TO: Honorable Mayor and City Council Members  
FROM: David Ott, Interim City Manager  
MEETING DATE: January 14, 2015  
ORIGINATING DEPT: Community Development Department  
SUBJECT: Request for DRP/SDP/SUB for 823 Vera Street  
(Case # 17-13-35, Applicant: Aidan LLC)  

BACKGROUND:  
The Applicant, Aidan LLC (Erin McKinley, representative), requests Council approval of a Development Review Permit (DRP), a Structure Development Permit (SDP), and a Minor Subdivision Tentative Parcel Map (SUB) to construct four condominium detached/single-family residences on one 19,976 square foot parcel, which is zoned Medium-High Residential (MHR). Each dwelling unit would be two stories and includes a two-car garage. Four guest parking spaces are provided onsite. The dwelling units range in size from 2,267 to 2,375 square feet, including all square footage that contributes to Floor Area Ratio (FAR) per the Solana Beach Municipal Code, and excluding the allowable 400 square foot exemption for each garage. For the purposes of calculating FAR, the total square footage of the proposed development is 9,293 square feet, resulting in a FAR of 0.47. Maximum heights range from 22'-10½" to 25'-8¼" feet from the lower of existing or finished grade. Grading is proposed in the amount of 3,300 cubic yards. The Applicant is proposing separate condominium ownership of the four residential units with common ownership of the remainder of the parcel. The project plans are provided in Attachment 1.  

The issue before the Council is whether to approve, approve with conditions, or deny the Applicant’s request.  

DISCUSSION:  
The existing 19,976 square foot (0.46 acre) property is currently developed with a vacant single-story, 784 square foot single family residence and a detached garage, which would be demolished should the proposed project receive approval.  

The property is not located within any of the City’s Specific Plan areas or Overlay Zones. The subject site is within the Eden Gardens Master Plan area, which is specific

CITY COUNCIL ACTION:


AGENDA ITEM B.5.
to streetscape improvements and does not impact this application. 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.

Table 1, below, provides a synopsis of the SBMC specific minimum and maximum requirements of the zoning regulations for the development of the property compared to the Applicant’s proposed design. As shown, the project meets the minimum SBMC requirements for parking, building setbacks, height, and FAR.

<table>
<thead>
<tr>
<th>Property Address: 823 Vera Street</th>
<th>Zone: MHR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size: 19,976 ft² (0.46 net acres)</td>
<td>Density Allowed: 8-12 du/ac</td>
</tr>
<tr>
<td>Maximum FAR Allowable: .75 or 14,982 ft²</td>
<td>Density Requested: 8.7 du/ac (4 Dwelling Units)</td>
</tr>
<tr>
<td>Proposed FAR: .47 or 9,293 ft²</td>
<td>Setbacks Required: Front: 25 ft</td>
</tr>
<tr>
<td>Below Max. FAR By: 5,689 ft²</td>
<td>Side: 5 ft</td>
</tr>
<tr>
<td>Maximum Building Height: 25 ft or 30 ft with DRP</td>
<td>Rear: 25 ft</td>
</tr>
<tr>
<td>Proposed Building Height: Unit 1: 25'-8½&quot;</td>
<td>Setbacks Provided: As required</td>
</tr>
<tr>
<td>Unit 2: 25'-0&quot;</td>
<td></td>
</tr>
<tr>
<td>Unit 3: 22'-10½&quot;</td>
<td></td>
</tr>
<tr>
<td>Unit 4: 25'-6¾&quot;</td>
<td></td>
</tr>
<tr>
<td>Applicable Overlay Zones: N/A</td>
<td></td>
</tr>
</tbody>
</table>

### PROPOSED PROJECT INFORMATION

#### Proposed Square Footage & FAR Breakdown:

<table>
<thead>
<tr>
<th>Unit 1:</th>
<th>Unit 3:</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Floor Livable: 1,103 ft²</td>
<td>First Floor Livable: 1,197 ft²</td>
</tr>
<tr>
<td>Second Floor Livable: 1,161 ft²</td>
<td>Second Floor Livable: 1,139 ft²</td>
</tr>
<tr>
<td>Patio that contributes to FAR: 14 ft²</td>
<td>Patio that contributes to FAR: 31 ft²</td>
</tr>
<tr>
<td>Garage: 419 ft²</td>
<td>Garage: 408 ft²</td>
</tr>
<tr>
<td>Subtotal: 2,697 ft²</td>
<td>Subtotal: 2,775 ft²</td>
</tr>
<tr>
<td>Garage Exemption: -400 ft²</td>
<td>Garage Exemption: -400 ft²</td>
</tr>
<tr>
<td>Total FAR: 2,297 ft²</td>
<td>Total FAR: 2,375 ft²</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Unit 2:</th>
<th>Unit 4:</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Floor Livable: 1,108 ft²</td>
<td>First Floor Livable: 1,020 ft²</td>
</tr>
<tr>
<td>Second Floor Livable: 1,213 ft²</td>
<td>Second Floor Livable: 1,219 ft²</td>
</tr>
<tr>
<td>Patio that contributes to FAR: 16 ft²</td>
<td>Patio that contributes to FAR: 15 ft²</td>
</tr>
<tr>
<td>Garage: 417 ft²</td>
<td>Garage: 413 ft²</td>
</tr>
<tr>
<td>Subtotal: 2,754 ft²</td>
<td>Subtotal: 2,667 ft²</td>
</tr>
<tr>
<td>Garage Exemption: -400 ft²</td>
<td>Garage Exemption: -400 ft²</td>
</tr>
<tr>
<td>Total FAR: 2,354 ft²</td>
<td>Total FAR: 2,267 ft²</td>
</tr>
</tbody>
</table>
### Required Permits:

**DRP:** For development exceeding 500 square feet; grading in excess of 50 cubic yards; height in the MHR zone exceeding 25 feet; and for a request for a new common interest development

**SDP:** For construction in excess of 16 feet in height measured from existing grade

**SUB:** For the subdivision of property to create separate/condominium ownership of residential units on a single legal lot

<table>
<thead>
<tr>
<th>Proposed Grading: Cut: 3,300 Fill: 200</th>
<th>Export: 3,100</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required Parking:</strong> 2 parking spaces per dwelling unit plus 1 uncovered guest parking space</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Parking:</strong> One 2-car garage per dwelling unit plus 4 uncovered guest parking spaces</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Fences and Walls:</strong> Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Guest House:</strong> N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Accessory Living Unit:</strong> N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Accessory Structure:</strong> N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Existing Development:</strong> 784 ft² house and detached garage</td>
<td></td>
</tr>
<tr>
<td><strong>To be demolished:</strong> Both structures</td>
<td></td>
</tr>
<tr>
<td><strong>To Remain:</strong> N/A</td>
<td></td>
</tr>
<tr>
<td><strong>Other:</strong> N/A</td>
<td></td>
</tr>
</tbody>
</table>

The Applicant is requesting that the Council consider approval of a DRP, SDP, and SUB for the project. The project requires approval of a DRP because it exceeds 500 square feet of new floor area, involves more than 50 cubic yards of grading, proposes height in excess of 25 feet in the MHR Zone, and is a request for a new common interest development (SBMC Section 17.68.040(B)(1)(c-e)). (Staff notes that the recently adopted Ordinance 455 does not apply to this project since it was deemed complete prior to January 9, 2015 effective date of the new Ordinance.) SBMC Section 17.63.040(A) requires an SDP for structures greater than 16 feet in height as measured from existing grade. SBMC Chapter 16.24 requires the approval of a tentative subdivision map because the Applicant is proposing to subdivide the property to create four detached residential condominium units under separate legal ownership on a single lot. This proposal is a minor subdivision consisting of one lot and four condominium homes, with common ownership of the remainder of the parcel.

