

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



AGENDA

Joint SPECIAL Meeting

Wednesday, January 30, 2019 * 5:30 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

Teleconference Location: Irvine Marriott, 18000 Von Karman Ave., Irvine CA. 92612 (Becker, Harless)

- 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

Kristi Becker, Councilmember

Kelly Harless, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

FLAG SALUTE:

APPROVAL OF AGENDA:

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Citizen's Initiative Petition for adding a Specific Plan Overlay and amending the Solana Beach Municipal Code (SBMC) to allow a state-licensed residential care facility of up to 99 beds for those in need of assisted living in the Estate Residential-2 (ER-2) Zone at 959 Genevieve Street. (File 0610-10)

Recommendation: That the City Council elect one of the following actions in response to the petition:

1. Submit Ordinance 499 to the voters:
 - a. At a Special All-Mail Ballot Municipal Election
 - i. **Resolution 2019-013** Calling an Election & Requesting ROV Services to conduct an all-mail ballot election on May 7, 2019, and
 - ii. **Resolution 2019-014** Authorizing Written Arguments, and
 - iii. **Resolution 2019-015** Authorizing Rebuttal Arguments; OR
 - b. At the next general election, November 3, 2020; OR
2. Order a report and return within 30 days to a City Council meeting.

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

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

WORK PLAN COMMENTS:

Adopted June 13, 2018

COMPENSATION & REIMBURSEMENT DISCLOSURE:

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

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

- a. City Selection Committee (meets twice a year) Primary-Edson, Alternate-Zito
- b. County Service Area 17: Primary- Harless, Alternate-Edson
- c. Escondido Creek Watershed Authority: Becker /Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee: Primary-Becker, Alternate-Harless and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee: Primary-Harless, Alternate-Becker
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG): Primary-Becker, Alternate-Harless
- g. North County Dispatch JPA: Primary-Harless, Alternate-Becker
- h. North County Transit District: Primary-Edson, Alternate-Becker
- i. Regional Solid Waste Association (RSWA): Primary-Hegenauer, Alternate-Becker
- j. SANDAG: Primary-Zito, 1st Alternate-Edson, 2nd Alternate-Becker, and any subcommittees.
- k. SANDAG Shoreline Preservation Committee: Primary-Hegenauer, Alternate-Zito
- l. San Dieguito River Valley JPA: Primary-Hegenauer, Alternate-Zito
- m. San Elijo JPA: Primary-Zito, Primary-Becker, Alternate-City Manager
- n. 22nd Agricultural District Association Community Relations Committee: Primary-Edson, Primary-Harless

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

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

ADJOURN:

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 January 30, 2019 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 January 29, 2019 at 5:00 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 5:30 p.m., January 30, 2019, 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: January 30, 2019
ORIGINATING DEPT: City Clerk / Elections Official
SUBJECT: **Citizen's Initiative Petition for adding a Specific Plan Overlay and amending the Solana Beach Municipal Code (SBMC) to allow a state-licensed residential care facility of up to 99 beds for those in need of assisted living in the Estate Residential-2 (ER-2) Zone at 959 Genevieve Street.**

BACKGROUND:

This item is before the City Council to present a certified petition and outline the actions required of the legislative body, as required by California Elections Code (EC) Section 9215.

On November 19, 2018, pursuant to EC Section 9202, a Notice of Intent to Circulate a Petition was filed with the City's Elections Official (City Clerk) to add a Specific Plan Overlay and Amend the Solana Beach Municipal Code (SBMC) to allow a State Licensed Residential Care Facility of up to 99 Beds for those in need of assisted living in the Estate Residential-2 (ER-2) Zone at 959 Genevieve Street. In response and as required by EC 9202, the City Attorney prepared a Ballot Title and Summary and the Elections Official submitted it to the proponents. The proponents published the Notice of Intent on December 19, 2018 (EC 9205) and filed the Affidavit of Publication with the City Clerk on December 20, 2018 (EC 9206).

The San Diego County Registrar of Voters Report of Registration to the Secretary of State that was in effect on the date that the Ballot Title and Summary was published must be utilized to determine the number of registered voter signatures required to qualify the petition. The publication date of the Notice of Intent occurred on December 19, 2018; therefore, the October 23, 2018 Report to the Secretary of State was effective at the time the notice was published, which reported 9,004 registered voters in the City of Solana Beach. Pursuant to EC 9215, an initiative petition is required to be signed by not less than 10% of the voters of the City, which is 901 voter signatures.

CITY COUNCIL ACTION:

DISCUSSION:

On January 15, 2019, the petition was filed with the City Clerk of the City of Solana Beach within the required time following the publication date under EC 9208. The City Clerk determined that among the 39 petition sections submitted, the number of signatures submitted was approximately 1,399, which exceeded the minimum number of 901 signatures required. The City Clerk provided the proponents with a copy of California Government Code (GC) section 84305 and received the petition for filing and review.

Pursuant to applicable Election Code provisions, the City Clerk initiated the review of the petition, including format, content, circulation dates, and circulator's declaration. Prior to the petition filing date, no written statements were received requesting that any signatures be removed from the petition.

The City Clerk commissioned the Registrar of Voters (ROV) to perform the signature verification of 901 signatures of valid registered voters of the City from the approximately 1,399 submitted signatures. The City Clerk instructed the Registrar to count until the required 901 signatures was reached. Upon confirmation that the signature verification was complete, a Signature Certification Letter was received from the Registrar of Voters. Having completed the comprehensive review of the petition and all required filings on January 28, 2019, the City Clerk signed a Certificate of Sufficiency (Attachment 1) and notified the proponents via email of the certification.

Based on the validation of the petition format and content (EC 9239) along with the signature verification (EC 9215 as per 9240), the City Clerk certified the petition as sufficient to qualify as an initiative petition for the ballot.

EC Section 9215 requires the City Council to choose from one of the following courses of action for a sufficient petition:

- (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;
OR
- (b) Submit the ordinance, without alteration, to the voters pursuant to EC Section 1405;
OR
- (c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

Option A - Adopt the Ordinance

This option is not available to the Council under Ordinance 266 (Proposition T).

Option B - Submit the Ordinance to the Voters

If the City Council decides to place the measure on the ballot for consideration by the voters of the City of Solana Beach in the form of the proposed Ordinance 499, there are two choices:

1. Place the measure on the ballot for the next General Election on November 3, 2020, as is typical with all citizen initiatives. (EC §§1405(a) and 9215(b); Ordinance 266 (Proposition T) section III(F).)

OR

2. Call a Special Election by all mail ballot, as requested by the proponents, which would occur on May 7, 2019 under EC sections 1405(b), 1500(a) and 4000.5. Section III(F) of Ordinance 266 (Proposition T) provides that the cost of the Special Election should be borne by the proponents.

Special Election

If the City Council elects to submit the measure to the voters for consideration of proposed Ordinance 499 at a special election, the special election must take place no earlier than 88 days or no later than 103 days from the date of calling of the election. The only available date for such a Special Election is May 7, 2019 for an all-mail ballot election. To proceed with the next possible Special Election on May 7, 2019, the deadline to accomplish the prerequisites is February 8, 2019, when all signed resolutions must be completed and filed, both calling the election and requesting the San Diego Registrar of Voters operational services. That requires the following resolutions to be adopted:

1. Calling a Special Election for May 7, 2019 to be conducted as an all-mail ballot election; and
2. Requesting the San Diego Registrar of Voters services to administer the election operations and related proceedings.

Ballot Measure Arguments/Rebuttals

Pursuant to EC section 9286, calling an election on the measure triggers a timeline for filing the measure's arguments (14 days), with rebuttals (10 days) to follow, and their respective public review periods. Resolution 2019-014 (Attachment 3) authorizes and sets priorities for written arguments and orders an impartial analysis. Pursuant to EC Section 9282(a), for measures placed on the ballot by petition, the petition's proponents may submit a written argument in favor of the ordinance and the legislative body may submit an argument against the ordinance.

In the event that the proponents or the City Council choose not to submit an argument, and multiple arguments are submitted within the time prescribed, arguments will be accepted in the following priority order, as dictated by EC Section 9287:

- First Priority: Arguments by the legislative body or authorized members of the legislative body.
- Second Priority: An individual, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors of proponents of the measure.
- Third Priority: Bona fide associations of citizens.
- Fourth Priority: Individual voters who are eligible to vote on the measure.

Additional details are provided in Resolution 2019-014 (Attachment 3). Resolution 2019-015 (Attachment 4) provide details for rebuttal arguments, which follows the initial argument period.

Option C - Order a Report

Having been presented with a sufficient petition, the third option that the Council has at this meeting is to order a report pursuant to EC Section 9212, which provides:

(a) ...before taking either action described in subdivisions (a) and (b) of Section 9215 [i.e., the two options above], the legislative body may refer the proposed initiative measure to a city agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
- (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
- (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
- (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
- (5) Its impact on the community's ability to attract and retain business and employment.
- (6) Its impact on the uses of vacant parcels of land.
- (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
- (8) Any other matters the legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

CEQA COMPLIANCE STATEMENT:

Placing the initiative to the voters is not a project under CEQA Guidelines Section 15378 (b)(3). The project does not include the submittal of proposals to a vote of the people of the state or a particular community that does not involve a public agency sponsored initiative. (*Stein v. City of Santa Monica* (1980) 110 Cal.App.3d 458, 460; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165, 187); *Tuolumne Jobs & Small Bus. All. v. Superior Court* (2014) 59 Cal.4th 1029, 1036, (CEQA review also not required before adoption of citizen initiative; “A section 9212 report is the exclusive means for assessing the potential environmental impact of such initiatives.”).

The underlying development proposal for 959 Genevieve Street is being evaluated under CEQA and it is anticipated that the draft Environmental Impact Report (EIR) will be released for public review in the near future.

FISCAL IMPACT:

Under Section III(F) of Ordinance 266 (Proposition T), if the City Council sets the election for this initiative at the next available General Municipal Election, the City will bear all the costs of the election. If the City Council sets a Special Election, the cost is borne by the proponents. The majority of the costs for a Special Election to be incurred by the proponents can only be estimated at this time in a range of \$85,000-\$125,000 based on the current number of registered voters, an approximate 98 page ordinance for printing and translations, etc. At the next General Election occurring in November 2020, the cost for an initiative measure may be estimated at approximately \$8,000-\$10,000, which the City would incur entirely. The City’s internal costs are not currently budgeted and would include the cost of the signature verification, which is estimated at this time to be approximately \$5,000, and \$1,800 for notices, language translations, and related tasks, not including Staff time, none of which are charged to the proponents under either option.

Should the Council place the initiative at a Special Election, the proponents will be required to deposit sufficient funds to cover the costs of the Special Election within 14 days of today’s meeting.

WORK PLAN: N/A

OPTIONS:

- Submit Ordinance 499, without alteration, to the voters at a Special All-Mail Ballot Municipal Election on May 7, 2019.
- Submit Ordinance 499, without alteration, to the voters at the Municipal General Election on November 3, 2020.
- Order a report and return within 30 days.

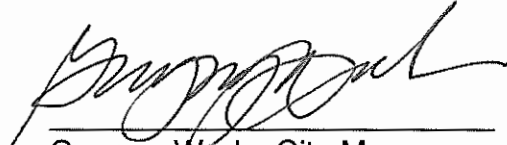
DEPARTMENT RECOMMENDATION:

Staff recommends that the City Council elect one of the following actions in response to the petition:

1. Submit Ordinance 499 to the voters:
 - a. At a Special All-Mail Ballot Municipal Election
 - i. Resolution 2019-013 Calling an Election & Requesting ROV Services to conduct an all-mail ballot Election on May 7, 2018, and
 - ii. Resolution 2019-014 Authorizing Written Arguments, and
 - iii. Resolution 2019-015 Authorizing Rebuttal Arguments; OR
 - b. At the next General Election, November 3, 2020; OR
2. Order a report and return within 30 days to a City Council meeting.

CITY MANAGER'S RECOMMENDATION:

Approve Department Recommendation



Gregory Wade, City Manager

- Attachment 1: Petition's Certificate of Sufficiency
Attachment 2: Resolution 2019-013 Call Election, Request ROV Services, Exhibit A
Proposed Ordinance 499, Ordinance Exhibits
Attachment 3: Resolution 2019-014 Written Arguments, Impartial Analysis
Attachment 4: Resolution 2019-015 Rebuttal Arguments



CERTIFICATE OF SUFFICIENCY OF INITIATIVE PETITION

I, ANGELA IVEY, City Clerk/Elections Official of the City of Solana Beach, County of San Diego, State of California, hereby certify that:

The petition entitled "An Initiative Adding a Specific Plan Overlay and Amending Solana Beach Municipal Code to Allow a State-Licensed Care Facility of up to 99 Beds for Those in Need of Assisted Living in the ER-2 (Estate Residential-2) Zone at 959 Genevieve Street" was filed with the City Clerk Department on January 15, 2019.

That said petition consists of 27 sections.

That each section contains signatures purporting to be signatures of qualified electors of the City of Solana Beach, California.

That attached to the petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition.

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that Section, that all of the signatures were made in his or her presence, and that to the best of his or her own information and belief, each signature to that section was the genuine signature of the person whose name it purports to be.


Following the filing of this petition by the proponents the submittal to the County of San Diego Registrar of Voters' for signature verification, a Signature Verification Certificate, attached, was provided with the following facts regarding this petition:

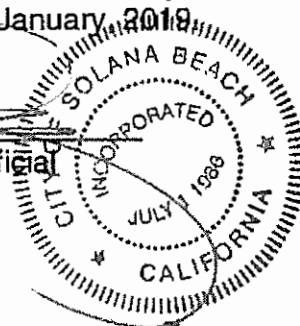
- | | |
|--|-------|
| 1. Total number of signatures filed by proponent raw count: | 1,345 |
| 2. Total number of signatures reviewed in the verification process: | 1,028 |
| 3. Number of signatures found sufficient (based on verification of # required): | 901 |
| 4. Number of signatures found insufficient (based on verification of # required): | 127 |
| 5. Number of signatures insufficient because of Duplication: | 2 |
| 6. Total Number of signatures valid based on verification of # required, found sufficient: | 901 |

Based on the above, the petition is deemed Sufficient.

This Certification will be presented to the City Council at his meeting to be held on January 30, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Solana Beach this 30th day of January, 2019.


