, Not Storage. All leases and rental agreements for tenants or occupants of the Project shall provide that garages and covered parking spaces in carports shall be used for vehicle parking and incidental storage of personal property. Owner shall strictly enforce this requirement by providing appropriate enforcement provisions and remedies in the leases, including monetary penalties for violations.

IX.XVI. Fifty-seven (57) guest parking spaces shall be marked as permanent guest spaces and may not be assigned or reserved for any tenant, occupant or employee.

~~X.~~XVII. A Parking Management Plan, as approved by the City Manager, shall be in place to manage available parking to meet the needs of residents and avoid widespread resident use of adjacent street parking. The Parking Management Plan shall allocate spaces depending on the number of bedrooms and contain provisions in tenant leases that clearly restrict the garage space from impeding the ability to park an automobile in the garage and allow garages to be inspected periodically.

XVIII. ACCESS TO THE PROJECT.

There shall not be more than three (3) driveway/vehicle entrances to the Project. No gate, barrier, or other restriction to access shall be installed or maintained at any driveway/vehicle entrance or exit to the Project.

The following two driveway entrance/exits shall provide for "right turn only" signage to prevent left turn exits. Thus, all exiting vehicles from these two driveways will travel toward Stevens Avenue and/or to the south:

a. Westerly Entrance/Exit on South Nardo Avenue.

b. Easterly Entrance/Exit on Stevens Avenue for Building #25 (Affordable Senior Apartments).

XIX. Residents of the Senior Affordable building (Building 25) shall receive guest access privileges to the pool area upon their request subject to the standard rules and regulations.

~~XI.~~XX. All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities that render them detrimental to the surrounding area.

~~XII.~~XXI. If nesting sensitive birds are detected at any time during the breeding season, the California Department of Fish and Wildlife shall be notified and an appropriate disturbance set-back will be determined and imposed until the young-of-the-year are no longer reliant upon the nest. The set-back or buffer shall be no less than 100 feet. CDFW shall be notified in nesting sensitive birds are detected at the project site or in the immediate surrounding area during the breeding season. An appropriate set-back or buffer shall be determined by the qualified project biologist.

~~XIII.~~XXII. The proposed preliminary Landscape Concept Plan includes the use of indigenous and/or drought-tolerant plant material, where feasible. No invasive or potentially invasive species would be used. The City shall review and approve the applicant's Landscape Concept Plan and confirm inclusion of drought-tolerant plant material.

XXIII. LANDSCAPE PLAN.

The Applicant has submitted to the City Council a Preliminary Conceptual Landscape Plan (Sheet L-0.1) (the "Preliminary Conceptual Landscape Plan") which is part of the Project Plans for consideration by the City Council concerning the Development Review Permit for the Project. Subject to approval of the Preliminary Conceptual Landscape Plan by the City Council, the Applicant shall submit a Final Conceptual Landscape Plan to the City on or about February 20, 2019 so that the Final Conceptual Landscape Plan may be considered for approval by the City Council at a regularly scheduled City Council meeting conducted during the months of March or April 2019. Within sixteen (16) months after the City Council approves the Final Conceptual Landscape Plan (but no later than March 1, 2020), the Applicant shall submit a Final Landscape Plan to the City Council for consideration and approval. The City shall not issue any permits for demolition, grading, or construction of the Project until the City Council approves the Final Landscape Plan.

The City Council's approval of the Preliminary Conceptual Landscape Plan is made on the condition that Applicant will work to modify and improve the plan to address the concerns of residents and the City Council and submit a Final Conceptual Landscape Plan for consideration and approval by the City Council as provided herein. The City Council's subsequent consideration of the Final Conceptual Landscape Plan will allow the Applicant the opportunity to refine and modify the Preliminary Conceptual Landscape Plan to address concerns of residents and the City Council. The Preliminary Conceptual Landscape Plan and the Final Conceptual Landscape Plan shall be collectively referred to as the "Landscape Plan."

The Landscape Plan shall comply with the following requirements:

- a. Mix. The mix of trees shall be at least 70% or more evergreen and no more than 30% deciduous.
- b. Quantity. At a minimum, the quantity of trees and other vegetation shown on the Landscape Plan shall be maintained. The landscape buffer areas shall be planted with trees and vegetation that provide at least ninety percent (90%) coverage of the landscape buffer area.
- c. Quality. Trees and other vegetation shall be the same or better architectural significance and design value (as these terms are customarily used by landscape design professionals from time to time during the life of this Project) and quality as shown on the Landscape Plan.

- d. Requirement to Maintain Landscape Trees and Vegetation. The Applicant shall maintain the landscape buffer areas with trees and vegetation that have a level of architectural significance and design value and quality that is substantially the same or better than as shown on the Landscape Plan. Such trees and other vegetation shall not be removed unless concurrently replaced.
- e. Removal and Replacement. Trees and other vegetation shall not be removed without concurrently replacing same. When replacing trees and other vegetation, the Applicant shall maintain the same or better level of architectural significance, design value and quality shown on the Landscape Plan. Also, when replacing trees, the Applicant shall replace with equal or larger size of the trees as indicated in the Landscape Plan.
- f. Final Landscape Plan. Subject to approval of the "Preliminary Conceptual Landscape Plan" and the "Final Conceptual Landscape Plan" by the City Council, the Applicant shall submit the "Final Landscape Plan" for consideration and approval by the City Council. Selection of the species of trees (including the height of trees at maturity) and placement of the trees throughout the Project, including in all landscape buffer areas, for the Final Landscape Plan shall consider and mitigate potential for blocking views of residences located on South Nardo Avenue that filed view claims concerning this Project.

XXIV. LANDSCAPE BUFFER AREAS.

- a. Landscape Buffer Areas. The "landscape buffer area" means the area between the facades of the buildings in the Project that are located along the boundary line of the Property and the adjacent boundary line of the Property or the edge of the sidewalk at a public street that is closest to the building facades, whichever is closer to the building facades. Where there is a parking area along the perimeter of the Project, the Landscape buffer area is the area between the boundary line of the Property or the edge of the sidewalk at a public street that is closest to the parking area and the edge of the paved parking area. However, at various locations along the perimeter of the Project on the south and west sides of the Project there is no sidewalk, and the landscape buffer areas consists of the area between the building facades (or edge of the paved parking area) and the boundary line of the Property.

There is a landscape buffer area around the entire perimeter of the Project, except at the three locations where a driveway crosses the landscape buffer area. The landscape buffer areas are provided by

the placement of the buildings and structures as depicted on the Project Plans, including the Site Plan (Sheet O-1.1) and Preliminary Conceptual Landscape Plan (Sheet L-0.1) that are part of the Project Plans.

The landscape buffer areas are shown on the Project Plans, including the Site Plan and Preliminary Grading Plan therein. The landscape buffer area shall be increased as described herein and specifically depicted and identified on the Site Plan (Sheet O-1.1) and the Landscape Plan that are part of the Project Plans.

The landscape buffer areas shall be planted with trees and other vegetation as provided herein to screen the Project from the public streets, adjoining properties, and other properties in the area of the Project. The landscape buffer areas shall be planted with trees and vegetation that provide at least ninety percent (90%) coverage of the landscape buffer area.

b. Modify Landscape Buffer Areas. The minimum width of the landscape buffer areas between Building #25 and the parking area located east of Building #25 and the property to the south, and at Building #6 shall be expanded as follows:

(i) Building #25 - a minimum twenty-five (25) feet wide;

(ii) Parking area east of Building #25 – twenty (20) feet wide;

(iii) Remove hardscape improvements in Landscape Buffer area on north side of Building #6.

c. Requirement to Maintain Minimum Size of Landscape Buffer Areas. The dimensions (i.e., distance east to west, and north to south) and useable area of the landscape buffer areas as set forth herein shall be maintained and shall not be reduced. No portion of any landscape buffer area shall be converted to patios, decks, walkways, driveways, or other non-landscape uses, except as provided in subsection (d) below entitled “Exceptions to Landscape Buffer Area.”

d. Exceptions to Landscape Buffer Area. Except as expressly permitted herein, no patios, decks, walkways, seating, or other hardscape improvements, or other non-landscape uses are permitted in any of the landscape buffer areas referenced herein:

(i) Two Driveways Along South Nardo Avenue and One Driveway on Stevens Avenue. There shall not be more than three (3) driveways/vehicle entrances to the Project. There are two driveways that provide access to the Project along South Nardo