Resolution 2015-002 (Attachment 2) provides the full text of the pertinent regulations, and Staff has prepared draft findings of approval for the project for Council's consideration based upon the information provided in this report. It provides the applicable SBMC sections in italicized text. The Council may direct Staff to modify the Resolution to reflect the findings and conditions it deems appropriate as a part of the public hearing process. If the Council determines the project is to be denied, Staff will prepare a Resolution of Denial for an action to be taken at a subsequent Council meeting. Following is a discussion of the findings for a DRP, administrative SDP, and SUB, as each applies to the proposed project, as well as a discussion of the development plans and recommended conditions as contained in the attached Resolution.
Development Review Permit Compliance:
In addition to the zoning requirements noted above, the project must also comply with the development review criteria contained in SBMC Section 17.68.040, Development Review Permits. The project requires approval of a DRP because it exceeds 500 square feet of new development, involves more than 50 cubic yards of grading, proposes height in excess of 25 feet in the MHR Zone, and is a request for a new common interest development (SBMC Section 17.68.040(B)(1)(c-e)).

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

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

The City Council may approve, or conditionally approve, a DRP only if all of the findings listed below can be made. The Resolution (Attachment 2) provides the full discussion of the findings.

1. The proposed development is consistent with the general plan and all applicable requirements of the zoning ordinance including special regulations, overlay zones, and specific plans.

2. The proposed development complies with the development review criteria.

3. All required permits and approvals have been obtained prior to or concurrently with the DRP.

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

Relationship with Adjacent Land Uses
The proposed project is consistent with the permitted uses for the Medium High Residential (MHR) Zone found in SBMC Sections 17.12.010(D)(1), 17.12.020, and Chapter 17.20. The MHR Zone allows for 8-12 dwelling units (du) per net acre (ac). In order to determine the number of units allowed on the 0.46 net acre parcel based on the density range, the following calculation is used:

\[
\text{net lot size in acres} \times \text{number of dwelling units} = \text{number of units}
\]

If the calculation results in a fractional number of 0.7 or greater, the number of units can be rounded up to the nearest whole number. The density range for the subject property is as follows:
MHR Density Range: 8-12 du/ac

<table>
<thead>
<tr>
<th>Base Density: 8 du/ac (net)</th>
<th>Maximum Density: 12 du/ac (net)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.46 x 8 du/ac = 3.68 du or 3 du</td>
<td>0.46 x 12 du/ac = 5.52 or 5 du</td>
</tr>
</tbody>
</table>

The project proposes four dwelling units at a density of 8.7 dwelling units per acre, which is within the density range allowed by the MHR Zone.

The use is also consistent with the General Plan, which designates the property as Medium High Residential. Policy LU-2 of the Land Use Element is for the land use plan to include residential land uses comprising a range of housing types, locations, and densities. Per SBMC 17.20.010(E), the MHR Zone is intended for a wide range of residential development types, including detached single-family and attached duplexes at the lower end of the density range and multiple-family attached units at the higher end of the range. The surrounding properties are also zoned MHR and designated Medium High Residential.

Neighborhood Comparison:
Staff compared the proposed project to 35 neighboring properties located along Vera Street, Juanita Street, Hernandez Street, and Ida Avenue, all of which are located within the Medium High Residential Zone as shown on the Zoning Map. (Please note that missing addresses have been added to the Zoning Map.)
There is a mix of existing single family residential and multi-family residential dwellings in the surrounding area, which range from one to three stories. Table 2 provides the data for each property, including approximate lot size, existing building area on each lot, the maximum allowable square footage for potential new development, and the zoning designation. As the request is for multiple units on one site, the number of units per parcel is also provided for comparison purposes.

The residential structures in the surrounding area range in size from a 616 square foot, single-family residence to a 14,338 square foot, 18-unit multi-family development, per the County Assessor’s records. Note that the County Assessor does not include the garage, basement or accessory building area in the building area calculation. Accordingly, the building area of the proposed units has been calculated for comparison purposes by deleting the area of the garages and patios that contribute to FAR per the SBMC, as follows:

<table>
<thead>
<tr>
<th>Unit</th>
<th>Gross Building Area</th>
<th>Delete Garage and Patio</th>
<th>Project Area for Comparison to Assessor’s Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2,697 ft²</td>
<td>- 433 ft²</td>
<td>2,264 ft²</td>
</tr>
<tr>
<td>2</td>
<td>2,754 ft²</td>
<td>- 433 ft²</td>
<td>2,321 ft²</td>
</tr>
<tr>
<td>3</td>
<td>2,775 ft²</td>
<td>- 439 ft²</td>
<td>2,336 ft²</td>
</tr>
<tr>
<td>4</td>
<td>2,667 ft²</td>
<td>- 428 ft²</td>
<td>2,239 ft²</td>
</tr>
</tbody>
</table>