Angela Ivey, City Clerk / Elections Official
City of Solana Beach





County of San Diego

REGISTRAR OF VOTERS

County Operations Center Campus

5800 Overland Avenue, Suite 100, San Diego, California 92123-1278

MICHAEL VU
Registrar of Voters

CYNTHIA L. PAES
Assistant Registrar of Voters

Telephone: (858) 585-5800 Toll-free: 1 (800) 608-0138 TTY / TDD: (800) 735-2929
Facsimile: (619) 694-2955 Web Address: www.sdvote.com

January 28, 2019

Angela Ivey, City Clerk
City of Solana Beach
635 S Highway 101
Solana Beach, CA 92075

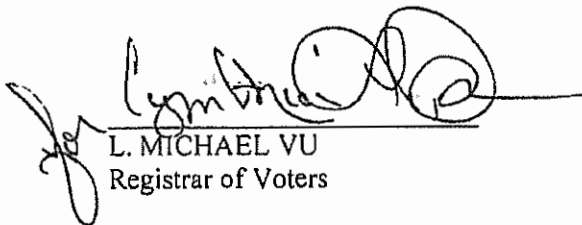
Re: Residential Care Initiative

“An Initiative Adding a Specific Plan Overlay and Amending Solana Beach Municipal Code (SBMC) to Allow a State-Licensed Residential Care Facility of up to 99 Beds for Those in Need of Assisted Living in the ER-2 (Estate Residential-2) Zone at 959 Genevieve Street.” petition was filed with the Registrar of Voters on January 15, 2019. As directed by your office, the Registrar of Voters conducted a verification of signatures up to the required amount of valid signatures (901). **A total of 901 signatures have been verified to be valid.** Results of the verification process are as follows:

CERTIFICATION OF RESULTS:

- Number of sections submitted..... 27
- Number of signatures submitted..... 1,345
- Number of signatures verified..... 1,028
- Number of signatures found to be valid 901
- Number of signatures found not to be valid 127
(Includes 2 duplicated signatures)
- Number of signatures required for qualification 901

If you have questions, please contact me at (858) 505-7201 or Javier De Anda at (858) 505-7357.



L. MICHAEL VU
Registrar of Voters

RESOLUTION 2019-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ALL-MAIL BALLOT ELECTION ON MAY 7, 2019 FOR THE SUBMISSION TO THE QUALIFIED VOTERS A PROPOSED ORDINANCE

WHEREAS, pursuant to authority provided by the California Elections Code, a petition has been filed with the legislative body of the City of Solana Beach, California, signed by not less than ten percent (10%) of the number of registered voters of the City, to submit a proposed ordinance relating to a Specific Plan Overlay and allowing a state-licensed residential care facility of up to 99 beds in the ER-2 (Estate Residential-2) at 959 Genevieve Street; and

WHEREAS, the City Clerk, Elections Official, ascertained that the petition contained the requisite number of signatures and retained the San Diego County Registrar of Voters to perform the examination of the records of registration to verify registered voter signatures; and

WHEREAS, the City Clerk, certified the petition as sufficient on January 28, 2019, and presented the results thereof to the City Council on January 30, 2019, a Special Council Meeting, in accordance with the California Elections Code sections 9211 and 9215; and

WHEREAS, the City Council has elected to submit the proposed ordinance, without alteration, to the voters at a special all-mail ballot election on Tuesday, May 7, 2019; and

WHEREAS, it is most beneficial to contract the services of the County of San Diego Registrar of Voters to conduct certain election operations and canvass the returns of said Special Election, and that the City Clerk carry out all other necessary procedures for such election.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve, declare, determine and order as follows:

SECTION 1. All of the foregoing recitals are true and correct.

SECTION 2. That pursuant to Section 1405(a) of the California Elections Code which states that a special election for an initiative petition must be held between 88 and 103 days of the calling of the election, there is called and ordered to be held in the City of Solana Beach, California, on Tuesday, May 7, 2019, a Special Municipal All-Mail Ballot Election for the purpose of submitting the following proposed ordinance:

Shall the proposed ordinance adding a Specific Plan Overlay and amending the Solana Beach Municipal Code (SBMC) to allow a state-licensed residential care facility of up to 99 beds for those in need of assisted living in the ER-2 (Estate Residential-2) Zone at 959 Genevieve Street be adopted?	YES
	NO

SECTION 3. That the text of the Ordinance 499, Exhibit A, shall be submitted to the voters for approval by a majority vote.

SECTION 4. That if the Ordinance 499, Exhibit A, is approved by the voters, this Ordinance shall be effective ten (10) days after the certified vote results are declared by the City Council pursuant to California Elections Code Section 9217.

SECTION 5. That the mail ballots to be used at the election shall be in the form and content as required by law.

SECTION 6. That the Board of Supervisors of the County of San Diego is hereby requested to permit the San Diego County Registrar of Voters to perform and render election services and proceedings for a Special Election, and to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and paraphernalia incidental to and connected with the conduct of the subject election of the City of Solana Beach, in order to properly and lawfully conduct such election.

SECTION 7. That the Board of Supervisors of the County of San Diego is hereby requested to permit the San Diego County Registrar of Voters to canvass the returns of the subject election.

SECTION 8. That official voted ballots shall be returned by mail or in person to the San Diego County Registrar of Voters' office by 8:00 p.m. on Election Day, May 7, 2019, and that postmarks are not accepted.

SECTION 9. That the County of San Diego shall be reimbursed in full for the services performed by the San Diego County Registrar of Voters for the City of Solana Beach upon presentation of a proper invoice, and the City agrees to indemnify and save free and harmless the County, its officers, agents and employees from expense or liability, including reasonable attorneys' fees, as a result of any election contest arising after conduct of this election. Any and all liability and expenses, including reasonable attorney's fees, that the City of Solana Beach incurs under this Section shall be passed through and paid by proponents. Proponents agree to indemnify and save free and harmless the City, its officers, agents and employees from expense or liability, including reasonable attorneys' fees, as a result of any election contest arising out of or related to the conduct of this election.

SECTION 10. Within fourteen (14) days of the adoption of this resolution, the proponents of the initiative shall deposit with the City funds sufficient to cover the costs of the Special Election.

SECTION 11. That in all particulars not recited in this resolution, said election shall be held and conducted as provided by law for holding municipal elections in said City.

SECTION 12. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in the time, form and manner as required by law.

SECTION 13. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED, this 30th day of January 2019, at a special meeting of the City Council of the City of Solana Beach, California 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

EXHIBIT A
to Resolution 2019-013

ORDINANCE 499

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AN INITIATIVE ADDING A SPECIFIC PLAN OVERLAY AND AMENDING THE SOLANA BEACH MUNICIPAL CODE (SBMC) TO ALLOW A STATE-LICENSED RESIDENTIAL CARE FACILITY OF UP TO 99 BEDS FOR THOSE IN NEED OF ASSISTED LIVING IN THE ESTATE RESIDENTIAL-2 (ER-2) ZONE AT 959 GENEVIEVE STREET

WHEREAS, on November 19, 2018, a Notice of Intent to Circulate a Petition was filed with the City of Solana Beach; and

WHEREAS, the proposed measure would add a Specific Plan Overlay and allow a state-licensed residential care facility of up to 99 beds for those in need of assisted living in the Estate Residential-2 (ER-2) Zone at 959 Genevieve Street on the terms listed therein; and

WHEREAS, following the required publication of the Ballot Title & Summary, prepared by the City Attorney, on December 19, 2018, the receipt of the Affidavit of Publication was received within the required timeline; and

WHEREAS, on January 15, 2019, a petition was filed with the City's Elections Official, City Clerk, related to adding a Specific Plan Overlay and allowing a state-licensed residential care facility of up to 99 beds for those in need of assisted living in the Estate Residential-2 (ER-2) Zone at 959 Genevieve Street on the terms listed therein; and

WHEREAS, the petition's required signatures of 901 registered voters was verified and the City Clerk certificated the complete sufficiency of the petition on January 28, 2019; and

WHEREAS, this ordinance is adopted as filed by the proponents, without alterations.

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

Section 1. Title. Chapter 17.110 SOLANA BEACH SENIOR CARE SPECIFIC PLAN is hereby added to Title 17 ZONING of the City of Solana Beach Municipal Code (SBMC).

Section 2. Purpose and Findings.

Section 17.110.020 Purpose and Findings is hereby added to Chapter 17.110, Title 17 of the SBMC:

The People of the City of Solana Beach ("City") find and declare as follows:

Approval of this Initiative will adopt the Solana Beach Senior Care Specific Plan and corresponding changes described in the Sections below. The Solana Beach Senior Care Specific Plan solely applies to the approximately 2.91-acre site located east of the Interstate 5 freeway, south of Genevieve Street and west of Marine View Avenue ("Property").

The primary purposes of this Initiative are to: (i) establish the regulatory framework for the development and operation on the Property of a Residential Care Facility for the Elderly, including the Neighborhood Open Space use, that meets the needs and desires of the Solana Beach community; and (ii) not change the rules for development or operation of the Property, or any other property in Solana Beach, for any other types of uses. The objectives of and findings regarding the Initiative include:

- A. To give the City's voters the opportunity to approve a change to the City General Plan, consistent with Proposition T, that would authorize the development of a Residential Care Facility for the Elderly use on the Property only if the design proposal substantially conforms to the requirements as described in the Solana Beach Senior Care Specific Plan.
- B. To require any subsequent design proposal for the development of a Residential Care Facility for the Elderly use at the Property to secure City Council approval, after a noticed public hearing, of a Structure Development Permit and Development Review Permit.
- C. To facilitate an additional option for residents, or the parents and loved ones of residents who live elsewhere, to live in a Residential Care Facility for the Elderly in Solana Beach in light of the projections that City residents aged 70 and older will number nearly 2,200 by 2020 and approximately 3,500 by 2035.
- D. To include higher standards and requirements than otherwise required by the City for a Residential Care Facility for the Elderly to help ensure that any development of a Residential Care Facility for the Elderly on the Property will help meet the growing demand for senior living care while also being consistent with the character and quality of the City of Solana Beach.
- E. To ensure that development and operation of a Residential Care Facility for the Elderly on the Property is compatible with the surrounding area.
- F. To limit development of the Property for a Residential Care Facility for the Elderly to a maximum intensity of 99 beds. No development in excess of that maximum number of beds is authorized by this Initiative.
- G. To establish the Solana Beach Senior Care Specific Plan with site development and design standards addressing a range of topics, including floor area ratio, setbacks, parking requirements, interior space requirements, minimum common open space,

architectural character and building massing/scale, that will ensure that future development of a Residential Care Facility for the Elderly and Neighborhood Open Spaces use on the Property does not have adverse public health, safety and welfare impacts.

H. To impose the landscaping and architectural design requirements identified within the Solana Beach Senior Care Specific Plan to address the varied uses adjacent to the Property, including estate residences, interstate highway and office uses.

I. To establish the building height limits for a Residential Care Facility for the Elderly project at the Property, as specified in the Solana Beach Senior Care Specific Plan, to ensure consistency with the scale of residential areas to the east of the property.

J. To maintain the character of Marine View Avenue by establishing an open, landscaped area with pedestrian connections to the neighborhood adjacent to Marine View Avenue as described in the Solana Beach Senior Care Specific Plan and limiting vehicular driveway access to and from the Property from only Genevieve Street.

K. To incorporate the environmentally sensitive design and sustainable operations described in this Solana Beach Senior Care Specific Plan, as practicable, in developing buildings and infrastructure.

L. To maximize opportunities for using water-wise plant materials in the project landscaping to promote water conservation.

M. To adopt the Solana Beach Senior Care Specific Plan as it is consistent with the City of Solana Beach General Plan, Zoning Ordinance and all approved component(s) of a Local Coastal Plan for the City.

Section 3. City of Solana Beach General Plan Amendment.

Land Use Element Amendments.

The voters hereby amend the Land Use Element and Land Use Map of the General Plan of the City of Solana Beach as follows (new language to be inserted into the General Plan is shown as underlined text; language to be deleted is shown in ~~strikethrough text~~; text in regular or bold type reflects the existing General Pan text and is provided for informational/reference purposes):

Figure LU-2 – General Plan Land Use Map is amended with respect to the approximately 2.91 acres between Interstate 5 and Marine View Avenue, south of Genevieve Street in the City of Solana Beach to add the Solana Beach Senior Care Specific Plan overlay to the existing Estate Residential designation as more particularly set forth on Exhibit B hereto.

Section III (“Existing Conditions”), subsection D (“Specific and Master Plans”), is amended to add the following new land use description:

6. Solana Beach Senior Care Specific Plan

The Solana Beach Senior Care Specific Plan establishes an overlay solely for the Estate Residential designated 2.91-acre property located between Interstate 5 and Marine View Avenue, south of Genevieve Street as depicted on Figure LU-2. The Solana Beach Senior Care Specific Plan allows for the development of a 99-bed Residential Care Facility for the Elderly to help meet a growing need for more senior living facilities in the community. It specifies the development standards and regulations needed to accommodate a quality living option for persons who need assistance with daily living activities, or memory care services.

Section VI (“Land Use Plan”), includes land use category descriptions, and is amended as follows:

Specific Plan Areas: This designation denotes areas that are covered by an adopted specific plan. Special land use and development regulations are identified within the applicable specific plan. As of the preparation of this General Plan update, there are ~~three~~ four adopted specific plans: the Highway 101 Corridor Specific Plan, the Solana Beach Senior Care Specific Plan, the North Rios Specific Plan, and the Tangaroa Estates Specific Plan. Additional specific plans may be prepared and adopted in compliance with Section 65451 of the California Government Code.

A. Housing Element Amendments

The voters hereby amend the Housing Element of the General Plan of the City of Solana Beach as follows (new language to be inserted into the General Plan is shown as underlined text; language to be deleted is shown in ~~strikethrough text~~; text in regular or bold type reflects the existing General Plan text and is provided for informational/reference purposes):

Section IV (“Constraints”), subsection A (“Governmental Constraints”), subsection 1 (“Land Use Plans and Regulations”), is amended as follows:

Under the heading of “Zoning” and subheading of “Residential Care Facilities” the description is amended as follows:

Residential care facilities are defined as any family home, group care facility, or similar facility, with or without food services(s) and kitchen facilities, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual including, but not limited to, alcoholism or drug abuse recovery facilities, congregate living facilities,

community care facilities, or intermediate care facilities for the disabled, which are licensed by the State of California, excluding housing for the elderly, nursing and convalescent homes. Consistent with state law, small residential care facilities that serve six or fewer persons are permitted by right in all residential zones. Residential care facilities that serve seven to twelve persons are allowed with the Community Development Director's approval of a conditional use permit in all residential zones; residential care facilities with thirteen or more persons require approval of a conditional use permit by the City Council, except that a conditional use permit for a limited category of Residential Care Facility is not required within the Solana Beach Senior Care Specific Plan area. The City has no concentration requirements for residential care facilities and imposes the same parking requirements as required for similar uses in the zone. The City will be amending its zoning ordinance to ensure that the definition of a residential care facility is distinct from that of transitional or supportive housing.

Under the heading of "Zoning" Table IV-8 (Permitted Residential Development by Zoning District") is amended. As set forth in Exhibit C hereto, Table IV-8, on the Residential Care Facilities (13 or more persons) line, is amended to add a footnote/asterisk under the ER-2 category noting that a conditional use permit for a limited category of Residential Care Facility is not required within the Solana Beach Senior Care Specific Plan area.

Section 4. City of Solana Beach Zoning Code Amendments.

The Zoning Map of the City of Solana Beach Zoning Code and Title 17 of the Solana Beach Municipal Code, is amended to establish the Solana Beach Senior Care Specific Plan overlay on the Estate Residential-2 zoning for the approximately 2.91 acres between Interstate 5 and Marine View Avenue, south of Genevieve Street in the City of Solana Beach. Exhibit D depicts the location of the Estate Residential-2/Specific Plan (as abbreviated to ER-2/SP) designation to document the existence of the Solana Beach Senior Care Specific Plan overlay. Exhibit F is the Solana Beach Senior Care Specific Plan.

A new Chapter is added to Title 17 ("Zoning") of the Solana Beach Municipal Code as follows:

SOLANA BEACH SENIOR CARE SPECIFIC PLAN

The zoning designation for approximately 2.91 acres between Interstate 5 and Marine View Avenue, south of Genevieve Street in the City of Solana Beach (Assessor Parcel Number 298-390-51) is changed to reflect the approval of the Solana Beach Senior Care Specific Plan to Estate Residential-2/ Specific Plan.