Avenue and one driveway on Stevens Avenue that serves Building #25; and

(ii) Walkways in the Landscape Buffer Areas Next to and Along the Building Facades. Allow one walkway in the landscape buffer areas next to the building facades. These walkways are shown on the Preliminary Grading Plan. These walkways provide access to the apartments in these residential apartment buildings. These walkways shall not be wider than four (4) feet, including any built-in benches, seating, planters, or other improvements associated with or concerning the walkway.

e. Pocket Park on South Nardo Avenue. There shall be an open space park area located along and contiguous with South Nardo Avenue between Building #2 and Building #4 as identified on the Preliminary Grading Plan. The minimum dimensions of the area of the park are fifty-three (53) lineal feet measured generally from north to south (approximately perpendicular to South Nardo Avenue) and ninety-five (95) lineal feet measured generally from east to west. This open space area will be used as a park for residents and visitors of the Project. The entire area of this park area will be landscaped with grass and other vegetation as set forth on the Landscape Plan that provide at least ninety percent (90%) coverage of the area. There shall not be any hardscaped area or other improvements constructed or installed within this park area, except the area for installation of a small patio and barbeque, not to exceed two hundred (200) square feet, at the location(s) shown on the Project Plans.

XXV. PERIMETER FENCE.

No fence or wall shall be installed along or within the landscape buffer areas that are contiguous with the property boundary line of the Project that is contiguous with South Nardo Avenue (i.e., the north side and east side of the Project) and Stevens Avenue (i.e., the east side of the Project). The Applicant shall install a fence along the southerly side of the Project (contiguous with the Turfwood Project) of a height, material, and design that is described in the design concept set forth below.

The design concept for this fence is as follows: six (6) foot tall black anodized aluminum metal fence consisting of approximately 1" square tube spaced pickets, double rail, with pressed spear tops, and capped 4" square posts every 8 to 10 feet. This fence will look like traditional wrought iron fencing and will be consistent with the existing metal fence located along Turfwood Lane.

XXVI. RESIDENTIAL APARTMENT BUILDING.

Long Term Rentals. Applicant has applied to the City to construct residential rental apartments that will be offered for rent on a long term basis. Therefore, the residential apartments shall be rented on a month-to-month or longer term basis and shall not be rented for a term that is less than thirty days. The apartments shall not be rented for short term vacation rentals that have a term less than thirty days. In addition, no tenant or occupant of any residential apartment shall assign or sublease the apartment for a term of less than thirty days or allow short term vacation rental uses. This restriction on assignment and subletting shall be included in all leases and rental agreements for the apartments.

XXVII. All "Useable Open Space" shall be accessible to residents of the Project. Plans shall be modified to demonstrate access to the "Useable Open Space" between Buildings 16, 20 and 23.

XXVIII. The Applicant shall make every reasonable commercial effort to preserve the acacia bush/tree near the southwest portion of the site, south of Building 15, during development of the project. If the acacia bush/tree is to be removed, the replacement landscaping shall be of equal or larger size landscaping that will maintain the same or better level of screening, architectural significance, design value, and quality shown on the Landscape Plan.

XIV.XXIX. Per Solana Beach Municipal Code (SBMC) Section 17.20.040(J), the proposed project is required to meet a minimum of 250 square feet per unit of usable open space. Therefore, 260 units would require a minimum of 65,000 square feet of usable open space. As shown in Draft EIR Figure 2-6, the project would provide 65,065 square feet of usable open space (250 square feet per unit). The City shall review final project site plans to confirm the incorporation of required useable open space.

XV.XXX. In addition to the measures that are part of Title 24, the project would include the following energy-efficiency measures in its design:

- (1) Electric vehicle charging stations for residents and guests
- (2) Photovoltaic panels
- (3) Low water use appliances, in-home fixtures, and irrigation
- (4) Low VOC (volatile organic compound) paints
- (5) Community recycling program
- (6) Energy Star appliances

- (7) Energy-efficient LED lighting, appliance, and heating, ventilation, and air conditioning (HVAC) design
- (8) Pool with solar heating
- (9) Building insulation elements installed under the inspection of the Home Energy Rating System (HERS) rating agency
- (10) Drought-tolerant landscaping
- (11) Possible reclaimed water use for irrigation
- (12) Walking paths and bicycle lockers to promote more sustainable lifestyles for residents, employees, and guests. The applicant shall incorporate the identified and approved energy-efficiency measures into project design.

~~XVI.~~XXXI. 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.~~XXXII. 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.

~~XVIII.~~XXXIII. The City may elect to acquire beach grade material from the project, up to a maximum of 150,000 cubic yards per the City's SCoup regulatory permits, at a market-rate value as determined by estimates of the price of comparable material, from a local supplier as delivered to Fletcher Cove, and at a maximum cost based on funding availability in Beach Sand Mitigation Fund held in trust for the City by SANDAG. The applicant shall be responsible for transporting the material to the beach.

~~XIX.~~XXXIV. Any 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.

~~XX.~~XXXV. 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 (CCA) program, Solana Energy Alliance (SEA) "SEA Green" product, or, if this program is not in place, any successor CCA program or the San Diego Gas & Electric EcoChoice

program. All house meter electricity accounts and all future residential tenant agreements for the proposed project shall encourage that all tenants opt in to either the City's SEA Green program (100 percent renewable power) or, if this program is not in place, any equivalent SEA successor program, or the San Diego Gas & Electric EcoChoice program. 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.

~~XXI.~~ XXXVI. 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.
- (23) In addition, a copy of the Asbestos Survey must be maintained on site for the duration of the project.

B. Affordable Housing Conditions

- I. The Affordable Housing Agreement shall be executed and recorded against the entire property prior to the recordation of any parcel map or final subdivision map or issuance of building permits for the project, whichever occurs first.
- II. The affordable housing agreement and other required agreements shall be prepared by the City at the Applicant's expense.
- III. As proposed by the Owner, and to comply with the provisions of the City's Affordable Housing Ordinance (SBMC Chapter 17.70) and density bonus law (Government Code Section 65915 and SBMC Section 17.20.050), the project shall provide 32 Affordable Senior Units that are affordable to lower income households (as defined in Section 50079.5 of the Health & Safety Code) at affordable rent (as defined in Section 50053 of the Health & Safety Code) for a 55-year period.
- IV. Construction of Affordable Senior Units. The Affordable Senior Units shall be constructed concurrently with construction of the Market Rate Units. To ensure concurrent construction, the City shall not issue a building permit for the 115th Market Rate Unit until it has issued a building permit for the 32nd Affordable Senior Unit, and the City shall not issue a certificate of occupancy or approve a final inspection for the 115th Market Rate Unit until it has issued a certificate of occupancy or approved a final inspection for the 32nd Affordable Senior Unit.
- V. Senior Housing Characteristics. The design of the Affordable Senior Units shall include all of the elements required by Civil Code Section 51.2(d) or successor provision. The Affordable Senior Units shall be inspected by the City prior to occupancy to determine that they meet the construction and other standards required by this Agreement and by State law.