Table 2

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Lot Site in ft² (SanGIS)</th>
<th>Existing ft² Onsite (Assessor’s info.)</th>
<th>Recently Approved (Not incl. garage)</th>
<th>Max. Allowable ft² (75)</th>
<th>Zone</th>
<th>Number of Units (per parcel)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 817 Juanita Street</td>
<td>7,220</td>
<td>816</td>
<td>5,415</td>
<td>MHR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2 821 Juanita Street</td>
<td>7,231</td>
<td>960</td>
<td>5,423</td>
<td>MHR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>3 827 Juanita Street</td>
<td>7,933</td>
<td>1,068</td>
<td>5,950</td>
<td>MHR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>4 831 Juanita Street</td>
<td>6,147</td>
<td>3,525</td>
<td>4,610</td>
<td>MHR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>5 835 Juanita Street</td>
<td>5,773</td>
<td>818</td>
<td>4,330</td>
<td>MHR</td>
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</tr>
<tr>
<td>6 841 Juanita Street</td>
<td>8,220</td>
<td>1,122</td>
<td>6,165</td>
<td>MHR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>7 845-847 Juanita Street</td>
<td>6,650</td>
<td>1,830</td>
<td>4,988</td>
<td>MHR</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>8 849-851 Juanita Street</td>
<td>8,042</td>
<td>Not available</td>
<td>6,032</td>
<td>MHR</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>9 818 Vera Street</td>
<td>6,720</td>
<td>616</td>
<td>5,040</td>
<td>MHR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Address</td>
<td>Lot Size</td>
<td>Unit Size</td>
<td>FAR</td>
<td>Type</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-----------------</td>
<td>----------</td>
<td>-----------</td>
<td>-----</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>819 Vera Street</td>
<td>10,672</td>
<td>983</td>
<td>8,004</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>822 Vera Street</td>
<td>6,672</td>
<td>1,536</td>
<td>5,004</td>
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<tr>
<td>12</td>
<td>827 Vera Street</td>
<td>12,152</td>
<td>2,597</td>
<td>9,114</td>
<td>MHR 4</td>
<td></td>
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<tr>
<td>13</td>
<td>828 Vera Street</td>
<td>13,230</td>
<td>Not available</td>
<td>9,923</td>
<td>MHR 3</td>
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<tr>
<td>14</td>
<td>823 Vera Street</td>
<td>19,976</td>
<td>784</td>
<td>14,982</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>834 Vera Street</td>
<td>6,535</td>
<td>867</td>
<td>4,901</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>851 Vera Street</td>
<td>5,995</td>
<td>974</td>
<td>4,496</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>853 Vera Street</td>
<td>1,673</td>
<td>MHR 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>855 Vera Street</td>
<td>1,597</td>
<td>MHR 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>857 Vera Street</td>
<td>1,259</td>
<td>MHR 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>850 Vera Street</td>
<td>9,399</td>
<td>1,999</td>
<td>7,049</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Vacant</td>
<td>9,577</td>
<td>MHR 0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>858 Vera Street</td>
<td>6,226</td>
<td>768</td>
<td>4,670</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>859-863 Vera Street</td>
<td>11,282</td>
<td>3,735</td>
<td>8,462</td>
<td>MHR 3</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>820 Hernandez</td>
<td>29,876</td>
<td>14,338</td>
<td>22,407</td>
<td>MHR 18</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>826-830 Hernandez</td>
<td>14,197</td>
<td>3,466</td>
<td>10,648</td>
<td>MHR 3</td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>840 Hernandez</td>
<td>7,539</td>
<td>Not available</td>
<td>5,654</td>
<td>MHR 2</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>848 Hernandez</td>
<td>7,881</td>
<td>2,766</td>
<td>5,911</td>
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<td></td>
</tr>
<tr>
<td>26</td>
<td>645 Ida Avenue</td>
<td>16,739</td>
<td>1,776</td>
<td>12,554</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>655 Ida Avenue</td>
<td>11,498</td>
<td>1,337</td>
<td>8,624</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>663 Ida Avenue</td>
<td>5,848</td>
<td>1,402</td>
<td>4,386</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>665 Ida Avenue</td>
<td>4,077</td>
<td>2,664</td>
<td>3,058</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>667 Ida Avenue</td>
<td>12,046</td>
<td>868</td>
<td>9,035</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>669 Ida Avenue</td>
<td>1,185</td>
<td>MHR 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>671 Ida Avenue</td>
<td>1,245</td>
<td>MHR 1</td>
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<td></td>
</tr>
<tr>
<td>31</td>
<td>673 Ida Avenue</td>
<td>2,228</td>
<td>MHR 1</td>
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<td></td>
</tr>
<tr>
<td>32</td>
<td>635 Ida Avenue</td>
<td>11,874</td>
<td>664</td>
<td>8,906</td>
<td>MHR 1</td>
<td></td>
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<tr>
<td>33</td>
<td>631 Ida Avenue</td>
<td>5,270</td>
<td>1,072</td>
<td>3,953</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>639-641 Ida Avenue</td>
<td>10,682</td>
<td>2,690</td>
<td>8,012</td>
<td>MHR 2</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>643 Ida Avenue</td>
<td>5,585</td>
<td>1,209</td>
<td>4,189</td>
<td>MHR 1</td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>705-709 Ida Avenue</td>
<td>26,504</td>
<td>7,200</td>
<td>19,787</td>
<td>MHR 8</td>
<td></td>
</tr>
</tbody>
</table>

Note: Addresses with superscripts 1 and 2 are part of separate 3-unit condominium developments. Total lot size was not broken down by the assessor although each unit has a separate APN and existing on-site square footage. Total allowable FAR is based on total lot size.

Building Structure and Placement:
The proposed development, as designed, meets the requirements for setbacks for the property as zoned, as follows. The proposed dwelling units meet or exceed the required setbacks of 5 feet from the interior side property lines (east and west) and the required 25 foot setback from the rear (southern) property line. Proposed Unit 1 meets the setback requirement of 25 feet from the front (north) property line, as Sections 17.20.030(D)(4-5) of the SBMC allow architectural projections and items such as fireplaces to project into required setbacks up to two feet.
The proposed project meets the required 10-foot minimum separation between detached single-family units in the MHR Zone, per SBMC 17.20.030(D)(3).

Each dwelling unit is proposed to be two stories with an attached two-car garage. The living and dining areas, kitchen, and one bedroom or den would be located on the first floor of each unit, while three bedrooms would be located on the second floor. The dwelling units are designed to step up gradually from the northern portion of the property toward the rear of the site. The first floor of Unit 1 has a finished floor elevation that is nearly the same as the existing garage, and is in relatively the same location. Units 2 and 3 have finished first floor elevations of 4 and 4.8 feet (respectively) higher than that of Unit 1. The first floor of Unit 4 has a finished floor elevation that is 0.5 feet lower than that of Unit 3.

The maximum building height for the MHR Zone is 25 feet, although pursuant to a DRP, the maximum building height for the MHR Zone may be increased to 30 feet. The maximum height from the pre-existing grade or proposed grade, whichever is lower, of each unit is as follows: Unit 1 is 25'-8¼"; Unit 2 is 25'-0"; Unit 3 is 22'-10½"; and Unit 4 is 25'-6¼".

Landscaping:
Per SBMC 17.56.040, the proposed development is subject to the City’s Water Efficient Landscape Regulations because the total landscaped area exceeds 2,500 square feet. (It should be noted that the project was considered complete prior to the recent modifications to the landscape plan review policy.) Prior to the issuance of building permits, the Applicant will be required to submit a landscape documentation package to show compliance with all applicable landscape provisions and the landscape design manual, which will be reviewed and inspected by the City’s 3rd party landscape professional. A condition of project approval has been added to the Resolution to require native or drought-tolerant and non-Invasive plant materials and water conserving irrigation systems to be incorporated into proposed landscaping to the extent feasible. The preliminary calculations for the Maximum Applied Water (MAWA) and the Estimated Total Water Use (ETWU) have been provided. Landscaping will be required to be installed according to the final approved Landscape Documentation Package, and a Certificate of Completion signed by the professional of record will be required prior to the final inspection of the residence.

Roads, Pedestrian Walkways, Parking, and Storage Areas:
The driveway takes access from Vera Street via a 20-foot wide gated driveway, which also provides access to each of the garages. SBMC Section 17.52.040(A) requires two parking spaces per dwelling unit, which would be provided via a two-car attached garage for each unit. One uncovered guest parking space is required per four dwelling units; therefore, one guest parking space is required for this proposed project. The project provides four guest parking spaces, which are parallel spaces located between the driveway and the west property line. The guest parking spaces are separated by landscaped planter areas. Unit 1 is accessed by a sidewalk from Vera Street. The
remaining units have individual access from the driveway. The common open space is also accessed from the driveway via a decomposed granite pathway.

Grading:
The existing property slopes downward across the site from the east to the west property lines by approximately 10 feet, with the highest point on the east side of the site, approximately midway between the north and south property lines. The property slopes gradually upward from the street frontage (north property line), then more steeply behind the existing structures, then slopes gradually downward approximately 10 feet toward the southwest corner of the lot. Grading is proposed in the amount of 3,300 cubic yards of cut and 200 cubic yards of fill, with 3,100 cubic yards to be exported offsite to allow for the construction of the four individual building pads, driveway access, usable yard areas, and associated retaining walls. The driveway is proposed along the west side of the site to take advantage of the topography, as the elevations are lower along the west side of the site. Units 1 through 3 are designed to be cut into the slope along the east side of the site, with portions of the building walls functioning as retaining walls.

Lighting:
Conditional approval of this project includes the requirement that all new exterior lighting fixtures be in conformance with the City-Wide Lighting Regulations of the Zoning Ordinance. 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.