The zoning classification for the Solana Beach Care Specific Plan shall be shown on the City's official zoning map as follows: "ER-2/SP."

The Solana Beach Senior Care Specific Plan dated January 2017, and approved by the voters on *[insert date of approval]* is on file in the official City records in the City Clerk's office.

Chapter 17.12 ("Use Classifications and Regulations"), Section 17.12.020 ("Use Regulations Matrix."), Table 17.12-020-A, is amended. As set forth in Exhibit E hereto, the Residential Care Facilities (13 or more persons) designation at Line 7 of Table 17.12-020-A is amended to add a footnote/asterisk in the ER-2 category noting that a conditional use permit is not required for a limited category of Residential Care Facility within the Solana Beach Senior Care Specific Plan area.

Chapter 17.60 ("Special Regulations"), Section 17.60.100 ("Residential care facilities.") is amended as follows:

17.60.100 Residential care facilities.

A. Purpose and Intent. It is the purpose and intent of this section to provide location criteria and development standards for the establishment and operation of residential care facilities. It is recognized that such facilities provide an important and essential community service and that they should be located and operated in a manner, which is sensitive and compatible with the surrounding neighborhood and community. The provisions of this Section 17.60.100 shall not apply within the Solana Beach Senior Care Specific Plan area to the limited category of residential care facilities authorized by the Solana Beach Senior Care Specific Plan.

Section 5. Effective Date and Special Election.

Consistent with the applicable Election Code section(s), the people of the City of Solana Beach request that this Initiative be submitted immediately to a vote of the people at a special election. This Initiative is considered adopted and effective upon the earliest date allowed under applicable law.

Section 6. Implementation of Solana Beach Senior Care Initiative, Including Any Required Coastal Commission Approval.

A. Upon the effective date of this Initiative, the City of Solana Beach shall promptly take all appropriate actions needed to implement this Initiative. If required by law for this Initiative, any amendments to the Solana Beach Local Coastal Plan Land Use Plan and, if adopted at the relevant time, Local Implementation Plan (individually and collectively, the "LCP") shall be operative as adopted or as modified, upon final certification of any required amendments by the California Coastal Commission.

B. Upon the effective date of this Initiative, the provisions of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan

amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next calendar year.

C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent and compatible statement of policies for the City, any provision of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by the Initiative and other elements of the General Plan.

D. Consistent with the intent of this Initiative, no later than thirty (30) days after the City Council adopts this Initiative or the City's Elections Official certifies the vote on the Initiative, as applicable, but only if required by law and necessary for the actions approved by this Initiative to be effective, the City shall submit the Solana Beach Senior Care Specific Plan adopted by this Initiative, to the California Coastal Commission to obtain Coastal Commission certification thereof. If an amendment to the LCP is required, it shall take effect automatically upon Coastal Commission certification, including any modifications required for final certification by the Commission, or any other authority, without further action of the City or the voters. Any such terms or modifications of approval required by the Coastal Commission are hereby acknowledged, accepted, and agreed upon pursuant to the Title 14, California Code of Regulations of the Coastal Act, including, without limitation and as applicable sections 13542, 13544, 13544.5 and 13551.

E. Upon the effective date of this Initiative, the provisions of Section 4 are hereby inserted into the Zoning Ordinance of the City of Solana Beach. The City may determine the appropriate location and numbering for the new chapter of Chapter 17 added by Section 4 of this Initiative, provided that the full text is inserted into the Zoning Ordinance without alteration, except to add the date of approval.

Section 7. Conflicting or Competing Measures.

In approving this Initiative, it is the voters' intent to create a comprehensive regulatory plan to govern the future use and development of a Residential Care Facility for the Elderly and Neighborhood Open Spaces use on the Property. To ensure that this intent is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of the Property in any manner or in any part whatsoever (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the

voters' intent that only that measure which receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. In no event shall this Initiative be interpreted in a manner that would permit its operation in conjunction with the non-conflicting provisions of any Conflicting Initiative. If this Initiative is approved by the voters but superseded by law in whole or in part by any other Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law.

Section 8. Construction & Interpretation.

A. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Initiative.

B. This Initiative must be interpreted so as to be consistent with all Federal and State laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or a portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

C. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with the intent of this Initiative.

Section 9. Amendment.

Chapter 7.4(D) of the Solana Beach Senior Care Specific Plan specifies the procedures for modifications and amendments of the Solana Beach Senior Care Specific Plan. Nothing in the previous sentence shall be construed to limit the initiative right of the voters of Solana Beach to propose amendments to the Solana Beach Senior Care Specific Plan. The Solana Beach Senior Care Specific Plan may be repealed only by a majority of the voters of the City voting in an election held in accordance with state law.

Section 10. Statute of Limitations.

Unless a shorter statute is enacted by the State Legislature, all provisions of the City's approval of this Initiative shall be deemed subject to Government Code Section 65009(c), and no action or proceeding challenging all or any part of this Initiative shall be maintained unless commenced and service made within ninety (90) days of the date of the legislative body's decision. The date of the legislative body's decision shall be either the date the City Council adopts the Initiative or the date the voters adopt this Initiative. If such date cannot lawfully be deemed the date of the legislative body's decision, then the date of the legislative body's decision shall be the earliest possible lawful date.

Section 11. Exhibits

The following exhibits are attached to this Initiative and incorporated herein by this reference:

Exhibit A: Location Map of the Property

Exhibit B: Amendment to General Plan Land Use Map - Figure LU-2

Exhibit C: Amendment to General Plan Housing Element Table IV-8 (Permitted Residential Development by Zoning District)

Exhibit D: Amendment to Zoning Map

Exhibit E: Amendment to Zoning Table 17.12-020-A

Exhibit F: Solana Beach Senior Care Specific Plan

PASSED, APPROVED, and ADOPTED at a special meeting of the City Council of the City of Solana Beach, California, on the 30th day of January, 2019, 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

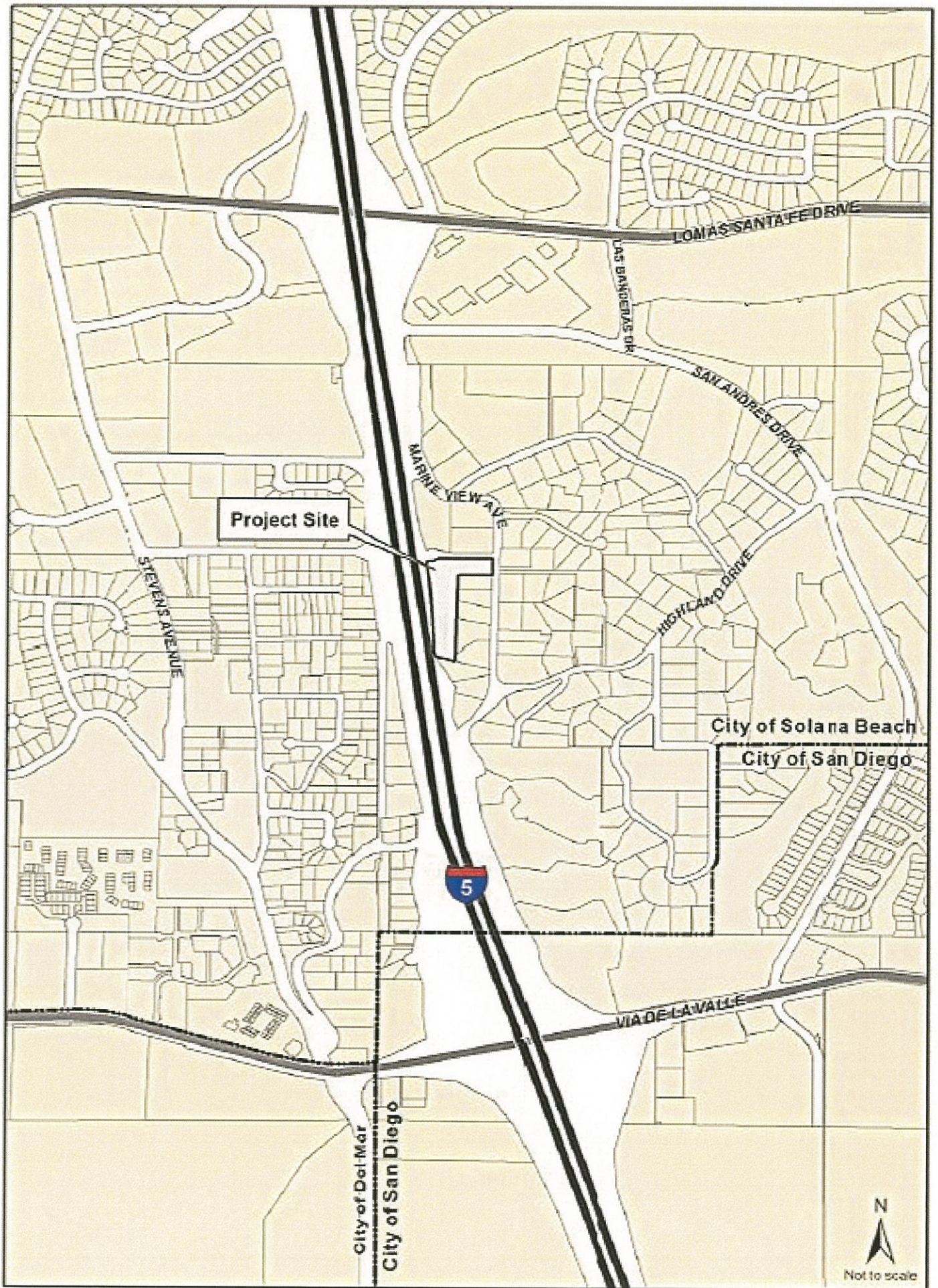


Exhibit A: Location Map of the Property

Amendment to the General Plan Land Use Map

The City of Solana Beach General Plan Land Use Map is amended by this Initiative as shown below. The land use category to be added to the legend has underlined text and the property that is the subject of this initiative is identified on this map with the new category outline color and label, shown within the bold red circle for ease of reference.

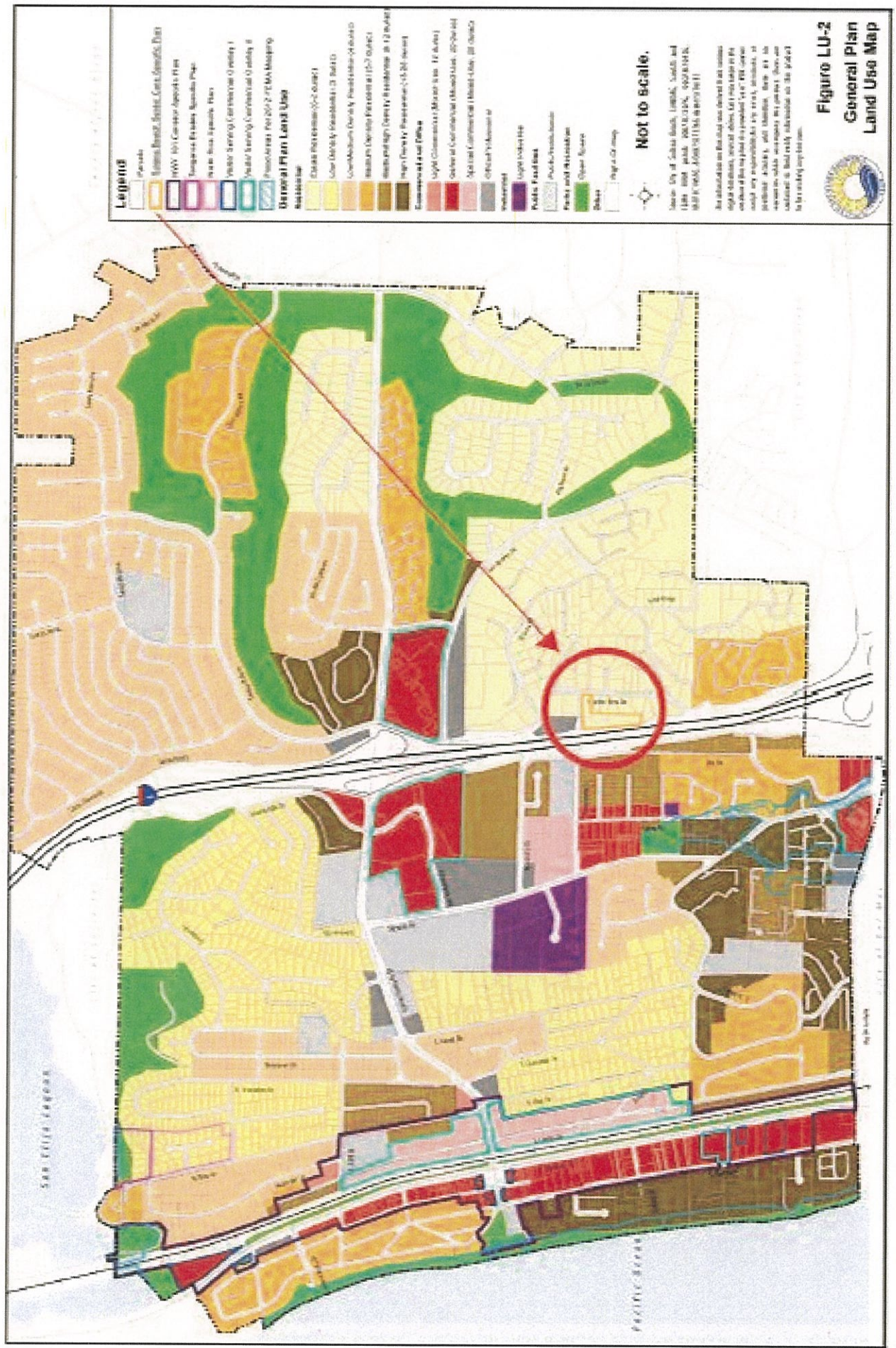


Exhibit B: Amendment to General Plan Land Use Map - Figure LU-2

**Amendment to Table IV-8 of the Housing Element:
Permitted Residential Development by Zoning District**

Table IV-8 of the Solana Beach Housing Element is amended by this Initiative as set forth below, with a new added asterisk in the ER2 zone box in the category of Residential Care Facilities (13 or more persons) and new text which is underlined for ease of reference:

Table IV-8 Permitted Residential Development by Zoning District															
Residential Use	Zone														
	ER1	ER2	LR	LMR	MR	MHR	HR	C	SC	LC	OP	PI	LI	A	OS
Single-Family Dwellings	P	P	P	P	P	P	P	E	E	E	E	E	E	P	PL
Two-Family Dwellings (Duplex)	E	E	E	E	P	P	P	PL	PL	PL	E	E	E	E	E
Multiple-Family Dwellings	E	E	E	E	P	P	P	PL	PL	PL	E	E	E	E	E
Residential/Mixed-Use Buildings	E	E	E	E	E	E	E	PL	PL	PL	E	E	E	E	E
Residential Care Facilities (5 or fewer persons)	P	P	P	P	P	P	P	P	P	E	E	E	E	E	E
Residential Care Facilities (7-12 persons)	C	C	C	C	C	C	C	C	C	E	E	C	E	E	E
Residential Care Facilities (13 or more persons)	CC	<u>CC*</u>	CC	CC	CC	CC	CC	CC	CC	E	E	CC	E	E	E
Family Day Care Homes (5 or fewer persons)	P	P	P	P	P	P	P	P	P	E	E	E	E	E	E
Group Residential Facilities	E	E	E	E	E	C	C	CC	E	E	E	E	E	E	E
Senior Citizen/Congregate Care Housing	E	E	E	E	CC	CC	CC	E	E	E	E	E	E	E	E
Mobile Home and Manufactured Housing (individual lots)	PL	PL	PL	PL	PL	PL	PL	E	E	E	E	E	E	PL	E
Mobile Home Parks	CC	CC	CC	CC	CC	CC	CC	E	E	E	E	E	E	E	E
Guest Houses	PL	PL	PL	E	E	E	E	E	E	E	E	E	E	PL	E
Accessory Living Units	PL	PL	PL	PL	PL	C	C	E	E	E	E	E	E	PL	E
Caretaker Units	E	E	E	E	E	E	E	PL	PL	PL	PL	C	PL	E	CC
Home Occupations	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	E	E	E	PL	PL
Live/Work Uses	E	E	E	E	E	E	E	C	C	E	E	E	E	E	E

P= Permitted; PL= Permitted subject to limitations; C= Subject to a conditional use permit issued by Community Development Director; CC= Subject to a conditional use permit issued by the City Council; E= Not permitted

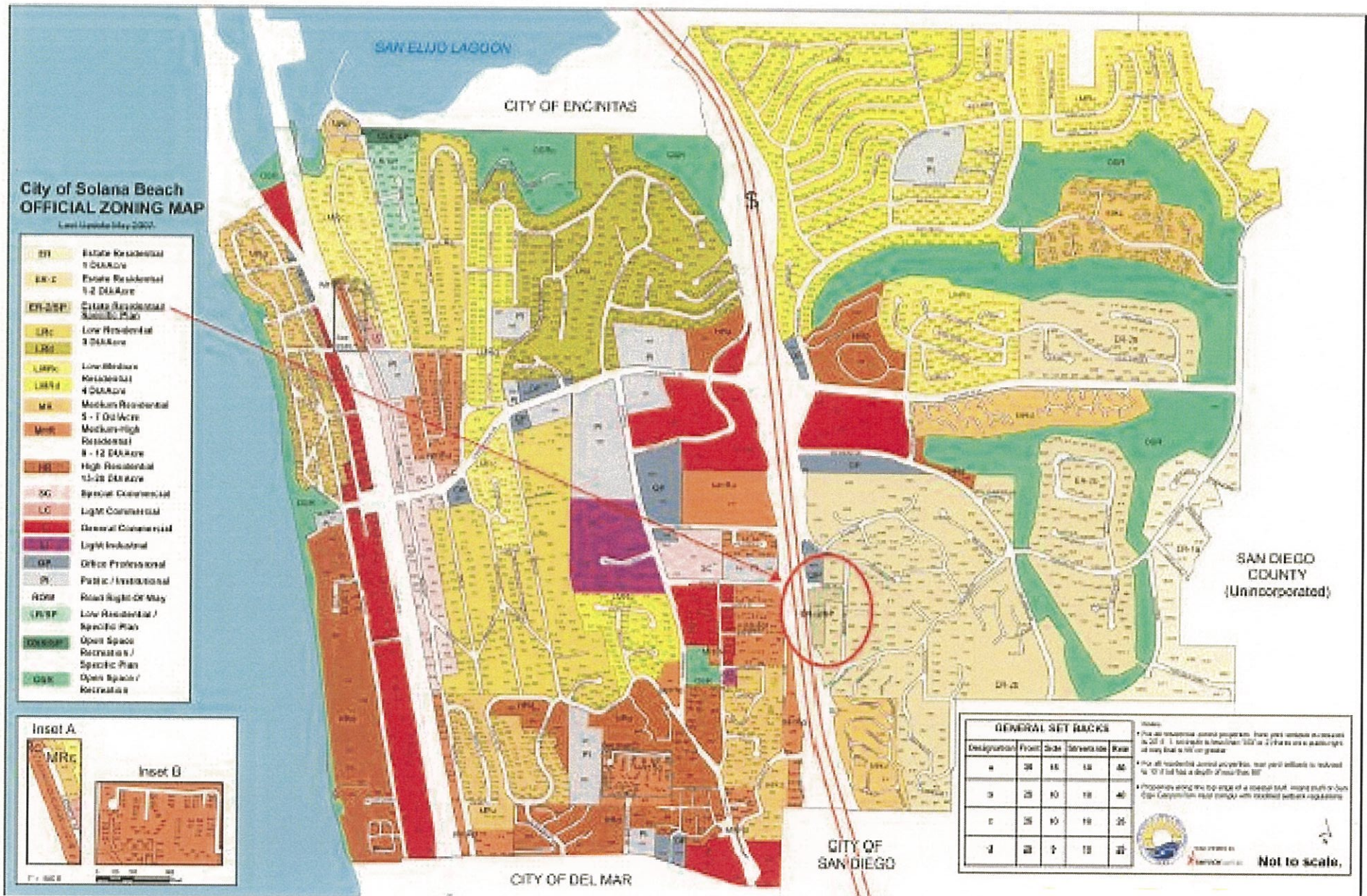
* Within the Solana Beach Senior Care Specific Plan area, a conditional use permit is not required for the limited category of Residential Care Facility authorized by the Solana Beach Senior Care Specific Plan.

**Exhibit C: Amendment to General Plan Housing Element Table IV-8
(Permitted Residential Development by Zoning District)**

Amendment to the Zoning Map

The City of Solana Beach Official Zoning Map is amended by this Initiative as shown below. The zoning category to be added to the legend has underlined text, the deleted text (date of last update) is in ~~strike through~~ (new date may be added by the City as appropriate), and the property that is the subject of this initiative is identified on this map with the new category color and label, shown within the bold red oval for ease of reference.

Exhibit D: Amendment to Zoning Map



**Amendment to Table 17.12.020-A of the Zoning Ordinance:
Permitted Residential Development by Zoning District**

Table 17.12.020-A of the Solana Beach Zoning Ordinance (Title 17 of the Solana Beach Municipal Code) is amended by this Initiative as set forth below, with a new added asterisk in the ER2 zone box in the category of Residential Care Facilities (13 or more persons) and new text which is underlined for ease of reference:

(Note: Only the Residential Uses section of this table is shown in this excerpt – the balance of Table 17.12.020-A remains unchanged.)

	USE	ZONE																
		ER-1	ER-2	LR	LMR	MR	MHR	HR	C	SC	LC	OP	PI	LI	A	OSR	ROW	
	1. Residential Uses																	
1	Single-Family Dwellings	P	P	P	P	P	P	P	E	E	E	E	E	E	P	PL	E	1
2	Two-Family Dwellings (duplex)	E	E	E	E	P	P	P	PL	PL	PL	E	E	E	E	E	E	2
3	Multiple-Family Dwellings (condos, townhomes, apartments)	E	E	E	E	P	P	P	PL	PL	PL	E	E	E	E	E	E	3
4	Residential/Mixed Use Buildings	E	E	E	E	E	E	E	PL	PL	PL	E	E	E	E	E	E	4
5	Residential Care Facilities (6 or fewer persons)	P	P	P	P	P	P	P	P	P	E	E	E	E	E	E	E	5
6	Residential Care Facilities (7 - 12 persons)	C	C	C	C	C	C	C	C	C	E	E	C	E	E	E	E	6
7	Residential Care Facilities (13 or more persons)	CC	<u>CC *</u>	CC	CC	CC	CC	CC	CC	CC	E	E	CC	E	E	E	E	7
8	Family Day Care Homes (6 or fewer persons)	P	P	P	P	P	P	P	P	P	E	E	E	E	E	E	E	8
9	Group Residential Facilities	E	E	E	E	E	C	C	CC	E	E	E	E	E	E	E	E	9
10	Senior Citizen/Congregate Care Housing	E	E	E	E	CC	CC	CC	E	E	E	E	E	E	E	E	E	10
11	Mobile Home and Manufactured Housing (individual lots)	PL	PL	PL	PL	PL	PL	PL	E	E	E	E	E	E	PL	E	E	11
12	Mobile Home Parks	CC	CC	CC	CC	CC	CC	CC	E	E	E	E	E	E	E	E	E	12
13	Guest Houses	PL	PL	PL	E	E	E	E	E	E	E	E	E	E	PL	E	E	13
14	Accessory Living Units	PL	PL	PL	PL	PL	C	C	E	E	E	E	E	E	PL	E	E	14
15	Caretaker Units	E	E	E	E	E	E	E	PL	PL	PL	PL	C	PL	E	CC	E	15
16	Home Occupations	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	E	E	E	PL	PL	E	16
17	Live/Work Uses	E	E	E	E	E	E	E	C	C	E	E	E	E	E	E	E	17
17.5	Emergency Shelters	E	E	E	E	E	E	E	P	E	E	E	C	E	E	E	E	17.5

* Within the Solana Beach Senior Care Specific Plan Area, a Conditional Use Permit is not required for the limited category of Residential Care Facility authorized by the Solana Beach Senior Care Specific Plan.

**Solana Beach
Senior Care Specific Plan**

June 2017

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Executive Summary

This document is the Solana Beach Senior Care Specific Plan (Specific Plan or Plan), which has been prepared to authorize a Residential Care Facility use consistent with the City of Solana Beach General Plan. The Specific Plan property is a 2.91-acre site located east of the Interstate 5 Freeway, south of Genevieve Street and west of Marine View Avenue.

The Specific Plan envisions the development of a high-quality Residential Care Facility for the Elderly, which may include both assisted living and memory care services, and that complements the character of its surroundings. This Specific Plan contains the detailed development standards and design guidelines needed to ensure a comprehensively planned project. The Plan designates a maximum of 99 beds, with required facilities and amenities to assure quality care and amenities. It also requires a neighborhood open space area to be provided along the Marine View Avenue frontage, with increased building setbacks from this street. Implementing plans include a Development Review Permit and Structure Development Permit which must be consistent with the Specific Plan to obtain City approval.

This infill site is located within the Estate Residential 2 land use category, and is surrounded by a range of existing land uses, including the Interstate 5 freeway, 3-story office building, nursery yard, and single-family residential uses. The residential care use will provide a compatible transition between these varied adjacent uses.

There is increasing need for Residential Care Facilities as the population ages, and this site provides a good opportunity in Solana Beach to locate such a use. Recognizing that there are unique considerations for locating a Residential Care Facility in a single-family area, a Specific Plan is being used for this site in order to establish appropriate regulations for this use. This will allow the City to establish specific standards that provide flexibility to meet site constraints and requirements for the use, while setting increased requirements for project features to assure a higher quality and better designed facility that will be an asset to Solana Beach.

The Specific Plan provides a detailed description of proposed land use and infrastructure requirements. Implementation of the design and development standards presented in the Specific Plan will maintain community character by regulating the scale, intensity, architectural, site development and design elements of the facility to assure consistency with the estate development setting of the surrounding community.

Organization of the Specific Plan

This Specific Plan has been prepared in accordance with State specific plan requirements under the authority of Government Code Sections 65450-65457 and consistent with the State guidelines for the preparation of specific plans.

This Specific Plan is organized into two parts.

Part One Includes land use, development and design regulations for the Residential Care Facility use.

Part Two Includes details regarding existing conditions, public facilities, infrastructure, administration and implementation.

PART ONE

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CHAPTER 1 - SPECIFIC PLAN OVERVIEW

1.1 Authority

California Government Code Section 65450 *et seq.* grants local planning agencies the authority to prepare Specific Plans for any area covered by a General Plan, as a tool for the systematic implementation of the General Plan. A Specific Plan can effectively establish a link between implementing policies of the general plan and an individual development proposal in a defined area.

This Specific Plan has been prepared in accordance with State specific plan requirements under the authority of Government Code Sections 65450-65457 and consistent with the State guidelines for the preparation of specific plans. A summary of where the elements required by the Government Code can be found within this Specific Plan is provided as follows:

- The distribution, location and extent of the use of land within the area covered by the plan. (Refer to Part 1, Chapter 2).
- The proposed distribution, location, extent, and intensity of major components of infrastructure (transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities) proposed to be located within the area covered by the Plan and needed to support the land uses described in the Plan. (Refer to Part 2, Chapter 6).
- The standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable. (Refer to Part 1, Chapters 3 and 4).
- Implementation measures including regulations, programs, public works projects, and financing measures. (Refer to Part 2, Chapter 6).
- A statement of the relationship of the specific plan to the general plan. (Refer to Part 2, Chapter 8).

1.2 Purpose of the Specific Plan

The purpose of this Specific Plan is to create a regulatory framework governing the development of a Residential Care Facility on the subject property considering site conditions and neighborhood character. The Specific Plan has been prepared to complement the City of Solana Beach General Plan, and provides a comprehensive document that describes design guidelines and zoning standards for implementation of the development.

The Solana Beach Municipal Code (SBMC Section 17.60.100) indicates that Residential Care Facilities “...provide an important and essential community service and that they should be located and operated in a manner which is sensitive and compatible with the surrounding neighborhood and community.” This Specific Plan includes regulations and requirements to assure that any development will be located and operated in a manner which is sensitive to and compatible with the surrounding neighborhood and community.

The proposed use as a Residential Care Facility for the Elderly is more particularly described in Chapter 2 of this Specific Plan. This Specific Plan serves as an overlay on the zoning (presently ER-2) for the property described in this Specific Plan for the purpose of establishing the rules, regulations and policies applicable to the development and operation of Residential Care Facility for the Elderly and Neighborhood Open Space uses on the property. The property’s underlying zoning, not this Specific Plan, will apply to any other use of the property.

1.3 Project Objectives

The Specific Plan is designed to implement a series of project-specific objectives that have been established to ensure the project develops as a quality Residential Care Facility to serve the community. They are identified below:

- Provide a Residential Care Facility to help meet the community needs for assisted living and memory care services.
- Promote a development that substantially conforms with the requirements of the Specific Plan.
- Provide landscaping and architectural design elements consistent with this Specific Plan to address the varied uses adjacent to the property, including estate residences, interstate highway and office uses.
- Maintain building height limits consistent with this Specific Plan to ensure consistency with the scale of residential areas to the east of the property.
- Maintain the character of Marine View Avenue by establishing an open, landscaped area with pedestrian connections to the neighborhood adjacent to Marine View Avenue as described in this Specific Plan and limiting vehicular driveway access to the site from only Genevieve Street.
- Incorporate the environmentally sensitive design and sustainable operations described in this Specific Plan, as practicable, in developing buildings and infrastructure.
- Maximize opportunities for using water-wise plant materials in the project landscaping to promote water conservation.

- Develop the project site in a manner that is feasible and able to be implemented based on anticipated economic conditions.

1.4 Site Location

This subject property is a 2.91-acre parcel located on the east side of Interstate 5, in the City of Solana Beach. The property is roughly “L”-shaped, with Interstate 5 along its western boundary, Genevieve Street as the northern site boundary, and Marine View Avenue on the eastern boundary. The property within the Specific Plan has an existing mailing address of 959 Genevieve Street, more particularly depicted on Exhibits 1-1 (Vicinity Map) and 1-2 (Project Location Aerial Map) and described in Appendix A.