- VI. Appearance. The design, appearance, and general quality of the Affordable Senior Units shall be compatible with those of the Market Rate Units and consistent with the designs of the Market Rate Units.
- VII. Amenities for Affordable Senior Units. Owner shall provide a furnished common indoor meeting space of at least one thousand (1,000) square feet for residents of the Affordable Senior Units and landscaped outdoor open space and recreation space of at least eight thousand (8,000) square feet adjacent to the Affordable Senior Units, as shown in the plans included in the City Approvals. Tenants of the Affordable Senior Units shall have access to the meeting space and outdoor space at no additional cost.
- VIII. Fee Waiver. The City hereby grants a fee waiver in a total amount of \$500,000. Prior to issuance of any grading, demolition, building, or other construction permit for the project, the City shall specify which fees shall be waived.
- IX. Indemnity for Fee Waiver

The City has granted a fee waiver in the amount of \$500,000 under the Affordable Housing Ordinance with the intention that any financial assistance provided by the City through the fee waiver or by other means meets the exception set forth in Labor Code Sections 1720(c)(3) (a public subsidy that is de minimis in the context of the project) and Section 1720(c)(1) (private residential projects) to the general requirement that state prevailing wages be paid in connection with construction work that is paid for in whole or in part out of public funds. However, to the extent other funding sources or a future court or the Department of Industrial Relations determination require the payment of prevailing wages on the Project under the Labor Code, then Owner shall comply with the prevailing wage requirements attached to these conditions (Contingent Prevailing Wage Requirements). Owner shall indemnify, hold harmless and defend (with counsel reasonably selected by the City), to the extent not prohibited by applicable law, the City, its councilmembers, commissioners, officials, employees and agents, against any claim for damages, compensation, fines, penalties or other amounts arising out of the failure or alleged failure of any person or entity (including the Owner, or its contractors or subcontractors) to pay prevailing wages as determined pursuant to Labor Code Sections 1720 et seq., to hire apprentices in accordance with Labor Code Sections 1777.5 et seq., or to comply with the other applicable provisions of Labor Code Sections 1720 et seq., 1725.5, 1771, 1771.1, 1771.4, 1776, 1777.5 et seq., 1810-1815 and the implementing regulations of the DIR in connection with the work performed in connection with the project. *[See Contingent Prevailing Wage Requirements below.]*

X. CONTINGENT PREVAILING WAGE REQUIREMENTS

To the extent other funding sources or a future court or the Department of Industrial Relations (the "DIR") determination require the payment of prevailing wages on the Project under the Labor Code, the following shall apply:

- (1) In accordance with Labor Code Sections 1725.5 and 1771.1, the Owner shall and shall cause its contractors and subcontractors to pay prevailing wages in the construction of the Project as those wages are determined pursuant to Labor Code Sections 1720 et seq. and the implementing regulations of the Department of Industrial Relations (the "DIR"), to employ apprentices as required by Labor Code Sections 1777.5 et seq., and the implementing regulations of the DIR and comply with the other applicable provisions of Labor Code Sections 1720 et seq., 1777.5 et seq., and implementing regulations of the DIR.
- (2) All calls for bids, bidding materials and the construction contract documents for the Project must specify that:
 - (a) No contractor or subcontractor may be listed on a bid proposal nor be awarded a contract for the Project unless registered with the DIR pursuant to Labor Code Section 1725.5.
 - (b) The Project is subject to compliance monitoring and enforcement by the DIR.
- (3) The Owner, as the agent of the "awarding body", shall register the Project as required by Labor Code Section 1773.3 as set forth in the DIR's online form PWC-100 "Form PWC-100) within two (2) days after entering into the construction contract and shall continue to update Form PWC-100 within two (2) days after new information becomes available that must be reported on Form PWC-100 (for example, new subcontractor hired).]
- (4) In accordance with Labor Code Sections 1725.5 and 1771.1, the Owner shall require that its contractors and subcontractors be registered with the DIR, and maintain such registration as required by the DIR.
- (5) Pursuant to Labor Code Section 1771.4, the Project is subject to compliance monitoring and enforcement by the DIR. The Owner shall and shall require its contractor sand subcontractors to submit payroll and other records electronically to the DIR pursuant to

Labor Code Sections 1771.4 and 1776 et seq., or in such other format as required by the DIR.

- (6) The Owner shall and shall cause its contractors and subcontractors to keep and retain such records as are necessary to determine if prevailing wages have been paid as required pursuant to Labor Code Sections 1720 et seq., and that apprentices have been employed as required by Labor Code Section 1777.5 et seq., and shall, within ten (10) days of request by the City, provide to the City such records and other documentation reasonably requested by the City.
- (7) The Owner shall and shall cause its respective contractors and subcontractors to comply with all other applicable provisions of Labor Code, including without limitation, Labor Code Sections 1720 et seq., 1725.5, 1771, 1771.1, 1771.4, 1776, 1777.5 et seq., 1810-1815 and implementing regulations of the DIR in connection with construction of the Project or any other work undertaken or in connection with the Property.

Copies of the currently applicable current per diem prevailing wages are available from the DIR website, www.dir.ca.gov. The Owner shall cause its respective contractors to post the applicable prevailing rates of per diem wages at the Project site and to post job site notices, in compliance with Title 8 California Code of Regulations 16451(d) or as otherwise as required by the DIR.

C. Fire Department Conditions

The following are conditions of approval and are based on the Alternate Materials and Methods Request (AMMR) approved and dated March 26, 2018:

- I. **ACCESS ROAD MINIMUM DIMENSIONS:** Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Exception: Single-Family residential driveways; serving no more than **two** single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities.
- II. The hose pull shall be measured by an approved route around the exterior of each building.

- III. The Civil Engineer on record to verify that fire access turn-around, width and grade shall comply with the California Fire Code, local amendments and the ability for Solana Beach fire apparatus to maneuver for emergency responses.
- IV. The minimum unobstructed inside turning radius shall be 28'.
- V. **DEAD ENDS:** All dead-end fire access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. A cul-de-sac shall be provided in residential areas where the access roadway serves more than four (4) structures. The minimum unobstructed paved radius width for a cul-de-sac shall be 36 feet in residential areas with no parking.
- VI. **GRADE:** The gradient for a fire apparatus access roadway shall not exceed 20.0%. Grades exceeding 15.0% (incline or decline) shall not be permitted without mitigation. Minimal mitigation shall be a surface of Portland cement concrete, with a deep broom finish perpendicular to the entire direction of travel. Additional mitigation measures may be required where deemed appropriate. The angle of departure and angle of approach of a fire access roadway shall not exceed seven degrees (12 percent).
 - (1) The Civil Engineer on record to verify that fire access turn-around, width and grade shall comply with the California Fire Code, local amendments and the ability for Solana Beach fire apparatus to maneuver for emergency responses.
- VII. **FIRE HYDRANTS AND FIRE FLOWS:** The applicant shall provide fire hydrants of a type, number, and location satisfactory to the Solana Beach Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. Multi-family residential or industrial fire hydrants shall have two (2) 4" inch and two (2) 2 ½" inch NST outlets. Residential fire hydrants shall have one (1) 4" inch NST outlet, and one (1) 2 ½" inch NST outlets.
 - (1) 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.
 - (2) Fire hydrants shall be provided per CFC Appendix C (number, spacing, and type).
- VIII. **GATES:** All gates or other structures or devices, which could obstruct fire access roadways or otherwise hinder emergency operations, are

prohibited unless they meet standards approved by the Fire Department. An approved emergency key-operated switch and/or an approved emergency traffic control-activating strobe light sensor shall be installed per Solana Beach Fire Department standards.

- IX. **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.
- X. **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:
- (1) All wet and dry utilities shall be installed and approved by the appropriate inspecting department or agency;
 - (2) As a minimum the first lift of asphalt paving shall be in place to provide a permanent all weather surface for emergency vehicles; and
 - (3) Water supply for fire protection (fire hydrants and standpipes) shall be installed, in service and accepted by the Fire Department and applicable water district.
- XI. **POSTING OR STRIPING ROADWAYS “NO PARKING FIRE LANE”:** Fire Department access roadways, when required, shall be properly identified as per Solana Beach Fire Department standards. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
- XII. **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.
- XIII. **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.

(1) Directories shall provide to identify buildings/addresses.

XIV. **AUTOMATIC FIRE SPRINKLER SYSTEM:** Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department.

(1) NFPA 13 fire sprinkler systems proposed as a mitigation measure shall not be used for area increase or height increase per the approved Alternate Materials & Methods Mitigation.

XV. **CLASS "A" ROOF:** All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Solana Beach Fire Department.

XVI. **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.

(1) Proposed Class I combined wet standpipe shall be in locations approved by the Fire Department.

XVII. **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.

XVIII. **SOLAR PHOTOVOLTAIC INSTALLATIONS (Solar Panels):** Solar Photovoltaic systems shall be installed per the California Fire Code and Solana Beach Fire Department requirements.

XIX. **FIRE-RESISTANCE CONSTRUCTION:** Building #16, Building #20 and Building #23 shall be separated by a *firewall* as defined by the California Building Code to create a separate building.