Open Space:
Per SBMC Section 17.20.040(J), a minimum of 250 square feet of common usable open space is required for each unit in a multiple-unit development as follows. The usable open space shall consist of land not occupied by buildings, structures, streets, driveways or parking areas or any land proposed to be dedicated to the City as open space. All usable open space is required to have a minimum area of 250 square feet and shall have no dimension less than 15 feet or a slope greater than 10 percent. All usable open space not occupied by recreational facilities shall be landscaped. Drought-tolerant landscaping materials and water conserving irrigation systems shall be utilized to the maximum extent feasible. A four-unit project in the MHR Zone requires 1,000 square feet of usable open space. The proposed development would provide a total of 1,004 square feet of common open space that meets the requirements noted above.

Fences, Walls and Retaining Walls:
Per SBMC Section 17.20.040(O), within the front yard setback, fences and walls may not be higher than 42 inches except for an additional two feet of fence that is at least 80% open to light. In addition, one walkway and one driveway feature, such as an arbor, archway, or gate, shall be permitted. Within the rear or interior yards, fences and walls, or any combination thereof, shall be no higher than 6 feet in height except for an additional two foot fence that is at least 50% open to light and air. Fences and walls within the buildable area (between the front, rear, and side yard setbacks) are permitted
to a maximum of 16 feet as measured from pre-existing grade. Retaining walls are proposed along the rear property line, along a portion of the west property line, along a portion of the east property line, within the east side yard setback in the rear portion of the site, within the rear yard setback, within the buildable area between Units 2 and 3, and adjacent to the two southern-most guest parking spaces. A 42-inch high wood fence is proposed along the west property line, and an iron fence and gate are proposed in the front yard setback of Unit 1. According to the information provided on the site plan, all the proposed fences and walls comply with the SBMC. A condition of project approval has been included in the Resolution indicating that the Applicant will be required to illustrate that any proposed walls, retaining walls, fences, or any combination thereof will comply with the maximum height regulations prior to the issuance of a Building Permit.

Structure Development Permit Compliance
The project must also be found to comply with all of the requirements for SBMC Chapter 17.63 View Assessment and requires an SDP. Five findings must be made for the approval of an SDP. The subject titles for each finding are as follows:

1. Reasonable attempt made to resolve impairment issues
2. Structure does not significantly impair designated public views
3. Structure designed to minimize impairment of view
4. No significant cumulative view impairment
5. Compatible with immediate neighborhood character

A Story Pole Height Certificate for each unit was originally issued by a licensed land surveyor on January 29, 2014 to certify that building envelopes created by the story poles and flags were consistent with the proposed plans. Notices for View Assessment were mailed to all property owners and residents within 300 feet of the subject property with a deadline for requesting View Assessment of June 16, 2014. Due to a notification error, the View Assessment was re-noticed with a new deadline of July 28, 2014. Staff received one application for View Assessment for Unit 3 from the property owners at 855 Vera Street, directly to the east of the subject property.

The original height certification for the project is as follows: 1) the highest building elevation of Unit 1 was 84.0 feet above MSL, or 25.7 feet as measured from the lower of finished or pre-existing grade; 2) the highest building elevation of Unit 2 was 87.5 feet above MSL, or 25.2 feet as measured from the lower of finished or pre-existing grade; 3) the highest building elevation of Unit 3 was 93.3 feet above MSL or 28.8 feet as measured from the lower of finished or pre-existing grade; and 4) the highest building elevation of Unit 4 was 88.9 feet above MSL, or 25.6 feet as measured from the lower of finished or pre-existing grade.

The project was considered by the View Assessment Commission (VAC) on October 23, 2014. The commissioners were unable to make the necessary findings for Unit 3 and continued the matter to allow the Applicant the opportunity to redesign the project. The
Applicant redesigned Unit 3 by lowering the maximum height, redesigning the roof from a gable to a hip style, and reducing overall square footage. The revised Unit 3 was re-story-poled and a Story Pole Height Certification was reissued by a licensed land surveyor on November 12, 2014, which showed a maximum height of 86.8 feet above MSL or 23.0 feet. The project did not have to be re-noticed since the redesign did not extend outside the original building envelope. The claimants did not withdraw their appeal, so the project, as revised, was considered by the VAC on November 18, 2014. The commissioners were able to make all the necessary findings and recommended that the project be approved as redesigned. Therefore, all requirements have been met for approval of the SDP. The SDP will be issued administratively with the DRP should the Council make the findings to approve the project. The Applicant will be required to show compliance with the approved maximum height and three-dimensional building envelope per the approved plans and Resolution at the time of submittal for a building permit and also prior to requesting a framing inspection.

Minor Subdivision Compliance
Finally, in addition to the zoning requirements noted above, the project must also comply with the subdivision criteria contained SBMC Chapter 16.24 (Minor Subdivisions). This Chapter specifies that the City Council may approve, or conditionally approve, a tentative parcel map only if all of the findings can be made as recommended by the City Engineer. The nine findings are as follows:

1. The proposed map is consistent with applicable general and specific plans and applicable provisions of SBMC Title 17.
2. That the design or improvement of the proposed subdivision is consistent with applicable provisions of SBMC Title 17.
3. The site is physically suitable for the type of development.
4. That the site is physically suitable for the proposed density of development.
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and avoidably injure fish or wildlife or their habitat; unless an environmental impact report was prepared in respect to the project and a finding was made pursuant to Section 21081(c) of the Public Resources Code that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
7. The design of the subdivision or the type of improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large, for access through or use of property within the proposed subdivision.
8. In the case of the conversion of residential real property to a common interest development project, that any of the notices to tenants required by law have been sent or will be given as required by the Subdivision Map Act.

9. Subject to the exceptions contained in Section 68474.4 of the Government Code, that the property is not subject to a contract entered into pursuant to the Land Conservation Act of 1965 (Williamson Act) and the parcels resulting from the subdivision would be too small to sustain agricultural use.

The Applicant proposes development of four detached single-family residential dwelling units under separate ownership within the MHR Zone. The tentative Parcel Map is consistent with the General Plan and applicable provisions of SBMC Title 17. The development of a common interest development containing four individual detached single-family dwelling units is consistent with the purpose and intent of the Medium-High Residential land use designation set forth in the General Plan. The project is also consistent with the development standards set forth in Title 17 (Zoning) for building setbacks, density, building height (as allowed per approval of a DRP in the MHR Zone), floor area ratio, and parking. The subject property is not located within the boundaries of any specific plan or overlay zone. The site could be found to be physically suitable for the proposed density of development with four detached single-family residential units on a single lot. Allowable density for this parcel, which is located within the MHR Zone, is 8-12 dwelling units per net acre based on the total net acreage of the property, or three to five dwelling units for the 0.46-acre parcel. No unique characteristics of the site would preclude the property from being developed as proposed. The design of the subdivision and the type of improvements are not likely to cause serious public health problems given that all public utilities are available to serve the development, including sewer and water. Approval of this project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The project will not interfere with existing public utilities to adjacent properties. Presently, the existing single-family residence on site is vacant and therefore the tenant noticing provisions do not apply. It will not interfere with any habitat or wildlife, easements of record, or Williamson Act requirements.

Notice of the City Council public hearing for the project was published in the Union Tribune more than 10 days prior to the public hearing. The same public notice was mailed to property owners and occupants within 300 feet of the proposed project site more than 10 days prior to the planned public hearing date of January 14, 2015. As of the date of preparation of this Staff Report, Staff has not received any call, letters, or emails regarding the project.

Conditions from the Planning, Engineering, and Fire Departments have been incorporated into the Resolution of Approval (Attachment 2). As conditioned, all required findings could be made for the DRP, SDP, and SUB.
In conclusion, the proposed project meets the requirements for the zoning regulations, is consistent with the General Plan, and could be found to meet the findings required to approve a Minor Subdivision, DRP, and administratively approve an SDP.