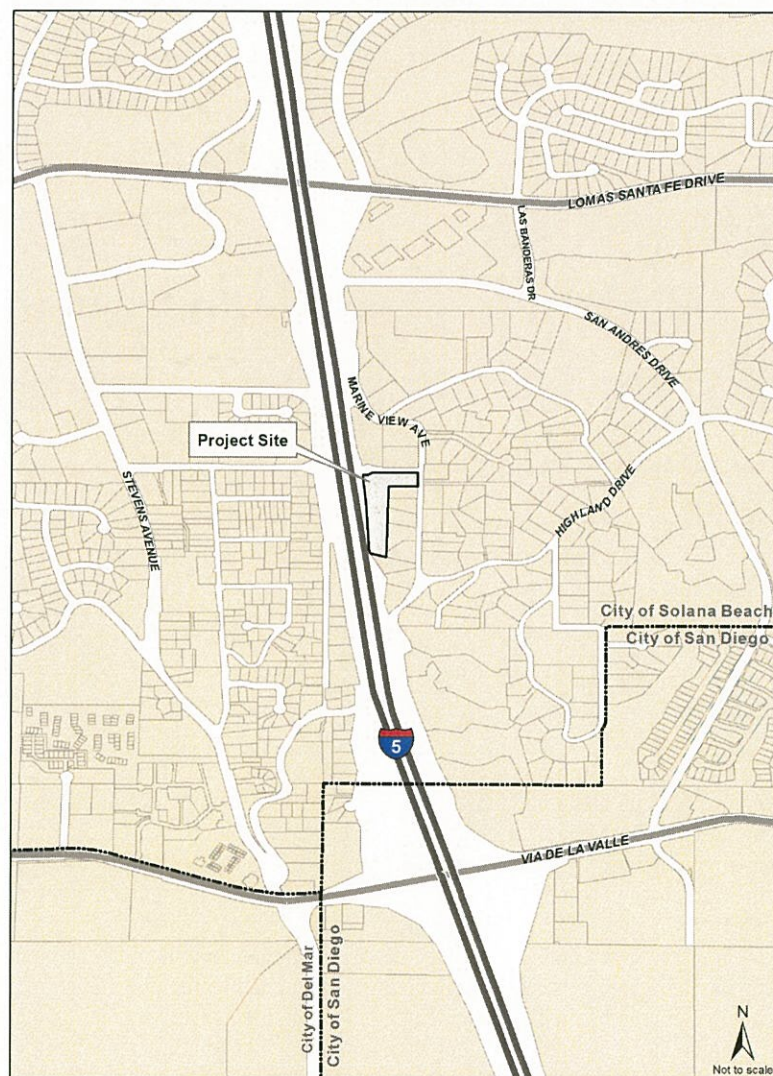


Exhibit 1-1 – Vicinity Map



Exhibit 1-2 – Project Location Aerial Map

CHAPTER 2 - LAND USE PLAN

In accordance with Section 65454 of California Planning and Zoning Law, the Solana Beach Senior Care Specific Plan is consistent with the Solana Beach General Plan. This chapter describes the Project design intent and regulatory elements of the Specific Plan for land use.

2.1 Land Use Plan

This Specific Plan establishes provisions for Residential Care Facility and associated open space uses on the property as shown on the Specific Plan Land Use Map (Exhibit 2-1). Compliance with the development standards embodied in the Specific Plan will assure consistency with the purposes of the Specific Plan and meet the stated objectives in the Specific Plan. The land uses allowed within this Specific Plan are limited to only the following:

Residential Care Facility for the Elderly

A Residential Care Facility as defined in this Specific Plan, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual including assisted living and memory care services, and licensed by the state of California as a Residential Care Facility for the Elderly (RCFE). Ancillary support services space, outdoor activity areas, parking facilities and other related facilities as required per the Development Standards of this Specific Plan.

Neighborhood Open Space

Located in the northeast corner of the site, at the corner of Marine View Avenue and Genevieve Street, this area shall provide a landscaped, passive open space area with amenities such as decomposed granite pedestrian paths and seating areas that serves the Residential Care Facility and is also open for neighborhood use.

Other Uses

Any other uses not specified or included in the uses listed above are specifically prohibited within the boundaries of this Specific Plan unless the City determines such a use is consistent with the purposes and intent of this Specific Plan.

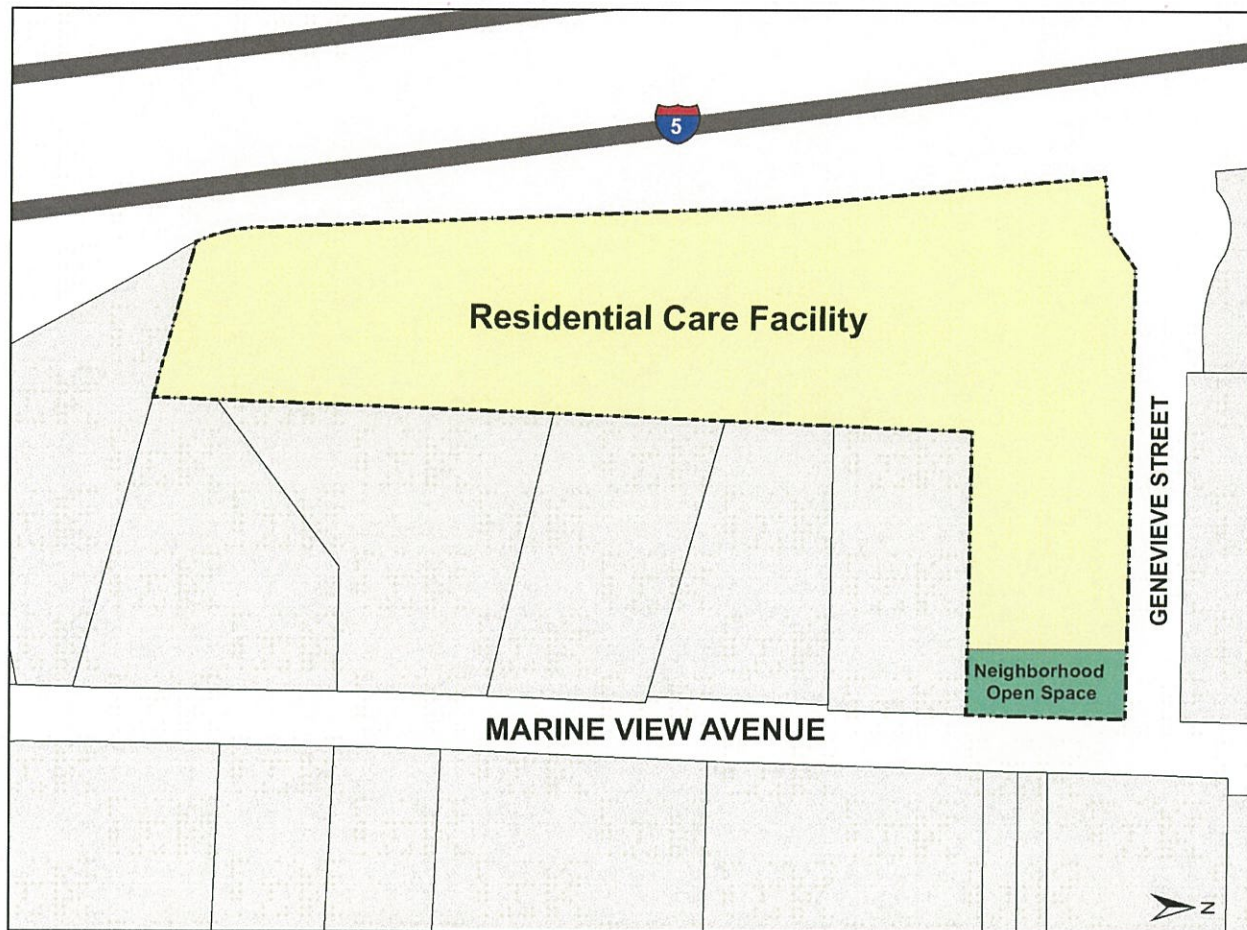


Exhibit 2-1 – Specific Plan Land Use Map

CHAPTER 3 - DEVELOPMENT REGULATIONS

3.1 General Provisions

This Specific Plan is intended to guide site development for the property in a manner that is compatible with the surrounding area, while helping fulfill a currently unmet need for Residential Care Facility housing and services in Solana Beach. This Chapter sets forth the Specific Plan development standards for a Residential Care Facility at this site to accomplish these goals.

3.2 Boundaries

Property within the Specific Plan consists of the 2.91-acre parcel located on the east side of Interstate 5, in the City of Solana Beach, with Genevieve Street as the northern site boundary, and Marine View Avenue as the eastern boundary. A full legal description is provided in Appendix A.

3.3 Applicability

Unless otherwise specified, the provisions of this Specific Plan shall be applicable to all property within the geographic boundaries of the Specific Plan, and are the controlling provisions as it relates to Residential Care Facility and Neighborhood Open Space uses. Some of the development standards contained in this Chapter supplement or replace those found in other Chapters of the Solana Beach Municipal Code (SBMC). Unless specified in this Specific Plan or inconsistent with this Chapter, the other provisions of the SBMC shall also apply to the Specific Plan. Where there is a conflict between the provisions of this Specific Plan and other Chapters of the SBMC, the provisions of this Specific Plan shall prevail.

Questions or disputes relating to a Determination of Allowable Use or an Interpretation of the zoning provisions of this Specific Plan shall be resolved as provided for in this Specific Plan. In addition to otherwise required finding(s), the authority making such determination shall consider those goals, policies and objectives that best implement the General and Specific Plan.

3.4 Permitted Uses

Permitted uses authorized by this Specific Plan are limited to Residential Care Facilities and ancillary uses, and a Neighborhood Open Space as defined in Chapter 4 of this Specific Plan, and shown on the Land Use Plan in Chapter 2 of this Specific Plan.

Single-family residential development and other uses allowed under the ER-2 zoning regulations of the Solana Beach Municipal Code are also permitted, but this Specific Plan

shall not apply to those developments or uses. Any such single-family residential development shall be regulated in accordance with the ER-2 zoning requirements and other provisions of the Solana Beach Municipal Code.

3.5 Site Development Standards

The Specific Plan development standards and use criteria for Residential Care Facility development are provided in the following tables.

A. Development Standards Table

Table 1 – Development Standards

Criteria	Specific Plan Standard
<i>Scale and Intensity</i>	
Floor Area Ratio (FAR)	Maximum FAR: 0.55
Density	N/A
Intensity	Maximum for Residential Care Facility: 99 Beds
Maximum Building Height*	Maximum 2 stories (exclusive of any basement level) and 25 feet above the LOWER of existing or finished grade
<i>Lot Dimensions</i>	
Min. Lot Area	20,000 sq. ft.
Min. Street Frontage	80 ft.
Min. Corner Lot Width	85 ft.
Min. Lot Depth	150 ft.

*Building Height excludes approved architectural features and appurtenances such as, but not limited to, chimneys, vents, elevator shafts, and roof stair railings. See Section 4.3E(6) of this Specific Plan.

Table 1 (continued)

Criteria	Specific Plan Standard	
Setbacks		
Min. Setbacks/ Required Yards**	Parking Setback (feet)	Building Setback (feet)
Front	25 ft.	25 ft.
Street Side	50 ft.	200 ft.
Residential Side	10 ft.	10 ft.
Freeway Side	10 ft.	10 ft.
Rear	40 ft.	40 ft.

****Notes for Setbacks**

- 1) Architectural features, such as eaves, awnings, canopies, bay windows and balconies may project into required yards a maximum distance of two feet; provided such appendages are supported only at, or behind, the building setback line.

- 2) Fireplace chimneys, fire escapes, exterior stairs and landings, and similar architectural features requiring ground contact may project into required yards a maximum distance of two feet; provided such feature shall be a minimum of three feet from a property line.

Table 1 (continued)

Criteria	Specific Plan Standard
Parking	
Off-Street Parking	1 space per employee based on the greatest number of employees during any shift of work and 1 space per 7 beds
Fences / Walls / Retaining Walls/Noise Barriers	
Yard Area	Maximum Height
Front	42-inches with additional 24 inches allowed if this portion is at least 80% open to light
Street Side	
Residential Side ***	6 feet with additional 24 inches allowed if this portion is at least 50% open to light
Freeway Side	8 feet
Rear	6 feet with additional 24 inches allowed if this portion is at least 50% open to light
Retaining Walls	8 feet Exception: 10 feet at west side of building to allow for access ramp to basement and/or loading area. Allowed within setbacks. If used to provide for lightwells, the portion of wall plus railing visible from the public ROW must be within the height limits for the respective yard area.
Sound Walls	14 feet or as recommended by Noise Report, whichever is lower Permitted within Freeway Side and Rear yard areas that may be affected by noise from Interstate 5.

***Notes for Fencing where parking areas abut residential uses:

Where parking areas are located adjacent to a residential side lot line, a solid 6-foot barrier is required to protect the adjoining residential property from the lights and noise of vehicular traffic based on relative adjacent grades, as defined below:

- a) Where finished grade of a parking area is at or above the finished grade of adjacent property, a solid fence or wall 6 feet high is required.
- b) Where finished grade of a parking area is more than six feet below the finished grade of adjacent property, no fence or wall is required, except as necessary for the safety of persons.
- c) Where finished grade of a parking area is less than six feet below the finished

grade of adjacent property, a fence or wall is required that in combination with slope height is at least 6 feet above the finished grade of the parking area.

B. Use Standards Table

Table 2 – Use Standards

Criteria for Residential Care Facilities	Specific Plan Standard
<i>Interior Space Requirements</i>	
Sleeping Area	85 sf per bed (exclusive of closet and storage)
Storage (closet and/or drawers)	40 cubic feet per bed
Bathroom Facilities	One full bathroom per 3 beds (Full bath includes toilet, sink, shower and/or bathtub)
Common Living Area	500 sf per facility plus 50 sf per bed
Kitchen Facilities	Central kitchen for the overall facility is required. Each individual room with bed(s) may include a convenience kitchen.
<i>Open Space</i>	
Common Open Space	Total area equal to 100 sf. per bed

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CHAPTER 4 - DESIGN GUIDELINES AND REGULATIONS

4.1 Purpose and Intent

These Specific Plan Design Guidelines establish a set of standards to create a project with Residential Care Facility and Neighborhood Open Space uses that will be an asset to the surrounding community. The design theme complements the character of the site and its surroundings, and these design criteria will unify the project within the site and the existing neighborhood.

The Specific Plan incorporates design techniques, streetscapes, architectural and landscape elements which, when implemented, will provide a high-quality community character. Objectives of the Design Guidelines are:

- To establish the architectural and landscape guidelines for the Specific Plan that will be applied during the SDP and DRP review process;
- To provide the City of Solana Beach with assurance that the Specific Plan area will develop in accordance with the quality and character of the community.

All detailed project designs shall be reviewed through the Structure Development Permit and Development Review Permit process for compliance with the Specific Plan standards, including circulation and access, site orientation, building design, landscaping, and exterior lighting.

4.2 Site Planning

A. Community Amenities

In order to transition from the single-family residential uses in the area to the Residential Care Facility use, a Neighborhood Open Space shall be provided at the northeastern portion of the parcel as conceptually depicted on Exhibit 2-1. Pathways and seating should be provided throughout the area, and paths should be decomposed granite rather than concrete sidewalks in order to maintain the semi-rural characteristics of the surroundings. This open space should be connected to the care facility by paths or sidewalks for use by facility residents, but also be available for use by residents in the neighborhood.