D. Engineering Department Conditions:

The Engineering Department has completed our review of the subject project, and based on the plans dated September 8, 2018 and Vesting Tentative Parcel Map dated November 5, 2018, we recommend the following conditions of approval:

I. GRADING

Obtain a grading permit in accordance with Chapter 15.40 of the Solana Beach Municipal Code. If approved by City Council, grading of the

project site may be phased pursuant to the phasing as proposed in the development of the project. Conditions prior to the issuance of a grading permit shall include, but not be limited to the following:

- (1) 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.
- (2) 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.
- (3) The Structural setback zone, shown on the exhibit included in the "Updated Slope Stability Analysis, Solana Highlands, Solana Beach, California, by Geocon, Inc., dated August 16, 2018, Revised August 28, 2018" should be incorporated into the grading plan. No habitable structures allowed in this zone.
- (4) All drainage should be directed away from the top of the existing and proposed cut slopes between the proposed development and existing properties.
- (5) All recommendations of the Hydrology Report (such as on site detention basins), prepared by Pasco Laret Suiter & Associates, shall be incorporated into the Grading Plan and approved by the City Engineer.
- (6) A storm water detention easement or maintenance agreement shall be recorded for maintenance of the detention basin by the property owner in perpetuity, prior to the occupancy of the first building on this project.
- (7) All retaining walls and drainage structures shall be shown on the grading plans. 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 or as shown on approved exhibits as part of this discretionary action.

- (8) The applicant is responsible to protect the adjacent properties during construction. If any grading or other types of construction are anticipated beyond the property lines, the applicant shall obtain a written permission from the adjoining property owners for incidental grading or construction that may occur and submit the letter to the City Engineer prior to the anticipated work.
- (9) Pay grading plan check fee in accordance with the current Engineering Fee Schedule at initial grading plan submittal. Inspection fees shall be paid prior to issuance of the grading permit.
- (10) Obtain and submit grading security in a form prescribed by the City Engineer.
- (11) Obtain haul permit for import / export of soil. The applicant shall transport all excavated material to a legal disposal site.
- (12) Submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and installed in accordance with the approved plans. This shall be accomplished by the Engineer of record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and the Soil Engineer certifying the as-built conditions.
- (13) 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.
- (14) 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.
- (15) The Applicant shall submit a storm water management plan to demonstrate to the satisfaction of the City Engineer that the project does not increase storm water runoff or peak discharge from the

existing condition, and that the requirements of SBMC 13.10 Storm Water Management and the RWQCB Final Order R9-2013-0001 are met.

- (16) No increased cross lot drainage shall be allowed.
- (17) Submit certification from a registered civil engineer and soil engineering that all public or private drainage facilities and finished grades are functioning and 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 soil engineer certifying the as-built conditions.
- (18) 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.
- (19) The applicant shall enter into an Encroachment, Removal, and Liability Agreement for any proposed private work in the Public right of way; including but not limited to grading, landscaping, installation of irrigation system, etc.
- (20) Slopes adjacent to site boundaries shall be set back in accordance with SBMC 15.40.140.

II. PUBLIC IMPROVEMENTS

The following engineering conditions (1 thru 13 under Public Improvements) are required to improve the existing roadway network adjacent to and in general vicinity of the proposed project boundary consistent with the City's circulation element and implementing certain recommendations of the City's Comprehensive Active Transportation Strategies (CATS) Program in satisfaction of the Traffic Impact Fee (TIF) requirement. The Applicant shall construct and install the improvements set forth on the Off-Site Improvement Plan dated December 3, 2018 (the "Off-Site Improvement Plan") submitted by the Applicant to the City concerning the Development Review Permit for the Project. The applicant shall obtain an Engineering permit for construction of public improvements to the satisfaction of the City Engineer as follows:

- (1) The applicant shall be responsible for enhancement to the operation of Turfwood driveway access at Valley Avenue. These Enhancements may include but not be limited to:
 - (a) Modification of the traffic signal timing at the intersection of Valley Avenue and Stevens Avenue to provide for a more efficient

egress at the Turfwood Lane access. The proposed signal timing enhancement may include construction of additional loop detectors on northbound Valley Avenue and associated communication and control equipment in the cabinet at a cost not to exceed \$50,000.

- (b) Striping the Turfwood driveway for a distance of approximately 50 feet from Valley Avenue to accommodate one inbound lane, one outbound left turn lane, and one outbound right turn lane. Additionally, the applicant shall install "Keep Clear" legend on Valley Avenue at Turfwood driveway.
 - (c) Working with the City Engineer and the adjacent property owner to improve the sight visibility line for vehicles exiting Turfwood Lane. If the adjacent property owner is uncooperative, the applicant is not obligated to provide any improvements outside of the existing right of way.
 - (d) Installation of a "Solar Powered Electronic Speed Sign" on Southbound Stevens Avenue or other means to calm traffic approaching Turfwood driveway access.
- (2) Applicant shall modify the Traffic signal at Nardo Avenue and Stevens Avenue to install a signal indicator for traffic calming purposes to emphasize a safe right turn on red from eastbound Nardo to southbound Stevens Avenue at a cost not to exceed \$50,000.
 - (3) On west side of Valley Avenue, south of Nardo Avenue provide appropriate regulatory signs to prohibit left turn out of the proposed driveway for the senior housing complex.
 - (4) On south Nardo Avenue west of Stevens Avenue install a raised concrete median and corresponding signage, striping, and pavement legends to channelize traffic. This may require elimination of on-street parking along South Nardo on both side of the street.
 - (5) On northwest, southwest, and northeast corner of South Nardo Avenue and Fresca Street, install concrete curb extensions. This will require elimination of two (2) on-street parking spaces along south side of Nardo Avenue. The proposed curb extensions shall be designed to accommodate ADA compatible pedestrian ramps on both sides of Nardo Avenue. The applicant shall also install thermoplastic continental crosswalk for pedestrian crossing at the stop-controlled north leg of South Nardo Avenue/Fresca Street and

a solar powered pedestrian crossing flashing sign with corresponding signage.

- (6) On Nardo Avenue install raised concrete chokers with sufficient lengths and widths. The applicant shall enter into an Encroachment Maintenance and Removal Agreement (EMRA) for maintenance of any landscaping and irrigation system in these features. Additionally the applicant shall install two "Solar Powered Electronic Speed Signs" within this segment of Nardo Avenue.
- (7) On South Nardo Avenue between East Solana Circle and Nardito Lane install a speed table (a long, flat speed bump), a thermoplastic continental crosswalk for pedestrian crossing and a solar powered pedestrian flashing sign with corresponding signage and striping.
- (8) On both sides of South Nardo between Solana Circle and Stevens Avenue install Sharrow marking pavement legends.
- (9) Construct all sewer lateral connections to the City sewer main consistent with City Standards.
- (10) Construct all proposed driveway entrances to the project on South Nardo Avenue and Valley Avenue consistent with City Standards.
- (11) Construct all storm drain connections to the City curb or storm drain system consistent with City Standards.
- (12) The existing sewer main serving this property, proposed to be replaced, shall be abandoned in the public right-of-way by plugging the street manhole connection and plugging the pipe at the right-of-way line. The sewer connection(s) for 821 Stevens Avenue shall be capped at the main.
- (13) Connect to the existing recycled waterline on Stevens Avenue. The applicant shall coordinate with Santa Fe Irrigation District, San Elijo Joint Powers Authority and County Health Department for this extension project. All irrigation system including the ones in the public right of way shall be provided by recycled water.

III. SEWER FEES

The Applicant shall pay in full, at occupancy, unless waived by the City as part of the approved fee waiver, the one-time sewer capacity/connection fees of \$4,500.00 per Equivalent Dwelling Unit (EDU). The EDU assignment is per SBMC 14.08.060.

- (1) Pay in full, at occupancy the prorated portion of the current annual sewer charge for the remainder of the fiscal year. For FY 2018/19 the annual fee is \$665.67 per EDU. This condition shall be phased based on the prorated number of units in each phase
- (2) The applicant shall be entitled to credit all existing Sewer Capacity in use by the project and is required to pay fees only on net additional Equivalent Dwelling Units (EDU's) as proposed by this project.