**CEQA COMPLIANCE STATEMENT:**
The project could be found to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines. Class 32 consists of projects characterized as in-fill development meeting the conditions described below:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

3. The project site has no value as habitat for endangered, rare, or threatened species.

4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

5. The site can be adequately served by all required utilities and public services.

The proposed project has been reviewed and could be found to be consistent with the General Plan and all applicable zoning regulations. The development is within the City limits and on a project site that is surrounded by urban uses, is less than one acre in size, and has all required public utilities. The site was previously developed with a single-family residence and detached garage and no sensitive habitat or threatened species have been identified on the site. Grading, demolition, and construction activities may only occur during permitted construction hours of Monday through Saturday within the requirements of the City's Noise Ordinance. Specific conditions of approval have been placed on the construction equipment and grading activities to limit the emission and dust created during construction. Conditional approval also requires that the project use Best Management Practices during construction as well as post construction to prevent pollutants of concern to enter storm water and runoff. All storm water will be treated through an onsite detention basin. Therefore, no significant impacts to traffic, noise, air quality, or water quality have been identified.

The subdivision could be found to be exempt from CEQA pursuant to 15315 (Minor Land Divisions). Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are
available, the parcel was not involved in a division of a larger parcel within the previous
two years, and the parcel does not have an average slope greater than 20 percent.

**FISCAL IMPACT:** N/A

**WORKPLAN:** N/A

**OPTIONS:**
- Approve Staff recommendation adopting the attached Resolution 2015-002.
- Approve Staff recommendation subject to additional specific conditions
  necessary for the City Council to make all required findings for the approval of a
  DRP, SDP, and SUB.
- Deny the project if all required findings for the DRP, SDP, and SUB cannot be
  made.

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

1. Conduct the Public hearing: Open the Public Hearing; Report Council
disclosures; Receive Public Testimony; Close the Public Hearing;

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

3. Find the subdivision exempt from the California Environmental Quality Act
pursuant to Section 15315 of the State CEQA Guidelines; and

4. Adopt Resolution 2015-002 conditionally approving a DRP, an SDP, and a Minor
SUB for condominium purposes, to allow the development of four detached
single-family dwelling units, each consisting of two stories with an attached two-
car garage and a total of four guest parking spaces on property at 823 Vera
Street.

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

[Signature]

David Ott, Interim City Manager

Attachments:
1. Project Plans
2. Resolution 2015-002
4 ON VERA
823 VERA AVENUE
SOLANA BEACH, CALIFORNIA 92075
OWNER: VERA LLC. CONTACT: ERIN MCKINLEY 858-945-8227

SHEET INDEX

COVER SHEET
A.1 ARCHITECTURAL SITE PLAN
A.2 PLAN 1 FLOOR PLANS
A.2.1 PLAN 1 FAR CALCULATIONS
A.3 PLAN 1 ROOF PLAN & STORY POLE PLAN
A.4 PLAN 1 BUILDING ELEVATIONS
A.5 PLAN 1 BUILDING SECTIONS
A.6 PLAN 2 FLOOR PLANS
A.6.1 PLAN 2 FAR CALCULATIONS
A.7 PLAN 2 ROOF PLAN & STORY POLE PLAN
A.8 PLAN 2 BUILDING ELEVATIONS
A.9 PLAN 2 BUILDING SECTIONS
A.10 PLAN 3 FLOOR PLANS
A.10.1 PLAN 3 FAR CALCULATIONS
A.11 PLAN 3 ROOF PLAN & STORY POLE PLAN
A.12 PLAN 3 BUILDING ELEVATIONS
A.13 PLAN 3 BUILDING SECTIONS
A.14 PLAN 4 FLOOR PLANS
A.14.1 PLAN 4 FAR CALCULATIONS
A.15 PLAN 4 ROOF PLAN & STORY POLE PLAN
A.16 PLAN 4 BUILDING ELEVATIONS
A.17 PLAN 4 BUILDING SECTIONS
A.18 SITE SECTIONS

ATTACHMENT 1
RESOLUTION NO. 2015-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CONDITIONALLY APPROVING A DEVELOPMENT REVIEW PERMIT, STRUCTURE DEVELOPMENT PERMIT, AND MINOR SUBDIVISION (TENTATIVE PARCEL MAP), FOR A FOUR-UNIT DETACHED SINGLE-FAMILY DEVELOPMENT AT 823 VERA STREET

APPLICANT: Aidan LLC
CASE NO.: 17-13-35 DRP/SDP/SUB

WHEREAS, Aidan LLC, (hereinafter referred to as “Applicant”) has submitted an application for a Development Review Permit (DRP), Structure Development Permit (SDP), and Minor Subdivision Tentative Parcel Map (SUB) pursuant to Title 16 (Subdivisions) and Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, at the public hearing on January 14, 2015, the City Council received and considered evidence concerning the proposed application as revised; and

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

WHEREAS, the City Council of the City of Solana Beach found the application request exempt from the California Environmental Quality Act pursuant to Sections 15315 and 15332 of the State CEQA Guidelines; and

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

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

1. That the foregoing recitations are true and correct.

2. That the project is exempt from the California Environmental Quality Act pursuant to Sections 15315 and 15332 of the State CEQA Guidelines.

3. That the request for a Development Review Permit, an administrative Structure Development Permit, and Minor Subdivision Tentative Parcel Map for a detached single-family development consisting of four detached single-family dwelling units on property at 823 Vera Street, dated November 22, 2014 and on file with the Community Development Department, is conditionally approved based upon the following Findings and subject to the following Conditions:
4. FINDINGS

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

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

General Plan Consistency: The use is consistent with the General Plan, which designates the property as Medium High Residential, which allows 8 to 12 dwelling units per acre. The proposed development is 8.7 dwelling units per acre. The proposed development is consistent with the objectives of the General Plan that encourage the development and maintenance of healthy residential neighborhoods, the stability of transitional neighborhoods, and the rehabilitation of deteriorated neighborhoods. In addition, one of the policies of the land use plan is to include residential land uses comprising of a range of housing types, locations and densities. The surrounding properties are also designated Medium High Residential.

Zoning Ordinance Consistency: The property is located within the Medium High Residential (MHR) Zone, which allows 8-12 dwelling units per net acre. The density range for the 0.46 net acre parcel is three to five dwelling units. The project proposes four dwelling units at a density of 8.7 dwelling units per acre, which is within the density range allowed by the MHR Zone. Per SBMC 17.20.010(E), the MHR Zone is intended for a wide range of residential development types, including detached single-family and attached duplexes at the lower end of the density range and multiple-family attached units at the higher end of the range. The proposed project is consistent with all applicable requirements of the Zoning Ordinance (Title 17), including Chapter 17.20, which delineates maximum allowable FAR, Permitted Uses and Structures for uses of the property as a Multi-Family Development.

Further, the proposed project adheres to all property development regulations established for the MHR Zone and cited by SBMC Section 17.20.030. The design of the proposed project is consistent with the provisions for minimum yard dimensions (i.e., setbacks), minimum separation between buildings, the maximum FAR, maximum building height allowed in the MHR Zone with a DRP (a maximum of 30 feet), and parking requirements.

II. The proposed development complies with the following development review criteria set forth in Solana Beach Municipal Code Section 17.68.040.F:
a. Relationship with Adjacent Land Uses: The development shall be designed in a manner compatible with and where feasible, complimentary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter of the development shall give consideration to the protection of surrounding areas from potential adverse effects, as well as protection of the property from adverse surrounding influences.