B. Circulation

This section provides the standards for site access and improvements to the streets adjacent to the project to provide properly designed circulation that also respects the existing neighborhood character.

Marine View Avenue

The following criteria detailed in Exhibit 4-1 relate to the west side of Marine View Avenue along the property’s entire frontage (115.05 feet):

1. Vehicular access to the site shall be prohibited from Marine View Avenue.
2. Prior to issuance of the Certificate of Occupancy for the project, the project shall install:
 - a) A rolled curb constructed to the City of Solana Beach standards, with the face of curb located 10 feet west of the existing street centerline, which shall extend along the property’s entire frontage on Marine View Avenue.
 - b) A concrete pedestrian curb ramp to meet ADA accessibility requirements, transitioning to the rolled curb required by item 2(a) above, at the southwest corner of Marine View Avenue and Genevieve Street.
 - c) A decomposed granite (DG) sidewalk with minimum width of 5 feet along the Marine View Avenue frontage. Unless otherwise required by law, a concrete sidewalk shall not be permitted to extend along the property’s Marine View Avenue frontage, beyond the required ADA improvements at the corner.

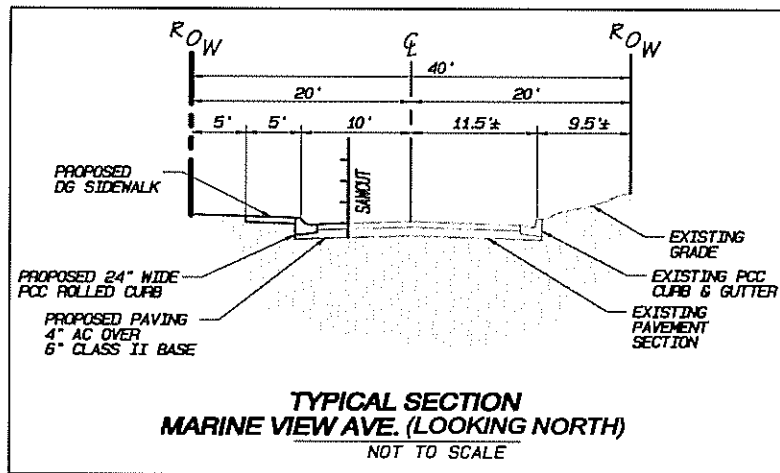


Exhibit 4-1 – Marine View Street Section

Genevieve Street

The following criteria detailed in Exhibit 4-2 relate to the south side of Genevieve Street along the property’s entire frontage (401.57 feet):

1. Vehicular access to the site shall be limited to two points on Genevieve Street. Driveway cuts shall meet the requirements of the Solana Beach Off-Street Parking Design Manual and the current San Diego Regional Standard Drawings.

2. Prior to issuance of the Certificate of Occupancy for the project, the project shall install:
 - a) A 6-inch curb and gutter constructed to City of Solana Beach standards, with the face of curb located 12 feet south of the existing street centerline, with associated pavement restoration or widening. These improvements shall extend along the property frontage from the ADA improvements at the corner of Marine View Avenue and partially around the cul-de-sac to connect with the existing curb and gutter improvements.
 - b) Additional pavement to enlarge the existing cul-de-sac pavement on the southern half along the property boundary as needed to provide a 38-foot radius consistent with current City standards. Right-of-way adjustments (dedication and/or vacation) shall be provided where required to maintain a right-of-way line no less than 8 feet from the new curb line (reference exhibit provided in Appendix B).
 - c) A decomposed granite (DG) sidewalk with minimum width of 5 feet along the Genevieve Street property frontage from the corner of Marine View Avenue to the westernmost access driveway. Sidewalk shall not be required from the western access drive around the cul-de-sac at the end of Genevieve Street. Concrete sidewalk may be used across vehicular access driveways, and as part of the ADA improvements at the corner, but unless otherwise required by law, no other concrete sidewalk shall be permitted to extend along the property’s Genevieve Street frontage.

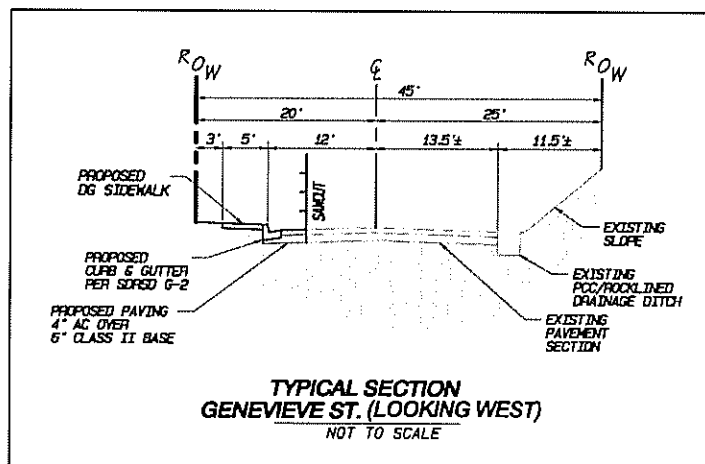


Exhibit 4-2 – Genevieve Street Section

C. Parking and Site Access

Parking areas serving the property shall comply with the City of Solana Beach Off Street Parking Design Manual (OSPDM). The OSPDM includes, but is not limited to, criteria for size and dimensions of parking spaces, ingress and egress from parking lots, landscaping within parking lots, parking criteria for motorcycles and bicycles, accessible (disabled) parking, and loading spaces.

In addition to these standards, a minimum of one parking space shall be reserved for electric, hybrid, hydrogen, fuel cell, or other alternative-fuel-source vehicles.

In accordance with the above street design criteria, vehicular access to the site will be via a maximum of two entry points off of Genevieve Street. The following are standards for Site Access:

1. An upper, eastern most entry is intended to provide access to a surface parking lot.
2. A lower, western most entry is intended to provide access via a driveway to a parking garage, and for loading of supplies, trash pickup, pick-up/drop-off, and additional access for residents, visitors and employees. A turnaround that meets current City standards is required at the southern end of this drive.

D. Exterior Lighting / Dark Sky Compliance

All exterior lighting, including building, parking area, and landscape lighting, shall comply with Solana Beach Zoning Code 17.60.060c regarding Dark Sky Overlay regulations. A lighting plan demonstrating compliance with these standards shall be provided in conjunction with the development review process.

E. Site Grading

The property within the Specific Plan boundaries is not within a sensitive hillside area and is not part of a significant protected viewshed. Grading design shall be in accordance with the Solana Beach Municipal Code, and shall meet requirements including approval of a soils report, erosion control plan and storm water management plan.

4.3 Architectural Guidelines

Compliance with the following architectural guidelines will contribute towards site organization and building forms that strike a balance between the busy I-5 corridor to the west of the property, the commercial scale of the office building to the north and the residential scale and semi-rural character of homes in the neighborhood to the east. The general design principles of this Solana Beach Senior Care Specific Plan

complement the site development regulations in the City of Solana Beach Municipal Code.

A. Architectural Character

The exterior architectural design style should be selected to complement the residential scale of the adjacent homes. The architectural design character combines elements of the California Craftsman style (including Greene and Greene / Pasadena bungalow), the Torrey Pines Lodge style, and the low roofs and eaves associated with local Solana Beach and coastal Del Mar beach cottages.

B. Building Massing and Scale

The architectural character of development on the Specific Plan property will be perceived primarily from public spaces including the freeway, local streets, and open spaces. The building massing, scale and roof forms, as the primary design components, require careful consideration in their architectural design and relationship to the public spaces. Incorporating variation and relief in building facades as outlined in these standards will provide for enhanced architecture. Specific criteria are as follows:

1. Projections and recesses to provide shadow and depth shall be provided for all elevations visible from any roadway. Long, low roof overhangs, recessed windows or window bays, articulation in horizontal or vertical wall planes and physical breaks in building masses are encouraged. Surface detailing, such as score lines, should not serve as a substitute for distinctive massing.
2. Wall pop-outs, bay windows, horizontal banding, or other building projections, as well as material changes can provide interest, help to create variety and contribute to a quality appearance and are encouraged on all exterior elevations. Simple, clean, bold projections are encouraged.
3. Large expanses of flat wall planes and long unbroken facades are prohibited, and offsets in plane shall be provided. To divide the building mass into smaller scale components, portions of buildings greater than 50 feet in length without horizontal or vertical offsets should reduce the perceived height and bulk by a change of roof or wall plane, projecting or recessed elements, or other similar means. No wall plane greater than 50 feet in length shall be allowed without a vertical offset or break in plane. Offsets shall be a minimum of one foot (12 inches) and may be achieved with projections or recesses.

C. Building Entry Design

1. The design and location of building entries should assist with identification and differentiation between the separate use and access areas to the building.

2. Public/ guest entry areas and visitor parking shall be located and designed for ease of visibility by the public and guests, which may include orientation on the site, use of more prominent architectural entry features, walkways and landscape elements.
3. Resident and Staff entries may be located separately from public/guest entry areas.
4. Loading/services entry - General deliveries & service entry access shall be shielded from residential neighbors, which may be achieved by placement of these areas on the freeway side of the building.
5. Building entry components shall incorporate adequate lighting of walkways and vehicle parking areas. A ratio of width to depth at entries shall be provided to enhance visibility, lighting and connections to the surrounding exterior yards. Deeper recesses at wider entries are encouraged. Entries 4'-0" wide or less shall be recessed a maximum of 2'-0", to avoid creating dark nooks. Entries shall be lit by natural and/or artificial lighting to provide well- lit spaces at all times.

D. Exterior Materials and Finishes

1. Different parts of a building's façade should be articulated by the use of color, arrangement of façade elements, or change in materials to break up the massing.
2. Textures, colors, and materials should be unifying elements in the building's design.
3. The exterior finish materials used should be visually representative of the architectural vernacular and styles as stated in Architectural Character. Materials with natural character are preferred. Cementitious boards and stone are allowed if they maintain an appearance that is natural and authentic.
4. Stucco, siding, and stone may be used as exterior finish materials to tie in with existing neighboring residential structures. Metal siding, concrete and exposed steel framing are discouraged.
5. Material changes should occur in a manner that gives the materials a sense of permanence and thickness. Where a vertical break in materials occurs it should be located at the inside corners of changing wall planes or where architectural elements intersect, such as a pilaster or projection. Where material changes occur horizontally, the lower material should be well defined by using contrasting trim, banding or projection from the upper material to enhance the visual distinction between materials.

E. Roofs and Roof-Mounted Equipment

1. Roof materials may vary depending on the design and pitch of each roof element and should be consistent with the desired architectural style.
 - a) Pitched roofs - Quality composite shakes, composite asphalt roofing and metal accent roofs are preferred.
 - b) Flat roofs enclosed by parapets - California State recommended COOL roof materials of non-reflective color are preferred in flat roof areas.
 - c) Green Roof - Where adequate flat roof areas are accessible, green roof planting systems may be provided.
2. Pitched roof elements are encouraged to be used in combination with flat roofs as a component of the architectural design character to create a residential look and to break up building massing by providing varied roof planes and vertical elements for added visual interest. Pitched roof elements used to enhance the building massing and scale are considered architectural features that are permitted encroachments subject to the limitations as noted below in Item #6. Parapets are allowed to be used for up to 50% of the perimeter roof area.
3. Solar Panels are encouraged to be utilized where adequate solar access is available and economically feasible.
4. Roof-mounted equipment and appurtenances including, but not limited to, air conditioning units, cooling towers, ducts, tanks, elevator enclosures and mechanical equipment shall be acoustically shielded and architecturally screened from view by surrounding homes per the SBMC 17.20.040 (M) in a manner that is architecturally compatible with the design of the structure. Where several pieces of equipment require screening, a continuous screen is preferable.
5. Satellite dishes and other antennas shall be regulated per the SBMC 17.60.120.
6. Architectural design features and appurtenances which are permitted encroachments include items such as, but not limited to, chimneys, vents, antennas, equipment screens, skylights and solar panels, elevator overrun, elevator and stair access and pitched roof elements that are not used as living areas. Pitched roof architectural features that meet the height exception criteria specified below will provide added interest, avoid monotonous or monolithic features, visually “break up” the roofline, and add to the architectural design character of the building without adverse impacts due to building height. Such elements may extend above the specified height limit (25 feet) subject to all of the following limitations:

- a) Elevator Overrun, Elevator and Stair Access
- i. Elevator overrun, elevator and stair access, including any pitched roof elements, may extend above the building specified height limit by up to 6 feet to accommodate egress and elevator equipment requirements.
 - ii. Elevator overrun, elevator and enclosed stair access housings are encouraged to have sloped roofs with a minimum 3:12 pitch.
- b) Pitched Roof Elements - The following limitations apply to the portions of any roof elements that extend above the height limit (exclusive of the elements described in subsection (E)(6)(a) above):
- i. Pitched roof elements such as towers, hips, gables, and spires may extend no more than 3 feet 6 inches above the specified height limit.
 - ii. Any roof element that extends above the specified height limit shall have a minimum 3:12 pitch.
 - iii. A roof element where any portion extends above the specified height limit, shall have a minimum overall depth of 10 feet, measured based on the style of roof as follows:
 1. Gable roofs – depth shall be measured along the ridge of the gable.
 2. Hip roofs – depth shall be measured from the outside eave to the back of the hip roof element, parallel to the direction of the ridge.
 3. Mansard roofs – depth shall be measured perpendicular to the slope, from the eave to the top of the mansard roof element.
 - iv. Any adjacent roof elements that extend above the height limit shall have a minimum separation of 30 feet as measured in a straight line from where the roof elements break the 25-foot plane.
- c) Total Limitations - The following limitations apply to all roof elements that extend above the height limit (inclusive of the elements described in subsection (E)(6)(a) above):
- i. The individual area of any portion of a roof element that extends above the specified height is limited to 2% of the overall roof area.
 - ii. The combined total area of all features or elements that extend above the specified height limit is a maximum 10% of the overall roof area.

- iii. Measurement of the overall roof area shall extend to the outside eaves of the roof.

4.4 Landscape Guidelines

A. Landscape Objectives

The Landscape Design Guidelines establish regulations and general requirements for landscaping of the project. The goal of these guidelines is to integrate the landscape elements of the site within the existing setting, while establishing the project's own individual identity. A transition between the existing adjacent developments shall be developed utilizing trees, shrubs and groundcovers, including visual buffer elements between the project and the residences to the east, as well as between the freeway and the project.

General Guidelines include:

1. The landscape design shall use predominantly drought-tolerant plants, native or non-native, that require minimal irrigation to conserve water.
2. A variety of species shall be used, including evergreen trees where appropriate, with more ornamental varieties in courtyards adjacent to the building.
3. The largest trees shall be located between the freeway and the project buildings to act as a visual buffer, while limiting any potential to affect long-range views from the nearby residences.
4. Smaller tree species shall be located between the proposed structures and the existing residences to create a visual buffer between the two.
5. Plant materials near the proposed sidewalk, DG pathway, parking areas and existing streets shall be selected and located based on preventing unreasonable damage to paving and pathways.
6. Tree species with invasive root systems should be oriented away from utility infrastructure.
7. All planting in public rights-of-way should have an automatic irrigation system that minimizes water use as much as is feasible.
8. Courtyard planting in private areas should create quiet outdoor spaces for care facility residents, with special security consideration given to any outdoor space used by memory care residents.
9. Utilize color and texture from plant foliage, bark and flowers to create a visually interesting environment.