IV. VESTING TENTATIVE PARCEL MAP

- (1) A Parcel Map shall be prepared and recorded in accordance with Chapter 16.32 of SBMC Prior to obtaining a building permit or grading permit.
- (2) Provide a Subdivision Map Guarantee within ten days before recording the Vesting Parcel Map.
- (3) Pay Parcel Map plan check fee in accordance with the current Engineering Fee Schedule.
- (4) 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 Parcel Map; (b) they object or do not object to the filing of the Parcel 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.
- (5) Existing lot lines as shown on Vesting Tentative Parcel Map (VTPM) sheet G.1.1 of the DRP plans are in conflict with proposed development. The applicant shall prepare and record, to the satisfaction of the City Engineer, a Vesting Parcel Map or compatible document prior to issuance of the first building permit.
- (6) All easements, private and public utility easements, including but not limited to SDG&E, water, sewer, and storm drain shall be properly abandoned and when needed exchanged to the satisfaction of the City Engineer prior to the issuance of the first building permit.
- (7) According to sheet G.1.1 of the DRP exhibit, there is an access easements providing legal access to adjacent properties.

Appropriate arrangements are be made to replace the access easement to the existing legal parcels.

- (8) Concurrently with the recordation of the Parcel Map, an amendment to that Grant of Open Space Easement recorded July 6, 1970 as Document No. 118110 in the Official Records of San Diego County shall be recorded in a form approved by the City Attorney consistent with the approved plans for the project.
- (9) Prior to the recordation of the Parcel Map, or issuance of any building permit, whichever occurs first, the Affordable Housing Agreement shall be executed and recorded against the entire property.
- (10) Prior to recordation of the Parcel Map a resolution summarily vacating the existing public sewer easement shall be recorded.

V. CONDITIONS PRIOR TO OCCUPANCY SHALL INCLUDE, BUT NOT LIMITED TO THE FOLLOWING:

- (1) Underground all new utility services, including but not limited to electrical and telephone.
 - (2) Complete to the satisfaction of the City Engineer all grading, paving, public improvements, landscaping, and drainage improvements. With the approval of this application, the City Manager is authorized to allow interim occupancy for a portion of the project subject to acceptance of all required public and private improvements for the said portion of development and assurance for construction of the remainder of improvements to the satisfaction of the City Engineer.
 - (3) The Applicant shall pay all Development Impact Fees levied at the time of project approval. Development Impact Fees shall be based on the net increase of 62 units, unless otherwise provided.
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. The conditions of approval for the project shall remain in place until such time they may be amended or superseded by subsequent City Council action.
7. EXPIRATION: The vesting tentative map shall expire 24 months after the date of Coastal Commission approval and may be extended as provided by State law or Section 16.12.110, whichever provides the longest extension. All other approvals

granted by this resolution shall expire 60 months after the date of Coastal Commission approval and may be extended as provided by Section 17.72.110.

8. **INDEMNIFICATION AGREEMENT:** The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, 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:** Developer is hereby notified, as required by Government Code Section 66020, that the approved plans and the conditions of approval and ordinances governing fees and exactions in effect at the time the project is approved constitute written notice of the description of the dedications, reservations, amount of fees and other exactions related to the project. As of the date of project approval, the 90 day period has begun in which developer may protest any dedications, reservations, fees or other exactions imposed by the City. 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. Failure to file a protest in compliance with all of the requirements of Government Code Section 66020 will result in a legal bar to challenging the dedications, reservations, fees or other exactions.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 17th day of December 2018, by the following vote:

AYES: Councilmembers –

NOES: Councilmembers –

ABSENT: Councilmembers –

ABSTAIN: Councilmembers –

DAVID A. ZITO, Mayor

APPROVED AS TO FORM:

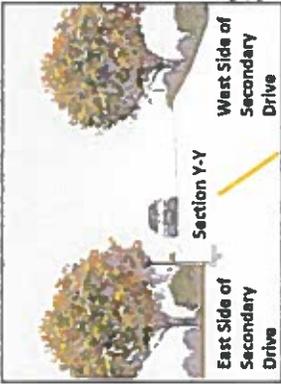
ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk



Terraced Split Face Block Wall- Example



East Side of Secondary Drive

Section Y-Y

West Side of Secondary Drive

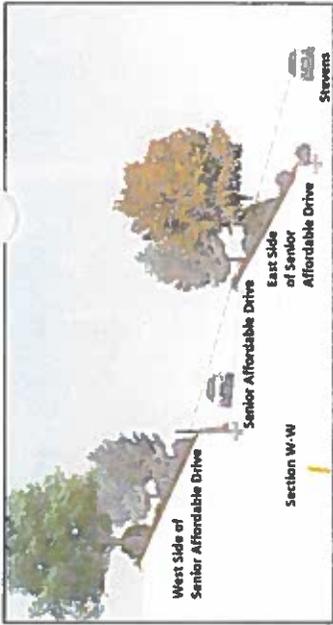


West Side of Retention Basin

Retention Basin Section Z-Z

East Side of Retention Basin

Nardo

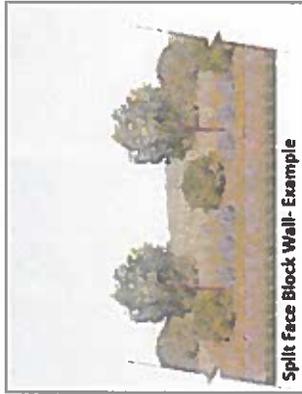


West Side of Senior Affordable Drive

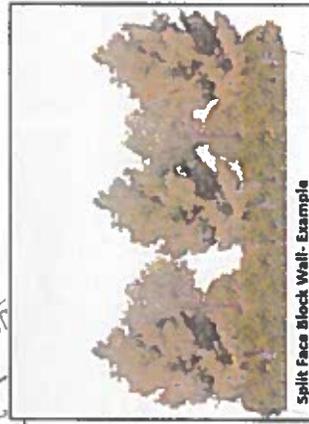
Section W-W

East Side of Senior Affordable Drive

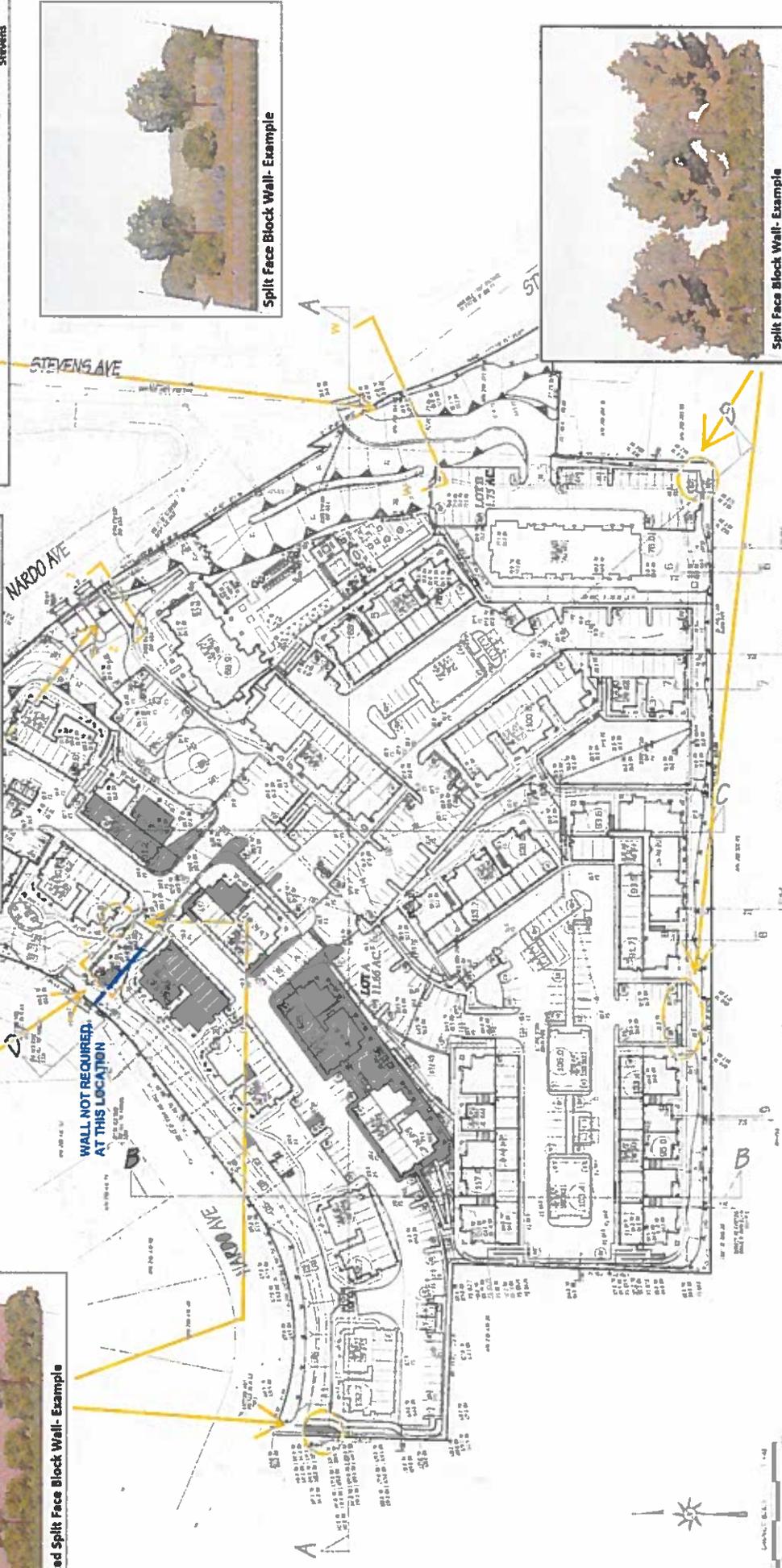
Stevens



Split Face Block Wall- Example



Split Face Block Wall- Example



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UTAH STATE UNIVERSITY
PROJECT MAP
11/01/2017