All the surrounding properties are also zoned MHR. Properties to the north are either vacant or developed with residential structures. Properties to the south, east, and west are developed with residential structures, including single-family residential dwellings; properties with multiple detached single-family residential dwelling units under one ownership; detached single-family condominium developments; and a multiple-family residential development with 18 dwelling units.

The proposed development, as designed, meets the requirements for setbacks for the property as zoned, as follows. The proposed dwelling units meet or exceed the required setbacks of 5 feet from the interior side property lines (east and west) and the required 25 foot setback from the rear (southern) property line. Proposed Unit 1 meets the setback requirement of 25 feet from the front (north) property line, as Sections 17.20.030(D)(4-5) of the SBMC allow architectural projections and items such as fireplaces to project into required setbacks up to two feet.

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

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

Each dwelling unit is proposed to be two stories with an attached two-car garage. The living and dining areas, kitchen, and one bedroom or den would be located on the first floor of each unit, while three bedrooms would be located on the second floor.
The dwelling units are designed to step up gradually from the northern portion of the property toward the rear of the site. The first floor of Unit 1 has a finished floor elevation that is nearly the same as the existing garage, and is in relatively the same location. Units 2 and 3 have finished first floor elevations of 4 and 4.8 feet (respectively) higher than that of Unit 1. The first floor of Unit 4 has a finished floor elevation that is 0.5 feet lower than that of Unit 3.

The maximum building height for the MHR Zone is 25 feet, although pursuant to a DRP, the maximum building height for the MHR zone may be increased to 30 feet. The maximum height from the pre-existing grade or proposed grade, whichever is lower, of each unit is as follows: Unit 1 is 25'-8¼"; Unit 2 is 25'-0"; Unit 3 is 22'-10½"; and Unit 4 is 25'-6½".

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

Per SBMC 17.56.040(2), the proposed development is subject to the City’s Water Efficient Landscape Regulations. (It should be noted that the project was considered complete prior to the recent modifications to the landscape plan review policy.) Prior to the issuance of building permits, the Applicant will be required to submit a landscape documentation package to show compliance with all applicable landscape provisions and the landscape design manual. A condition of project approval has been added to the Resolution to require native or drought-tolerant and non-invasive plant materials and water conserving irrigation systems to be incorporated into proposed landscaping to the extent feasible. The preliminary calculations for the Maximum Applied Water (MAWA) and the Estimated Total Water Use (ETWU) have been provided. Landscaping will be required to be installed according to the final approved Landscape Documentation Package, and a Certificate of Completion signed by the professional of record will be required prior to the final inspection of the residence.

d. Roads, Pedestrian Walkways, Parking and Storage Areas: Any development involving more than one building or structure shall provide common access roads and pedestrian walkways. Parking and outside storage areas, where permitted, shall be screened from view, to the extent feasible, by existing topography, by the placement of buildings and structures, or by landscaping and plantings.
The driveway takes access from Vera Street via a 20-foot wide gated driveway, which also provides access to each of the garages. SBMC Section 17.52.040(A) requires two parking spaces per dwelling unit, which would be provided via a two-car attached garage for each unit. One uncovered guest parking space is required per four dwelling units; therefore, one guest parking space is required for this proposed project. The project provides four guest parking spaces, which are parallel spaces located between the driveway and the west property line. The guest parking spaces are separated by landscaped planter areas. Unit 1 is accessed by a sidewalk from Vera Street. The remaining units have individual access from the driveway. The common open space is also accessed from the driveway via a decomposed granite pathway.

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

The existing property slopes downward across the site from the east to the west property lines by approximately 10 feet, with the highest point on the east side of the site, approximately midway between the north and south property lines. The property slopes gradually upward from the street frontage (north property line), then more steeply behind the existing structures, then slopes gradually downward approximately 10 feet toward the southwest corner of the lot. Grading is proposed in the amount of 3,300 cubic yards of cut and 200 cubic yards of fill, with 3,100 cubic yards to be exported offsite to allow for the construction of the four individual building pads, driveway access, usable yard areas, and associated retaining walls. The driveway is proposed along the west side of the site to take advantage of the topography, as the elevations are lower along the west side of the site. Units 1 through 3 are designed to be cut into the slope along the east side of the site, with portions of the building walls functioning as retaining walls. By cutting Units 1 through 3 into the slope, the project provides a lower profile and mitigates view impacts better than if the natural topography had been followed.
f. Lighting: Light fixtures for walkways, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to assure safe and convenient nighttime use. All light fixtures shall be appropriately shielded so that no light or glare is transmitted or reflected in such concentrated quantities or intensities as to be detrimental to the surrounding areas per SBMC 17.60.060 (Exterior Lighting Regulations).

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. 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.

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

Per SBMC Section 17.20.040(J), a minimum of 250 square feet of common usable open space is required for each unit in a multiple-unit development as follows. The usable open space shall consist of land not occupied by buildings, structures, streets, driveways or parking areas or any land proposed to be dedicated to the City as open space. All usable open space is required to have a minimum area of 250 square feet and shall have no dimension less than 15 feet or a slope greater than 10 percent. All usable open space not occupied by recreational facilities shall be landscaped and provided with a permanent underground watering system. Drought-tolerant landscaping materials and water conserving irrigation systems shall be utilized to the maximum extent feasible. A four-unit project in the MHR Zone requires 1,000 square feet of usable open space. The proposed development would provide a total of 1,004 square feet of common open space that meets the requirements noted above.

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

All required permits, including the Minor Subdivision and Structure Development Permit, are being processed concurrently with the Development Review Permit. The Applicant is required to obtain approval from the California Coastal Commission prior to issuance of Building Permits.
B. In accordance with Section 17.63.040 (Structure Development Permit) of the Solana Beach Municipal Code, the City Council finds the following:

A Story Pole Height Certificate for each unit was originally issued by a licensed land surveyor on January 29, 2014 to certify that building envelopes created by the story poles and flags were consistent with the proposed plans. Notices for View Assessment were mailed to all property owners and residents within 300 feet of the subject property with a deadline for requesting View Assessment of June 16, 2014. Due to a notification error, the View Assessment was re-noticed with a new deadline of July 28, 2014. Staff received one application for View Assessment for Unit 3 from the property owners at 855 Vera Street, directly to the east of the subject property.

The original height certification for the project is as follows: 1) the highest building elevation of Unit 1 was 84.0 feet above MSL, or 25.7 feet as measured from the lower of finished or pre-existing grade; 2) the highest building elevation of Unit 2 was 87.5 feet above MSL, or 25.2 feet as measured from the lower of finished or pre-existing grade; 3) the highest building elevation of Unit 3 was 93.3 feet above MSL or 28.8 feet as measured from the lower of finished or pre-existing grade; and 4) the highest building elevation of Unit 4 was 88.9 feet above MSL, or 25.6 feet as measured from the lower of finished or pre-existing grade.

The project was considered by the View Assessment Commission (VAC) on October 23, 2014. The commissioners were unable to make the necessary findings for Unit 3 and continued the matter to allow the Applicant the opportunity to redesign the project. The Applicant redesigned Unit 3 by lowering the maximum height, redesigning the roof from a gable to a hip style, and reducing overall square footage. The revised Unit 3 was re-story-poled and a Story Pole Height Certification was reissued by a licensed land surveyor on November 12, 2014, which showed a maximum height of 86.8 feet above MSL or 23.0 feet. The project did not have to be re-noticed since the redesign did not extend outside the original building envelope. The claimants did not withdraw their appeal, so the project, as revised, was considered by the VAC on November 18, 2014. The commissioners were able to make all the necessary findings and recommended that the project be approved as redesigned. Therefore, all requirements have been met for approval of the SDP. The SDP will be issued administratively with the DRP should the Council make the findings to approve the project.