10. Identify the project entries through special groupings of plant materials.
11. Site landscaping shall comply with SBMC 17.56, Water Efficient Landscape Regulations.

B. Landscaping Criteria by Functional Area

Courtyards

Landscaped courtyards and pedestrian walkways link areas within the site. The gardens should include landscaped courtyards where residents can enjoy the serenity of the outdoors within a semi-enclosed area.

Project Entries

Project entries should be highlighted with ornamental planting and welcoming structures, such as covered entry porches.

Exterior Parking Areas

Exterior parking areas shall follow the City of Solana Beach Off-Street Parking Design Manual, Section 3 Landscaping, for all parking area landscaping standards.

C. Streetscape

Marine View Avenue

The streetscape along Marine View shall be designed in conjunction with the neighborhood open space discussed in Section D, below.

Genevieve Street

The landscaping along the Genevieve frontage should be used to provide visual interest and way-finding for the main site entries, and transition between the neighborhood open space (discussed below in Section D) and the building and parking areas of the residential care use. A sidewalk contiguous with the new curb is required along the frontage. Suitable landscaping should be located between the sidewalk and parking and building areas, incorporating landscaped bio-swale basins to facilitate drainage of storm water, with shrub and tree plantings to mark entries.

Interstate 5

The main function of planting between the structure and Interstate 5 is to create a visual barrier between the care facility and the freeway. Trees planted here should be high enough to create functional screening without impeding long-range views from the homes to the east. A bio-swale with ground cover may be located here and planted with appropriate groundcover.

D. Neighborhood Open Space

The neighborhood open space should have DG paths through it, with passive park amenities such as informal seating. Plantings should enhance this area with a variety of trees and shrubs to create a natural setting that provides a transitional space from single-family residences to the Residential Care Facility.

E. Walls and Fences

There are existing property line fences associated with the existing residences to the east and south, and along the Caltrans right-of-way to the west. These fences may be retained or replaced as determined during design review.

Fence Materials

New fences and walls within the Specific Plan boundaries may be of any material commonly used in the construction of fences or walls, including wood, ornamental iron, and concrete block with decorative facing or stucco. Chain link fencing is permitted only along the Caltrans right-of-way.

Hedges and Landscaping

A hedge or other dense landscaping may satisfy a requirement for a view-obscuring fence. Such hedge or other dense landscaping shall be maintained in accordance with the provisions of Chapter 17.56 SBMC (Landscaping Regulations) and shall be replaced with another hedge, other dense landscaping or an appropriate fence or wall if it ceases to serve the purpose of obscuring views. However, no such hedge shall be grown or maintained at a height greater than that permitted by these regulations for a wall or fence.

Parking Areas

All parking areas of five or more parking spaces (and driveways serving such parking areas) located on a parcel abutting residential or residentially zoned property shall be separated from such abutting property by a 6-foot high solid barrier that may incorporate slope or elevation change in addition to a building, fence or wall as specified in Section 4.4 . Any barrier shall be designed in such a way as to minimize impacts on adjoining residential property from the lights and noise of vehicular traffic within the parking areas.

Measurement of Height

The prescribed height of required fences, walls, or landscaping screens shall be measured above the actual adjoining level of the finished grade, except that where parking, loading, storage, or similar areas are located above finished grade, the height of fences, walls or landscaping required to screen such areas or space shall be measured from the higher level. An earthen berm not higher than three feet may count toward the prescribed height of any fence, wall, or landscaping screen.

F. Signage

Signage shall comply with all the provisions of the Solana Beach Comprehensive Sign Ordinance (SBMC Chapter 17.64), except that in addition to the signs otherwise allowed in the Residential (ER) Zone per Section 17.64.080 the following signs are allowed in the Solana Beach Senior Care Specific Plan upon the issuance of a sign permit. All signage terms are as defined in the SBMC 17.64.020.

1. **Property Entrance Signs.** One freestanding or monument sign at or near each driveway entrance for building identification (maximum of two). The maximum area per sign shall be 32 square feet. A 25% increase in sign area shall be allowed if only one freestanding or monument sign is used where two are permitted. The maximum height of a freestanding sign shall be five feet from the finished grade, and may be located within the setback. The signs shall be designated and placed in a manner which does not create a dangerous condition of public property. Items of information on these freestanding or monument signs shall be limited to the name of the development, logo, numeric address, specific building identification for ease of deliveries and visitor wayfinding, and name of the city.
2. **Property Identification Sign.** One additional monument sign is permitted at the southwestern intersection corner of Genevieve Street and Marine View Avenue for identification of the property use. The maximum area for this monument sign is 32 square feet, with a maximum height of four feet, and may be located within the setbacks. Items of information on this monument sign shall be limited to the name of the development, logo, address, and name of the city.
3. **Building Identification Sign.** One freeway-directed wall sign is permitted so long as it is incorporated into the design of the building and erected on, or attached to the plane of wall facing the Interstate 5 freeway. Total sign allowance is one square foot per linear foot of building frontage, not to exceed 32 square feet. No portion of this sign shall extend beyond the adjacent perpendicular wall plane, or above the top of a wall or parapet.

Sign design should be compatible with the design of the project visual elements including but not limited to building style, building material, color, and design details, and be compatible with each other, in accordance with the design review standards for signs in SBMC 17.64.130. Signs shall be designed to minimize visual impacts upon adjacent residential neighborhoods. Potential impacts to designated "dark sky" areas shall be considered in the review of all illuminated signs.

G. Plant Material

A preliminary plant palette has been developed for the various functional areas of the Residential Care Facility use based on aesthetic considerations, height, and maintenance, with an emphasis on drought resistant species. A detailed plant list is included in Appendix C. These are illustrative of the size, form, and water use characteristics intended for development of the Residential Care Facility. Specific

plant materials may be substituted in final design if they provide similar characteristics to those listed.

4.5 Sustainable Design Strategies

Sustainable practices can lessen the environmental impacts of development in many ways including the use of certain design techniques. Development in accordance with these Specific Plan regulations will provide for compact development at this infill location, reduced pervious surfaces, improved water detention and conservation, as well as water-efficient irrigation, all of which contribute to sustainable design.

This Specific Plan encourages the implementation of realistic sustainable design strategies into the project design as the project is built. Because the concept of sustainability is still evolving, it is anticipated that new sustainable strategies may be feasible before the site is developed. The following is a sampling of sustainable design strategies that may be utilized for development under this Specific Plan.

1. All new structures shall adhere to minimum Tier 1 standards of the CAL Green Code, the State of California Building Code Standards (Title 24).
2. New structures are encouraged to achieve Tier 2 CAL Green Code standards to achieve more energy and sustainable efficiencies than a building complying solely with the mandatory measures.
3. Drought-tolerant landscape and low water use irrigation fixtures are required to reduce dependency on potable water.
4. Reduce storm water runoff by implementing provisions for groundwater infiltration.
5. Promote the use of renewable energy by encouraging photovoltaic (solar) panels.
6. Encourage all buildings to take advantage of natural ventilation and natural day lighting.
7. Encourage many building materials to include sustainable elements or features such as local sourcing; have resilient, renewable, recycled content; or be reused materials.
8. Promote the use of alternative forms of mobility not dependent on fossil fuels, including the installation of electric vehicle charging stations in parking structures or other provisions that accommodate alternative fuel parking space(s); the provision of bicycle racks; the accommodation of motorcycle parking; and providing shuttles to mass transit.

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PART TWO

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CHAPTER 5 - EXISTING CONDITIONS

5.1 Existing Land Use & Zoning Prior to Adoption of the Specific Plan

The site was long used for agricultural purposes (since at least the 1950's based on review of aerial photographs). Existing improvements at the site include an old, single story, residential structure in the north central portion of the site along with a driveway, shed and other remnants of prior uses. This structure is vacant, and was most recently used as storage and office area for the former nursery growing yard that previously operated at the site. The nursery yard ceased operations in approximately 2008, and the site has remained vacant since that time.

The property has a General Plan Land Use Designation of Estate Residential, with corresponding zoning of Estate Residential 2 (ER-2). The ER-2 zone is primarily intended for single family residential homes on large, semi-rural estate lots, and also allows other uses subject to CUP, including Residential Care Facilities, churches, schools and agricultural uses. This Specific Plan does not change the property's General Plan designation or ER-2 zoning. Instead, upon approval, the Specific Plan will legislatively establish an overlay for the property that will apply to Residential Care Facility and Neighborhood Open Space uses. The property is located within the Dark Sky Overlay Zone which establishes exterior lighting regulations. These regulations are retained in conjunction with this Specific Plan.

The City of Solana Beach is located entirely within the Coastal Zone as defined by the California Coastal Act of 1976, which is intended to ensure that the coastal areas of California are utilized and/or developed in a manner responsive to State wide public objectives. The Specific Plan will be subject to the Coastal Act and any California Coastal Commission approved Local Coastal Program for the City.

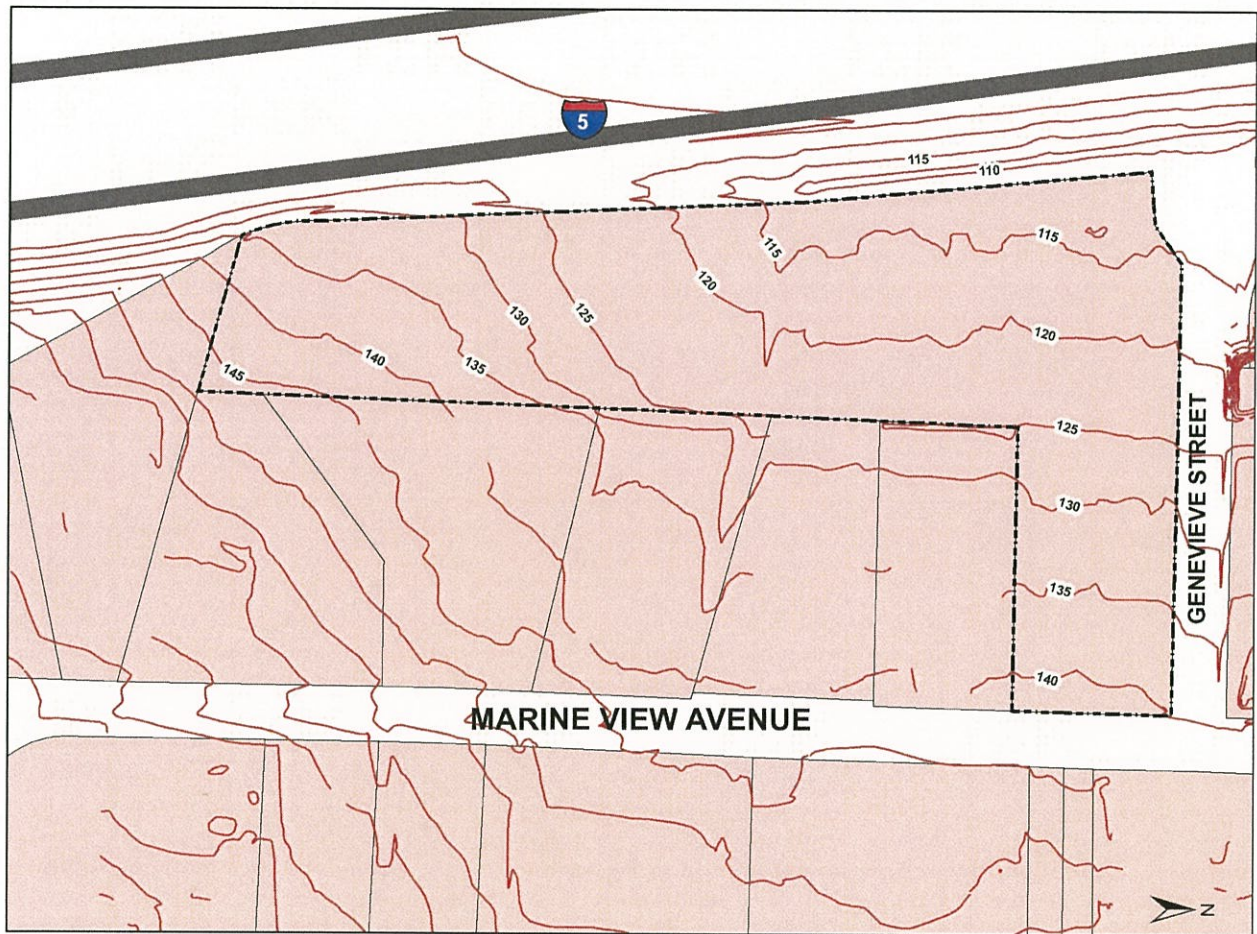
5.2 Surrounding Land Uses

An aerial view of the project setting is shown on Exhibit 1-2. Interstate 5 creates a dominant boundary on the west side of the property. The site has high visibility from northbound Interstate 5, which sits slightly above most of the project site on its west side. Single-family residential uses are located at a higher elevation immediately adjacent to the east and wrap around the southern site boundary. Across Genevieve Street to the north are an existing 3-story office building and a nursery yard. Other properties in the area include a well-established residential community of primarily large lot, custom single family homes. There are also some institutional uses (schools/churches) further north on Marine View Avenue.

5.3 Topography

The topography of the site is gently sloping generally from south and east down to a low point in the northwestern portion of the site, with elevations ranging from approximately 112 to 148 feet above mean sea level within the property. The majority of the site is situated at or below the elevation of the adjacent freeway to the west.

The City of Solana Beach has a Hillside Overlay Zone, Zoning Code 17.48.020, with specific restrictions for slopes at or greater than 25%. No part of this site is within the Hillside Overlay Zone, and therefore these regulations are not applicable.