VTPM 2.1

RETAINING WALL TREATMENT EXHIBIT

EV Charging Station Locations

PRELIMINARY EARTHWORK QUANTITIES

ALL QUANTITIES ARE ESTIMATED AND SUBJECT TO CHANGE. QUANTITIES ARE BASED ON THE PRELIMINARY GRADING PLAN AND SHALL BE REVISITED AS THE DESIGN DEVELOPES.

WALLS NOTE:

ALL WALLS ARE TO BE CONCRETE. WALLS SHALL BE 12" THICK. WALLS SHALL BE FINISHED WITH INTERIOR SURFACE TO MATCH EXISTING. WALLS SHALL BE FINISHED WITH EXTERIOR SURFACE TO MATCH EXISTING.

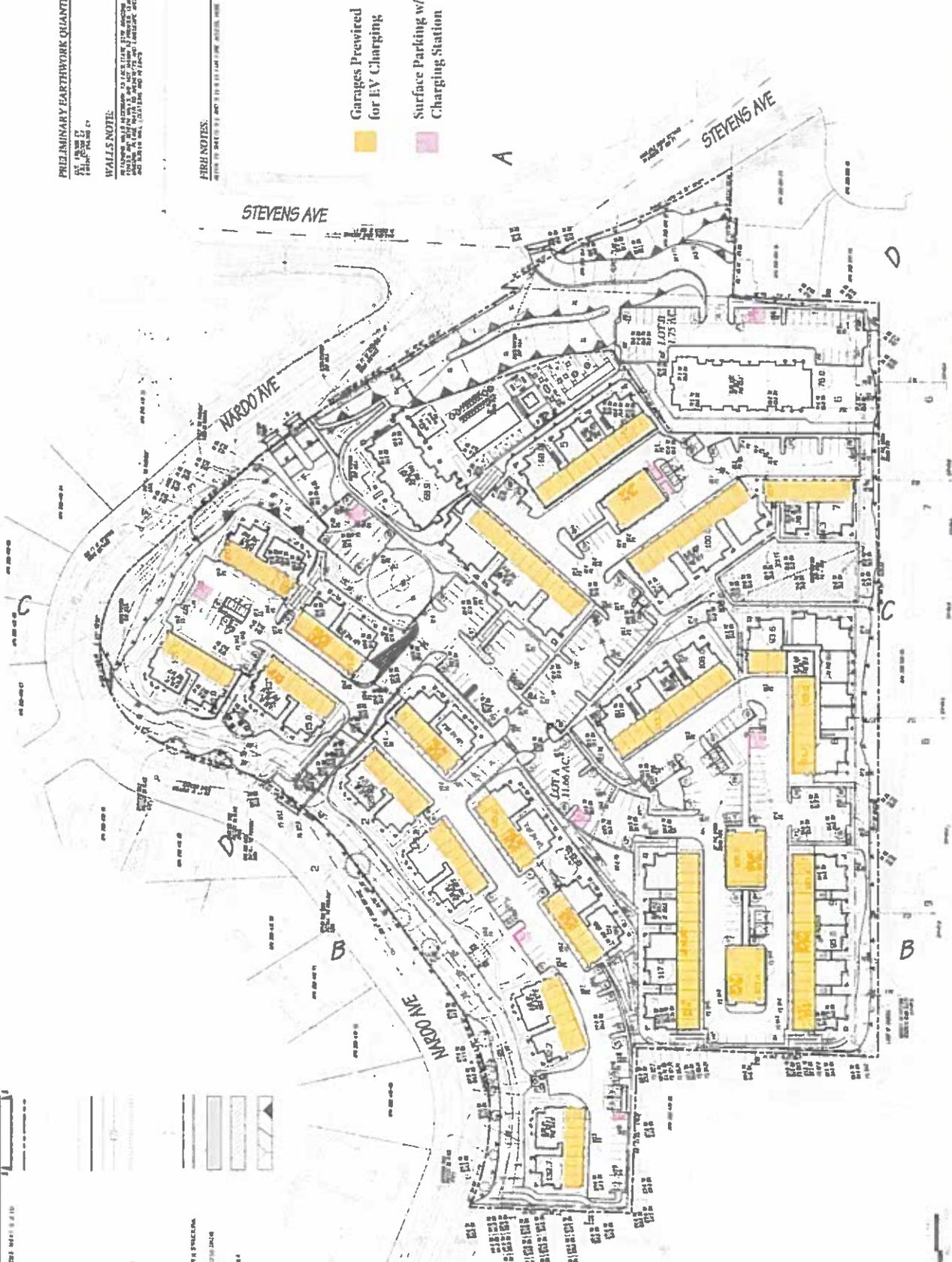
FINISH NOTES:

SEE FINISH SCHEDULE FOR FINISHES. FINISHES SHALL BE AS SHOWN ON THE FINISH SCHEDULE.

Garages Provided for EV Charging	100%	233
Surface Parking w/ Charging Station	5%	15
	47%	248

LEGEND:

EXISTING GRADE	PROPOSED GRADE
EXISTING WALL	PROPOSED WALL
EXISTING ROOF	PROPOSED ROOF
EXISTING FLOOR	PROPOSED FLOOR
EXISTING CEILING	PROPOSED CEILING
EXISTING MECHANICAL	PROPOSED MECHANICAL
EXISTING ELECTRICAL	PROPOSED ELECTRICAL
EXISTING PLUMBING	PROPOSED PLUMBING
EXISTING HVAC	PROPOSED HVAC
EXISTING STRUCTURE	PROPOSED STRUCTURE
EXISTING LANDSCAPE	PROPOSED LANDSCAPE
EXISTING UTILITIES	PROPOSED UTILITIES
EXISTING PAVEMENT	PROPOSED PAVEMENT
EXISTING CURB	PROPOSED CURB
EXISTING DRIVE	PROPOSED DRIVE
EXISTING SIDEWALK	PROPOSED SIDEWALK
EXISTING BIKEWAY	PROPOSED BIKEWAY
EXISTING TRAIL	PROPOSED TRAIL
EXISTING FENCE	PROPOSED FENCE
EXISTING SIGN	PROPOSED SIGN
EXISTING LIGHT	PROPOSED LIGHT
EXISTING TREE	PROPOSED TREE
EXISTING SHrub	PROPOSED SHrub
EXISTING GRASS	PROPOSED GRASS
EXISTING SOIL	PROPOSED SOIL
EXISTING WATER	PROPOSED WATER
EXISTING SEWER	PROPOSED SEWER
EXISTING GAS	PROPOSED GAS
EXISTING TELEPHONE	PROPOSED TELEPHONE
EXISTING CABLE	PROPOSED CABLE
EXISTING FIBER	PROPOSED FIBER
EXISTING RAIL	PROPOSED RAIL
EXISTING HIGHWAY	PROPOSED HIGHWAY
EXISTING AIRWAY	PROPOSED AIRWAY
EXISTING WATERWAY	PROPOSED WATERWAY
EXISTING DRAINAGE	PROPOSED DRAINAGE
EXISTING EROSION CONTROL	PROPOSED EROSION CONTROL
EXISTING RETENTION WALL	PROPOSED RETENTION WALL
EXISTING BRIDGE	PROPOSED BRIDGE
EXISTING TUNNEL	PROPOSED TUNNEL
EXISTING UNDERPASS	PROPOSED UNDERPASS
EXISTING OVERPASS	PROPOSED OVERPASS
EXISTING VIADUCT	PROPOSED VIADUCT
EXISTING ELEVATED HIGHWAY	PROPOSED ELEVATED HIGHWAY
EXISTING ELEVATED AIRWAY	PROPOSED ELEVATED AIRWAY
EXISTING ELEVATED WATERWAY	PROPOSED ELEVATED WATERWAY
EXISTING ELEVATED DRAINAGE	PROPOSED ELEVATED DRAINAGE
EXISTING ELEVATED EROSION CONTROL	PROPOSED ELEVATED EROSION CONTROL
EXISTING ELEVATED RETENTION WALL	PROPOSED ELEVATED RETENTION WALL
EXISTING ELEVATED BRIDGE	PROPOSED ELEVATED BRIDGE
EXISTING ELEVATED TUNNEL	PROPOSED ELEVATED TUNNEL
EXISTING ELEVATED UNDERPASS	PROPOSED ELEVATED UNDERPASS
EXISTING ELEVATED OVERPASS	PROPOSED ELEVATED OVERPASS
EXISTING ELEVATED VIADUCT	PROPOSED ELEVATED VIADUCT
EXISTING ELEVATED AIRWAY	PROPOSED ELEVATED AIRWAY
EXISTING ELEVATED WATERWAY	PROPOSED ELEVATED WATERWAY
EXISTING ELEVATED DRAINAGE	PROPOSED ELEVATED DRAINAGE
EXISTING ELEVATED EROSION CONTROL	PROPOSED ELEVATED EROSION CONTROL
EXISTING ELEVATED RETENTION WALL	PROPOSED ELEVATED RETENTION WALL
EXISTING ELEVATED BRIDGE	PROPOSED ELEVATED BRIDGE
EXISTING ELEVATED TUNNEL	PROPOSED ELEVATED TUNNEL
EXISTING ELEVATED UNDERPASS	PROPOSED ELEVATED UNDERPASS
EXISTING ELEVATED OVERPASS	PROPOSED ELEVATED OVERPASS
EXISTING ELEVATED VIADUCT	PROPOSED ELEVATED VIADUCT



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REVITALIZING SOLANA HIGHLANDS
PRELIMINARY GRADING PLAN

G 2.1

Solana Highlands Parking Conditions

1. PARKING.

- (a) Addition of Parking Spaces on Lot B. Owner has proposed a total of five hundred twenty-five (525) total parking spaces for the Project allocated as follows: 488 spaces for Lot A; and 37 spaces for Lot B. Owner has subsequently agreed to add six (6) additional parking spaces on Lot B for a total of 43 spaces on Lot B. The six (6) additional spaces shall be added at the north side of the proposed parking area for Lot B. The six (6) additional parking spaces shall be designated as "visitor" parking.
- (b) Quantity of Parking Spaces for the Project. All references to "parking spaces" mean parking for cars and trucks, not motorcycles. Owner has proposed a total of 525 parking spaces for the Project. With the six (6) additional visitor parking spaces for Lot B as provided in Subsection (a) above, the Project and Project Plans shall provide a total of five hundred thirty-one (531) parking spaces (a cumulative total for tenants and visitors) for the Project (includes Lot A [market rate apartments] and Lot B [affordable senior apartments]). All parking spaces shall be in compliance with the City's Off-Street Parking Manual.

The zoning applicable to the Project based on the type of apartments (e.g., amount of bedrooms in each apartment) and quantity of apartments in the Project requires a total of 494 parking spaces (this is the total for both tenants and visitors, and includes ADA parking spaces). The Project shall provide a total of 531 parking spaces. Thus, in order for Owner to provide 531 parking spaces, the Project and Project Plans shall provide the 494 parking spaces required by zoning plus an additional 37 extra parking spaces.

The 531 parking spaces are allocated as follows:

- (i) 488 Lot A; and
 - (ii) 43 Lot B.
- (1) LOT A. There shall be a total of four hundred eighty-eight (488) parking spaces on Lot A, and these parking spaces shall be allocated as follows:

There will be a maximum of 343 reserved parking spaces available for tenants, at least 88 unreserved parking spaces available for tenants, and 57 visitor parking spaces. Thus, the 488 parking spaces are allocated as follows:

343 maximum reserved parking spaces for tenants (based on 1 space for studio apartment, 1 space for one bedroom, and 2 spaces for two bedrooms)

88 minimum unreserved parking spaces for tenants

57 visitor parking spaces (228 apartments = 57 visitor spaces)

=488 total parking spaces on Lot A

- (2) **LOT B.** There shall be a total of forty-three (43) parking spaces on Lot B, and these parking spaces shall be allocated as follows:

There will be a maximum of 37 reserved parking spaces available for tenants, no unreserved parking spaces for tenants, and 6 visitor parking spaces. Thus, the 43 parking spaces are allocated as follows:

37 maximum reserved parking spaces for tenants (based on 1 space for studio apartment, 1 space for one bedroom, and 2 spaces for two bedrooms)

0 minimum reserved parking spaces for tenants

6 visitor parking spaces

=43 total parking spaces on Lot B

- (c) Reserved Parking Spaces for Tenants. Owner shall assign reserved parking spaces for tenants of the Project as provided herein. However, Owner shall not reserve for or assign to any tenant more reserved parking spaces than as follows: 1 parking space for a studio apartment; 1 parking space for a one bedroom apartment; and 2 parking spaces for a two bedroom apartment. Owner shall not reserve any "visitor" parking spaces on the Project.

Owner shall prepare a written parking plan (the "**Parking Plan**") and identify thereon which garages, carport parking spaces, and uncovered parking spaces are assigned to each apartment as reserved parking spaces for each apartment and the location of all unreserved tenant parking spaces and visitor parking spaces in the Project. Owner shall submit the Parking Plan to the City Manager on or before March 1, 2020 for approval thereafter by the City Council.

With regard to the parking spaces on Lot A, Owner shall assign one (1) garage parking space to each apartment (to the extent there are sufficient quantity of garages, noting there are more apartments than garages) for the exclusive use of that apartment so that all garage parking spaces on Lot A

are assigned to specific apartments. After assigning all garage parking spaces to specific apartments, then Owner shall assign one (1) covered carport parking space to each apartment that does not have a garage parking space assigned to the apartment (to the extent there are sufficient quantity of carport parking spaces, noting that there are more apartments than garages and carport parking spaces combined). After all garage parking spaces and carport parking spaces have been assigned to apartments, then Owner shall assign one (1) uncovered parking space to each of the remaining apartments that do not have a garage or carport parking space assigned to that apartment. In addition, if an apartment is a two-bedroom apartment, then the second reserved parking space assigned to a two bedroom apartment will be an uncovered parking space.

The garages that are located in the building where the apartment is located will be assigned first to the apartments located in that same building and then to the apartments located closest thereto. The same principal will be used to assign reserved carport parking spaces and reserved uncovered parking spaces.

The apartment and the garage and/or covered carport parking space and/or uncovered parking space(s) assigned to each specific apartment for the exclusive reserved use of the tenant of that apartment shall constitute a single premises for the purpose of the rental of that apartment.

Tenants who have apartments with assigned reserved parking space(s) (either garage, carport, and/or uncovered parking space) shall be required by their lease to park in their assigned reserved parking spaces and not in the unreserved parking spaces. Owner shall strictly enforce this requirement by providing appropriate enforcement provisions and remedies in the leases, including monetary penalties and/or towing for violations.

For the purpose of example and not for limitation, if the tenant of a two bedroom apartment consists of two occupants with two vehicles and the tenant's apartment has a reserved garage parking space and a reserved uncovered parking space assigned to the tenant's two bedroom apartment, then the tenant shall park in the garage and reserved uncovered parking space and shall not park in an unreserved parking space. However, if there are three occupants of the two bedroom apartment and the assigned garage and reserved uncovered parking spaces are being used by two of the occupants, then the third occupant will park in an unreserved uncovered parking space.