The Applicant is required to show compliance with the approved maximum height and three-dimensional building envelope that was approved by the City Council at the time of submittal for a Building Permit and also prior to requesting a framing inspection. At the
framing inspection, the Applicant is required to provide a height certification for each of the buildings, signed by a licensed land surveyor, showing that the framing members and the proposed roofing materials will not exceed the heights shown on the approved plans.

C. In accordance with Section 16.24.140 (Subdivisions) of the City of Solana Beach Municipal Code (SBMC), the City Council finds the following:

I. The proposed map is consistent with applicable general and specific plans and applicable provisions of SBMC Title 17.

The tentative Parcel Map is consistent with the General Plan and applicable provisions of SBMC Title 17. The development of a common interest development containing four individual detached single-family dwelling units is consistent with the purpose and intent of the Medium-High Residential land use designation set forth in the General Plan. The project is also consistent with the development standards set forth in Title 17 (Zoning) for building setbacks, density, building height (as allowed per approval of a DRP in the MHR Zone), floor area ratio, and parking. The subject property is not located within the boundaries of any specific plan or overlay zone.

II. That the design or improvement of the proposed subdivision is consistent with applicable provisions of SBMC Title 17.

The design of the subdivision, as conditioned, is consistent with all applicable provisions of Title 17 including allowable uses, design, and location of proposed structures, density, minimum floor area, minimum yard dimensions (setbacks), maximum floor area ratio, maximum building height (with approval of a DRP), parking, and all other applicable specific requirements.

III. The site is physically suitable for the type of development.

The site is physically suitable to be developed with a four-unit detached single-family common interest development. The project site is located outside the boundaries of the overlay zones and specific plan areas. Therefore, those specific regulations do not apply to this project.

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

The site is physically suitable for the proposed density of development with four detached single-family residential units on a single lot. Allowable density for this particular parcel, which is located within the MHR Zone, is 8-12 dwelling units per net acre based on the total net acreage of the property, or three to five dwelling units for the 0.46-acre
parcel. No unique characteristics of the site would preclude the property from being developed as proposed.

V. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and avoidably injure fish or wildlife or their habitat; unless an environmental impact report was prepared in respect to the project and a finding was made pursuant to Section 21081(c) of the Public Resources Code that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

The design of the subdivision and proposed improvements are not likely to cause substantial environmental damage and/or avoidably injure fish or wildlife or their habitat. No environmentally sensitive habitat area or biological resources have been identified on the property. No fish or wildlife has been identified as native or transitive to this site. The project site has no value as habitat for endangered, rare, or threatened species. This project was found exempt from the California Environmental Quality Act (CEQA) and did not warrant the preparation of an environmental impact report.

VI. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

The design of the subdivision and the type of improvements are not likely to cause serious public health problems given that all public utilities are available to serve the development, including sewer and water. Approval of this project will not result in any significant effects relating to traffic, noise, air quality, or water quality. The project will not interfere with existing public utilities to adjacent properties.

VII. The design of the subdivision or the type of improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large, for access through or use of property within the proposed subdivision.

The design of the subdivision and the type of improvements will not conflict with easements of record. In addition, there are no easements established by court judgment, acquired by the public at large, for access or use of the property within the proposed subdivision. All existing easements have been demarcated on the tentative map and will be maintained with the design of the subdivision and the type of improvements. Alternate or additional easements will not be required.

VIII. In the case of the conversion of residential real property to a common interest development project, that any of the notices to tenants
required by law have been sent or will be given as required by the Subdivision Map Act.

The proposed project includes the conversion of residential real property to a common interest development project. Public notices for this project are not required to be mailed to tenants of the existing onsite residential unit pursuant to SBMC Section 17.72.030 (Public Hearing and Notice Requirements) due to its vacant status.

The existing unit is currently vacant; however, if the unit is occupied prior to construction of the project, the Applicant shall be required to notify each of the existing tenants of the proposed condominium project pursuant to regulations established by the Subdivision Map Act and provisions of California Government Code Sections 66427.1, 66452, and 66452.9, as a condition of project approval.

IX. Subject to the exceptions contained in Section 66474.4 of the Government Code, that the property is not subject to a contract entered into pursuant to the Land Conservation Act of 1965 (Williamson Act) and the parcels resulting from the subdivision would be too small to sustain agricultural use.

The property is not subject to a contract pursuant to the Williamson Act. The parcel has a zoning designation within the MHR Zone and Staff is not aware of any historical uses of the property as agricultural land.

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, as established by SBMC Section 17.72.020 and Resolution 1997-36.

II. The Applicant shall pay the required Regional Transportation Congestion Program (RTCIP) Fee, per dwelling unit, prior to building permit issuance.

III. Building Permit plans must be in substantial conformance with the plans presented to the City Council on January 14, 2015 and located in the project file dated December 22, 2014.

IV. Prior to requesting a framing inspection, the Applicant will be required to submit a height certification for each building, signed by a licensed land surveyor, certifying that the building envelopes for each unit
(which are represented by the story poles) are in conformance with the plans as approved by the City Council on January 14, 2015 and the certified story pole plot plan. In addition, the height certification will verify that: Unit 1 will not exceed 25’-8¼” above the lower of existing or finished grade; Unit 2 will not exceed 25’-0” in height from the lower of existing or finished grade; Unit 3 will not exceed 22’-10½” above the lower of existing for finished grade; and Unit 4 will not exceed 25’-6¼” above the lower of existing or finished grade.

V. All onsite fences, walls, retaining walls, hedges, other dense landscaping, and/or any combination thereof, shall comply with applicable regulations of SBMC Section 17.20.040(O) and 17.60.070 (Fences, Walls, and Retaining Walls). The Applicant shall illustrate that any proposed walls, retaining walls, fences or any combination thereof will comply with the maximum height regulations prior to the issuance of a building permit.

VI. 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.

VII. Prior to the issuance of building permits, the Applicants shall demonstrate that a minimum of 250 square feet of useable open space is provided for each of the four residential dwelling units. Required open space areas shall be landscaped and provided with permanent underground watering systems.

VIII. 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 3rd party landscape professional.

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

X. The landscaping calculations required in the Landscape Documentation Package shall use the most up to date evapotranspiration number at the time of building permit submittal.

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

XII. 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.
XIII. The Developer/Contractor shall conduct all grading operations in such a manner as to confine dust generated from the operation to the site of the grading. Per City of Solana Beach Municipal Code 15.40.090(l), special conditions intended to control dust palliative may be imposed as additional requirements on the grading permit. Such conditions may be imposed in the field if necessary.

XIV. The Developer/Contractor shall:

a. Maintain construction equipment per manufacturing specifications;

b. Use Diesel engines that meet, at a minimum, 1996 CARB or U.S. EPA certified standards for off-road equipment that has a rating of more than 100 horsepower;

c. Install diesel oxidation catalysts, catalyzed diesel particulate filters or other emission reduction retrofit devices approved and recommended by SDAPCD; and

d. Substitute small electric-powered equipment for diesel- and gasoline-powered construction equipment where feasible.

XV. Per Section 2485 within Chapter 10- Mobile Source Operational Controls, Article 1- Motor Vehicles, Division 3. Air Resources Board, Title 13, California Code of Regulations, the Developer/Contractor shall limit on-road haul truck idling to five (5) minutes or less by the conspicuous posting of signs near the fill area(s).

XVI. The Developer/Contractor shall ensure heavy-duty diesel trucks and other mobile equipment are properly tuned and maintained to manufactures specifications to ensure minimum emissions under normal operations.

XVII. 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.

B. Fire Department Conditions:

I. Fire sprinklers are required per CFC Section 903.2.1 and shall be installed per NFPA 13D by a licensed C-16 fire sprinkler contractor. Note: A separate set of plans shall be submitted.

II. Class ‘A’ roofing material is required for all new roofs.
III. The minimum fire flow of at least 1,500 gpm at 20 psi for 2 hours is required. Provide documentation from Santa Fe Irrigation Water District that the hydrant will meet the requirement.

IV. The driveway Fire Department access shall be a minimum of 16 feet wide and 13 feet 6 inches high unobstructed for the length of the access.

V. Grades exceeding 15% (incline or decline) on fire apparatus roads shall not be permitted without mitigation. A surface of Portland cement concrete (PCC), with a deep broom finish perpendicular to the entire direction/length of travel and grade, is required. The angle of departure and approach of Fire Department access roadways shall not exceed seven (7) degrees (12 percent).

VI. All fire access roads shall be an all-weather surface and must support the imposed load of fire apparatus 75,000 pound load.

VII. Bedroom egress windows in basements, habitable attics, and every sleeping room are required per CRC Sections R310, R310.2, R310.3 and R310.4.

VIII. An automatic gate serving more than one dwelling is required to install an approved emergency key operated switch and/or an emergency traffic control-activating strobe light sensor approved by the Fire Code Official. Electric gate openers where provided shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, installed in accordance with ASTM F2200.

C. Engineering Department Conditions:

I. Obtain an Encroachment Permit in accordance with Chapter 11.20 of the SBMC, prior to the construction of any improvements within the public right-of-way including, but not limited to, sewer lateral connection to the main sewer line, temporary construction staging and equipment, and demolition of existing surface improvements. All proposed improvements within the public right-of-way, such as the proposed curb opening, shall comply with City standards including, but not limited to, the Off-Street Parking Design Manual.

II. 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.

III. All parking and ingress and egress shall conform to the City of
Obtain a Grading Permit in accordance with Chapter 15.40 of the SBMC. Conditions prior to the issuance of a Grading Permit shall include, but not be limited to, the following:

a. The Grading Plan shall be prepared by a registered Engineer and approved by the City Engineer. On-site grading design and construction shall be in accordance with Chapter 15.40 of the SBMC.

b. A Soils Report shall be prepared by a registered Soil Engineer and approved by the City Engineer. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. The Grading Plan shall incorporate all recommendations contained in the Soils Report.

c. All recommendations of the Hydrology Report (such as on-site detention basins), prepared by Pasco Laret Sulter dated November 11, 2013, shall be incorporated into the Grading Plan and approved by the City Engineer.

d. An easement or maintenance agreement shall be recorded for maintenance of the detention basin by the property owner in perpetuity, prior to the occupancy of this project.

e. All retaining walls and drainage structures shall be shown. Retaining walls shown on the Grading Plan shall conform to the San Diego Regional Standards or be designed by a licensed Civil Engineer. Engineering calculations for all designed walls with a surcharge and nonstandard walls shall be submitted at Grading Plan check. Retaining walls may not exceed the allowable height within the property line setback as determined by the SBMC. Contact the Community Development Department for further information.

f. 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 written permission from the adjoining property owner(s) for incidental grading or construction that may occur and submit the letter to the City Engineer prior to the anticipated work.

g. 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.

h. Obtain and submit grading security in a form prescribed by the City Engineer.

i. Obtain a Haul Permit for import / export of soil. The Applicant shall transport all excavated material to a legal disposal site.

j. Submit certification from the Engineer of Record and the Soils Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by the Engineer of Record incorporating as-built conditions on the Mylar Grading Plans and obtaining signatures of the Engineer of Record and the Soils Engineer certifying the as-built conditions.

k. 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.

l. 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.

m. Post Construction Best Management Practices meeting City and RWQCB Order No. R9-2013-001 requirements shall be implemented in the drainage design.

n. The Applicant shall prepare a City of Solana Beach Storm Water Checklist for Standard Projects to address potential water quality impacts to ensure that pollutants and runoff from this development are reduced to the maximum extent practicable.
o. The areas shown on the Tentative Parcel Map to have permeable pavers shall be constructed to meet the hydrologic requirements of the Hydrology Study. Prior to the release of grading bond, the Applicant shall provide a letter from a professional engineer certifying the adequacy of the coefficient of run-off for all pervious surfaces to the satisfaction of the City Engineer.

p. No increased cross lot drainage shall be allowed.

q. Submit certification from a registered Civil Engineer and Soil Engineer that all public or private drainage facilities and finished grades are functioning and are installed in accordance with the approved plans. This shall be accomplished by Engineer of Record incorporating as-built conditions on the Mylar grading plans and obtaining signatures of the Engineer of Record and Soils Engineer certifying the as-built conditions.

V. Prior to obtaining a Building Permit or Grading Permit, a Parcel Map shall be prepared and recorded in accordance with Section 16.24.170 of the SBMC.

VI. Provide a Subdivision Map Guarantee within ten days before recording the Parcel Map.

VII. Pay the Parcel Map plan check fee in accordance with the current Engineering Fee Schedule.

VIII. All existing utility transmission and distribution facilities within the boundaries of the subdivision shall be placed underground in accordance with 16.16.050(D) of the SBMC.

IX. Installation and maintenance of sewer laterals to each lot is the responsibility of each parcel’s property owner.

X. A Preliminary Soils Report, prepared by a Civil Engineer registered in this state, and based upon adequate test borings, shall be submitted prior to recording of the Final Parcel Map and noted on the Final Parcel Map.

XI. The Applicant shall pay in full the one-time sewer capacity/connection fees of $4,500.00 per Equivalent Dwelling Unit (EDU). The EDU assignment is determined by SBMC 14.08.060. The additional EDU’s required for this project, less the current EDU assessment of 1.0, is 2.6 EDU’s.
XII. Pay in full the prorated portion of the annual sewer charge for the remainder of the fiscal year which a connection is made to the City's sewer main.

XIII. The Applicant shall record a document holding the City of Solana Beach harmless in case of a sanitary sewer backup due to a blockage in the public sewer main, if the building pad elevation is below the upstream sewer manhole. A backflow prevention device shall be installed on private property. An Encroachment Permit is required.

XIV. Conditions prior to occupancy shall include, but not be limited to, the following:

a. Underground all new utility services, including, but not limited to, electrical and telephone.

b. Complete to the satisfaction of the City Engineer all grading, paving, public improvements, landscaping, and drainage improvements.

6. ENFORCEMENT: Pursuant to SBMC 17.72.120(B) failure to satisfy any and all of the above-mentioned conditions of approval is subject to the imposition of penalties as set forth in SBMC Chapters 1.16 and 1.18 in addition to any applicable revocation proceedings.

7. EXPIRATION: The Development Review Permit, Structure Development Permit, and Minor Subdivision Tentative Parcel Map for the project will expire on January 14, 2017, unless the Applicant has recorded a final map, obtained building permits, and has commenced construction prior to that date, and diligently pursued construction to completion. An extension of the application may be granted by the City Council.

8. INDEMNIFICATION AGREEMENT: The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney’s fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney’s fees and costs. In the event of a disagreement between the City and the Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including,
but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by Applicant.

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

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, held on the 14th day of January, 2015, by the following vote:

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

LESA HEEBNER, Mayor

APPROVED AS TO FORM: ATTEST:

JOHANNA N. CANLAS, City Attorney ANGELA IVEY, City Clerk