The purpose of the requirements herein are to have each garage and covered carport parking space assigned to a specific apartment to ensure that all garages and covered carport parking spaces in the Project will be used for parking before the unreserved tenant parking spaces are used, thereby making available to tenants of the Project as many unreserved uncovered parking spaces as possible for the shared use of all tenants of

the Project. With parking spaces available in the Project, tenants are discouraged from parking off site in the neighborhood surrounding the Project.

- (1) Request by Owner for Conversion of Unreserved Parking Spaces to become Reserved Parking Spaces on Lot A. The existing development on the Property that will be demolished to construct the Project does not have sufficient parking spaces for the tenants and visitors of the Property. Consequently, many tenants and visitors to the Property park on the streets in the neighborhood near the Property. This has caused a shortage of parking in the neighborhood and other negative impacts.

Owner has represented to the residents of the neighborhood and area near the Property and the City Council that the 531 parking spaces to be provided by the Project will provide a sufficient quantity of parking spaces for tenants and visitors of the Project so that they can park on the Property, not on the streets of the surrounding neighborhood. However, if Owner wants to increase the amount of uncovered reserved parking spaces on Lot A by converting some of the "unreserved" uncovered parking spaces to become "reserved" uncovered parking spaces (Owner shall not increase the amount of reserved parking spaces on Lot B), then Owner may request approval from the City Council to convert up to thirty-seven (37) of the eighty-eight (88) total unreserved uncovered parking spaces to become reserved uncovered parking spaces.

In connection with Owner's request, Owner shall submit a proposed modified Parking Plan which identifies and changes such unreserved uncovered parking spaces to become reserved uncovered parking spaces (the "**Modified Parking Plan**") to the City Council for approval. The Modified Parking Plan shall be accompanied by documentary analysis, data, and information which establish and demonstrate that the Owner's proposed Modified Parking Plan will not cause, encourage, or otherwise result in tenants or visitors of the Project parking on the streets in the neighborhood adjacent to the Project and will eliminate and prevent on-street parking by tenants and visitors. The goal and actual effect of any Modified Parking Plan shall be to have all tenants and visitors of the Project park in the Project, not on nearby streets, and eliminate or prevent their on-street parking and the reasons or incentives for tenants and visitors to park on the streets. The Modified Parking Plan shall demonstrate that it will achieve this goal and produce the actual desired result and thereafter it shall actually achieve this goal.

If Owner elects to request an increase in the amount of reserved uncovered parking spaces by converting unreserved uncovered parking spaces as provided herein, then Owner shall submit the

Modified Parking Plan and supporting analysis and documents required herein to the City Manager on or before March 1, 2020 for approval thereafter by the City Council.

- (d) Unreserved Parking Spaces for Tenants. All unreserved parking spaces shall remain open for parking by all tenants of the Project who do not have a reserved parking space for their use as provided herein. The leases for tenants shall provide that tenants shall use their reserved parking spaces first before using any unreserved parking spaces. Owner shall strictly enforce this requirement by providing appropriate enforcement provisions and remedies in the leases, including monetary penalties and towing for violations.
- (e) Visitor Parking Spaces. The visitor parking spaces shall be marked with signage as "visitor" parking. The size, design, and location of signage for visitor parking shall be in compliance with the City's Off-Street Parking Manual and approved by City Manager. The visitor parking spaces shall be distributed evenly throughout the Project. Owner shall not reserve any "visitor" parking spaces on the Project.
- (f) Tenants Shall Not Park in Visitor Parking Spaces. Tenants shall not be permitted to park in visitor parking spaces. The leases for tenants of the Project shall provide that tenants shall not park in parking spaces with signage stating the space is "visitor" parking. Notwithstanding the foregoing, tenants may park in visitor parking spaces only between the hours of 11:00 p.m. and 7:00 am. if such spaces are not in use during this time period. Owner shall strictly enforce this requirement by providing appropriate enforcement provisions and remedies in the leases, including monetary penalties and towing for violations.
- (g) No Charge for Parking. There shall not be any charge or fee to park in the Project, whether for any tenant of the Project (reserved or unreserved parking spaces) or their respective invitees, guests, and visitors. There shall not be any charge or fee for any parking spaces for tenants (reserved or unreserved), whether the parking spaces are provided as required by zoning or not, any parking spaces for visitors, and for any parking spaces constructed in the Project that exceed the total amount of spaces required by zoning.

The foregoing prohibition against Owner charging for any parking spaces in the Project shall not apply to Owner charging a higher rent for each apartment that includes exclusive reserved use of a specific identified garage and/or covered carport parking space assigned to that specific apartment for the exclusive use of that apartment. However, in order to permit this exemption from the prohibition against charging for parking spaces, each garage and uncovered carport parking space in the Project shall be assigned to a specifically identified apartment for the exclusive use of that apartment, with one garage or covered carport parking space

assigned to each apartment as provided in Subsection (c) above. The garage parking spaces and covered carport parking spaces shall be assigned to the extent of the quantity of garages and covered carport parking spaces in the Project (i.e., there are more apartments than garages and carport parking spaces).

- (h) Access to Parking. There shall not be any gate, barrier, or other restriction to access any driveway/vehicle access to the Project.
- (i) No Assignment to Third Party. No parking spaces in the Project shall be assigned, sold, conveyed, transferred to any third party owner or otherwise reserved for any tenant beyond the amount of parking spaces allocated to the tenant's type of apartment as provided herein.
- (j) Garages Shall be Used for Parking. All leases for tenants of the Project shall provide that garages and covered carport parking spaces shall be used for vehicle parking and only incidental storage of personal property. Garages and covered parking spaces shall at all times be available for vehicle parking. Owner shall strictly enforce this requirement by providing appropriate enforcement provisions and remedies in the leases, including monetary penalties for violations.

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December 13, 2018

memorandum

To
Mayor and City Council, City of Solana Beach

From
Barbara E. Kautz

RE
State Law Requirements Regarding Density Bonuses and Waivers of Development Standards

The City of Solana Beach (the City) has asked for a brief explanation of California's density bonus law and the discretion provided to the City in reviewing the request by Solana Highlands for a 260-unit project with waivers of development standards.

In summary, because Solana Highlands is eligible for a density bonus, State law provides no authority for the City to reduce the project's density. The City must also approve all waivers of development standards that would 'physically preclude' development of the project with the allowed density unless one of three findings can be made. However, it does not appear that any of those findings can be made for Solana Highlands.

Density Bonus

State density bonus law (California Government Code Section 65915) provides that a project with 10 percent low income units is entitled to a 20 percent density bonus. This increases on a sliding scale to a 35 percent bonus for a project with 20 percent affordable housing.

Without a density bonus, Solana Highlands would be limited to 207 units. However, the project provides 15.5 percent of the units affordable to low income households and is entitled to a 27.5 percent density bonus, or 264 units. The developer has instead elected to construct 260 units total.

If a development is eligible for a density bonus, state law does not contain any findings that would allow the bonus to be disapproved or reduced. Rather, "a city ...*shall* grant one density bonus...when an applicant for a housing developments seeks and agrees to construct a housing development...that will contain [affordable housing]." (Section 65925(b)(1).) Nothing in the statute allows the City to reduce the project's density.

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December 13, 2018

Page 2

Waivers of Development Standards

A city may "in no case" apply any development standard to a project "that will have the effect of physically precluding the construction of a development...at the densities permitted." (Section 65915(e)(1).) The City can therefore not apply any standards to Solana Highlands that would have the effect of preventing the construction of the 260 units requested

After reviewing the application, the staff has concluded that a 260-unit project could not be built without the requested waivers for building height, fence and wall height, and retaining wall height, as explained in the staff report. Our understanding is that many of the waivers are needed to accommodate the extensive grading proposed to reduce impacts on views.

Nonetheless, the City could deny the waivers if it could make one of the following findings:

1. The waivers are contrary to state or federal law (such as a violation of the Coastal Act);
2. The waivers have an adverse impact on property listed on the California Historical Register; or
3. The waivers would have a a "specific, adverse impact" on public health or safety. A "specific adverse effect" is defined as:

"a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete."

There is no evidence that any of these findings can be made. The project does not conflict with the Coastal Act or any other state or federal law, and there is no property in the vicinity that is on the California Register. No violation of a public health or safety standard has been identified.

Once the project qualifies for the requested waivers, the City cannot deny them unless one of those findings can be made.

Please feel free to contact me if you have any questions.