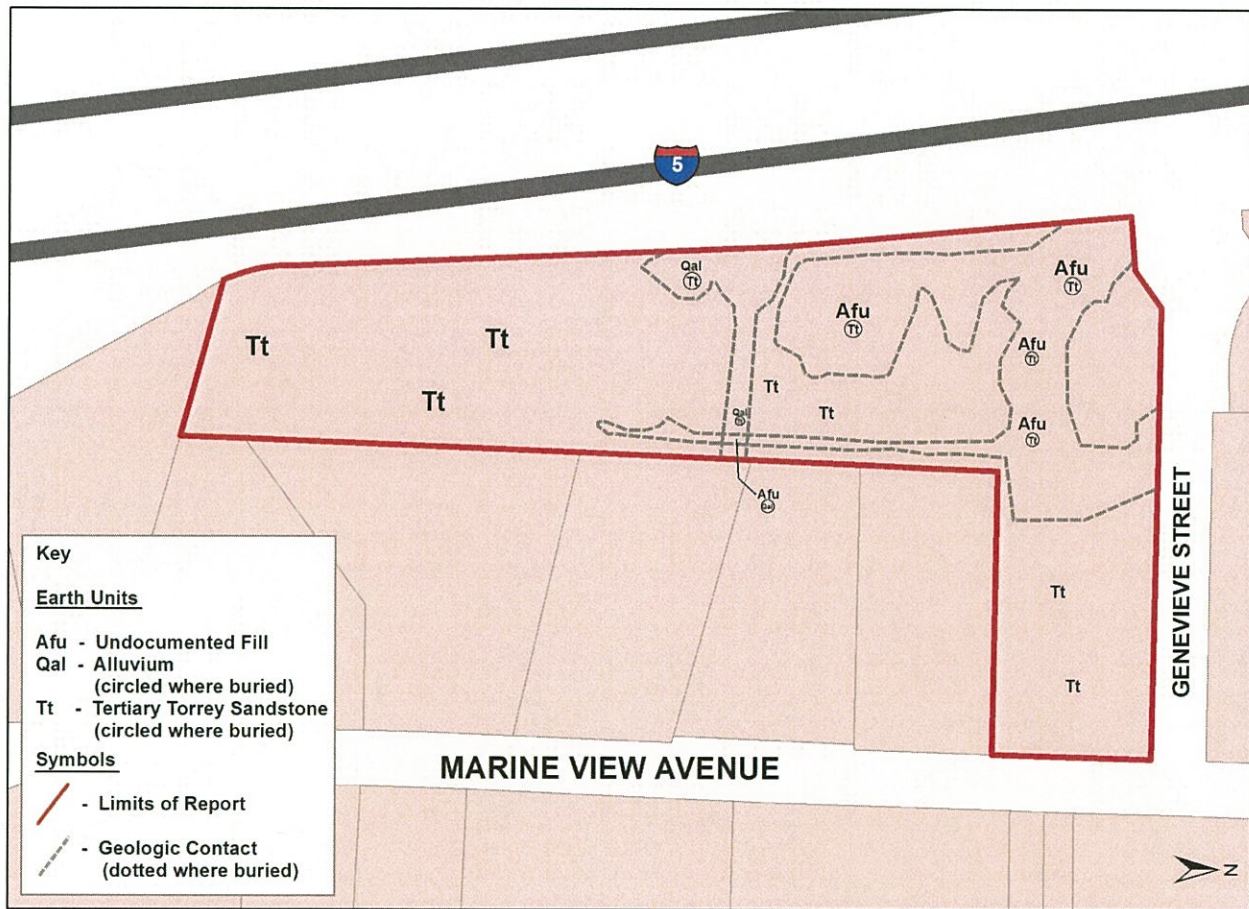
Source: Pasco, Laret, Suiter and Associates, 2014

Exhibit 5-1 – Boundary and Topography

5.4 Soils/Geology

The site consists of Tertiary Torrey sandstone, Quaternary Alluvium, residual soils, and undocumented artificial fill located primarily in the existing residential pad and driveway areas. All but the Tertiary Torrey sandstone have a potential for settling. Over-excavation from 2' to 6' is recommended for the areas where structures or improvements are to be located, but the materials do not preclude the type of proposed development.

The site is not within the Alquist-Priolo Earthquake Fault Zone, and no known faults (active, potentially active, or inactive) are onsite. Investigations during a geotechnical survey found no shallow groundwater that would contribute to liquefaction during seismic events, therefore the risk of liquefaction is negligible. No evidence of landslides was found on or adjacent to the site.

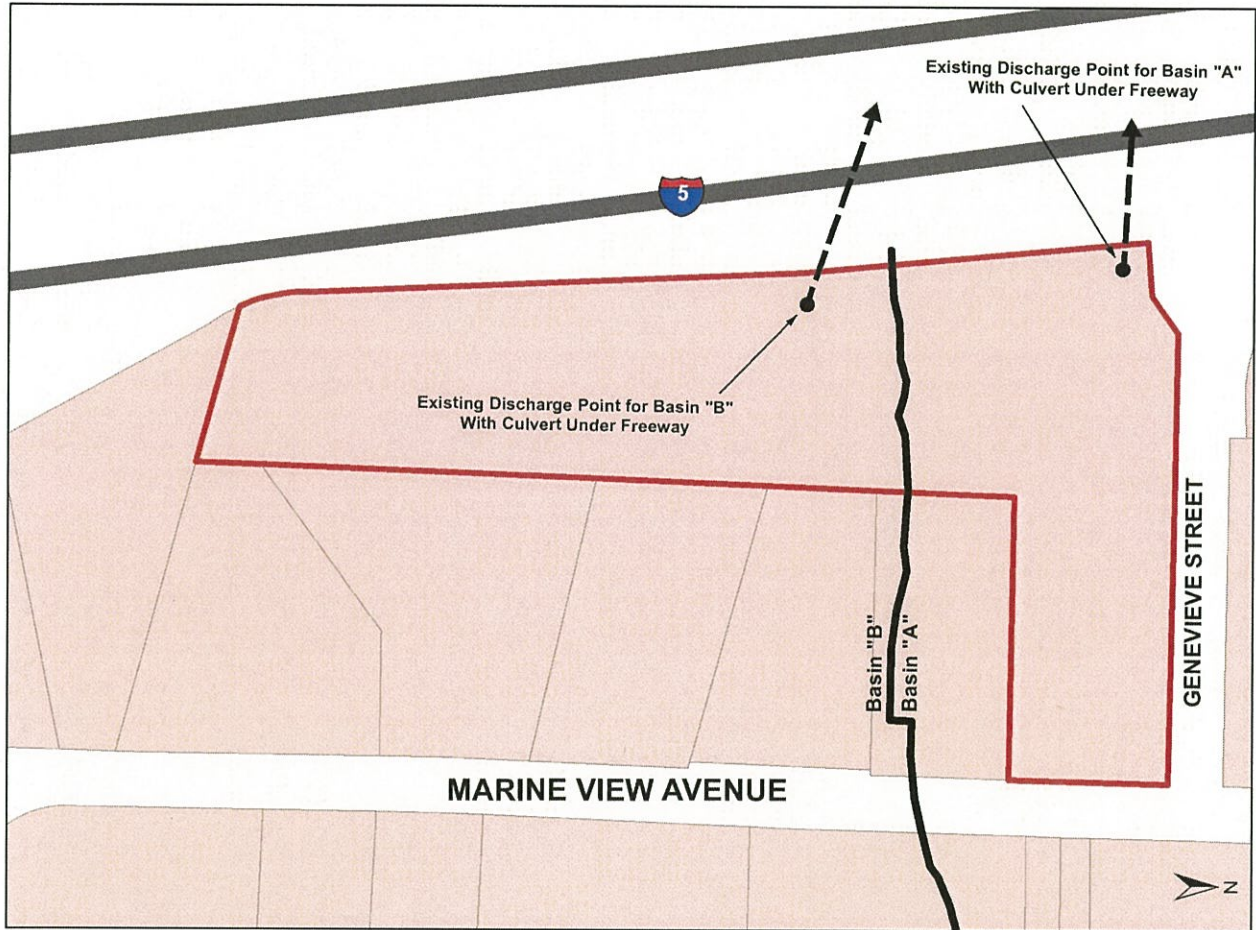


Source: Matrix Geotechnical Consulting, Inc., 2014

Exhibit 5-2 – Geotechnical Map

5.5 Hydrology and Drainage

There is an existing ridgeline that runs across the north end of the site, parallel to Genevieve Street. Drainage north of the ridgeline flows to an existing offsite storm drain inlet within Caltrans Interstate 5 right-of-way. Offsite runoff does not enter into this part of property. Offsite runoff south of the ridgeline enters a small drainage swale extending westerly across the site south of the existing residence before flowing into a concrete drainage swale within the Interstate 5 right-of-way and into a public storm drain system.

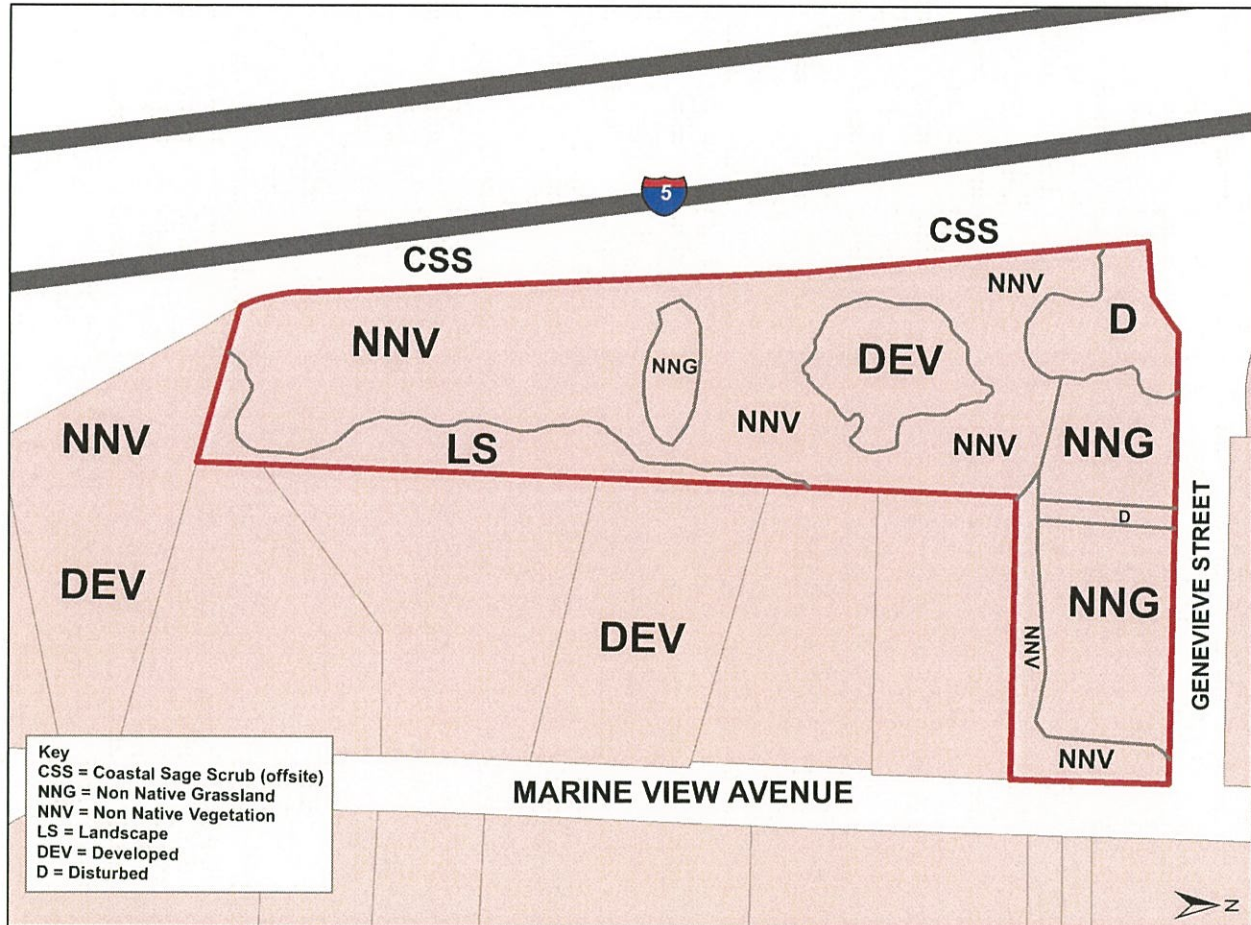


Source: Pasco, Laret, Suiter and Associates, 2014

Exhibit 5-3 – Pre-development Drainage Map

5.6 Biological Resources

No native vegetation or sensitive species were found during biological surveys of the site. Approximately 79% of the site is covered by disturbed or developed land, or non-native vegetation such as weeds. A total of 0.61 acres has been mapped as supporting non-native grassland. Little wildlife is present onsite except birds common to urban settings. No rare, endangered or sensitive species were observed or expected to occur on the property.



Source: Affinis Environmental Services, 2014

Exhibit 5-4 – Biological Vegetation Resources Map

5.7 Cultural Resources

Based on archaeological surveys of the property, there is one recorded archaeological site within the Specific Plan area. This site was originally recorded and tested in 2000, and relocated during more recent surveys in 2011. The Native American Heritage Commission (NAHC) was contacted in April 2011 for a Sacred Lands File Search. The NAHC indicated that no Native American cultural resources have been recorded within one-half mile of the project area. The project area has been subject to a great deal of disturbance from previous residential use and a palm nursery. The previously recorded archaeological resource consists of marine shell with no artifactual material. The site (CA-SDI-15,885) was previously tested and determined not to be a significant cultural resource based on lack of artifacts, unique elements, and integrity. No significant Native American cultural resources have been identified in the vicinity by the NAHC. Based on this, no further work was recommended for the site. However, formal tribal consultation regarding cultural resources will be required in accordance with CEQA requirements prior to development of the property.

5.8 Noise

A noise report was prepared to evaluate the effects of Interstate 5 on property within the Specific Plan. Outdoor areas will likely require sound barriers such as walls, earthen berms or a combination. The building placement can provide shielding for some outdoor areas where line of sight to the freeway would be blocked by the structure. Noise levels from the freeway will require design measures to mitigate both interior levels and outdoor recreation areas at the southern and western sides of the property. Interior noise attenuation measures would be determined at the time of construction drawings, but sound levels are expected to be mitigable with standard construction materials and possible enhancements such as upgraded windows.

CHAPTER 6 - PUBLIC FACILITIES/INFRASTRUCTURE

6.1 Public Facilities/Infrastructure

A. Circulation and Access

Primary access to the site is from Lomas Santa Fe Drive east of Interstate 5, then south on Las Banderas Drive to San Andres Drive and then south on Marine View Avenue to the project site on Genevieve Street. Minimal traffic is expected to come from the south and the east due to less convenient access through winding, narrow residential streets. Refer to Exhibits 1-1 and 1-2 for detailed site location information.

Public transit is available via the Coaster commuter rail line at the Solana Station, approximately 2 miles from the site, and the nearest bus stop (Breeze Route 308) is approximately one mile away at Lomas Santa Fe Drive and Solana Hills Drive.

Marine View Avenue

Marine View Avenue extends south from San Andres Drive. At the intersection with Solana Drive the road forks, with the primary travel lane striping taking a 90 degree turn to become Solana Drive, while Marine View Avenue forks off to the right continuing south. Northbound Marine View Avenue at this intersection is controlled by a stop sign. South of the intersection with Solana Drive, the road is improved with approximately 24 feet of paving within a 40-foot right-of-way. There are various existing frontage conditions along this road, including some areas with concrete curb, some with asphalt curb, and some areas without any curb. This road does not have sidewalks except at isolated intersection locations.

Genevieve Street

Genevieve Street extends west from Marine View Avenue, ending in a cul-de-sac at the Interstate 5 right-of-way. Existing uses on all properties accessed from this road are currently commercial, including an office building and a plant nursery. The road is only partially improved with approximately 26 feet of paving within a 45-foot right-of-way. The project site frontage is unimproved, with an asphalt berm along the southern edge of pavement. The north side of the street has a concreted drainage swale at the edge of pavement, and from the office driveway the frontage improvements are completed with a concrete curb and gutter and limited sidewalk paving.

To assure that access and design of these streets adjacent to the project are consistent with the General Plan and with the character of area streets, specific street criteria are established in this Specific Plan for each roadway. These criteria are included in Chapter 4, Design Guidelines.

Interstate 5

Interstate 5 is the western boundary of the Specific Plan property. Caltrans is currently in the planning stages for potential expansion of the Interstate 5 freeway right-of-way, as part of the I-5 North Coast Corridor Project, including areas adjacent to this Specific Plan property. A potential maximum future right-of-way limit on the property was defined, based on the most recent design plans available from Caltrans along this segment. Please see Exhibit 6-1 for reference location.

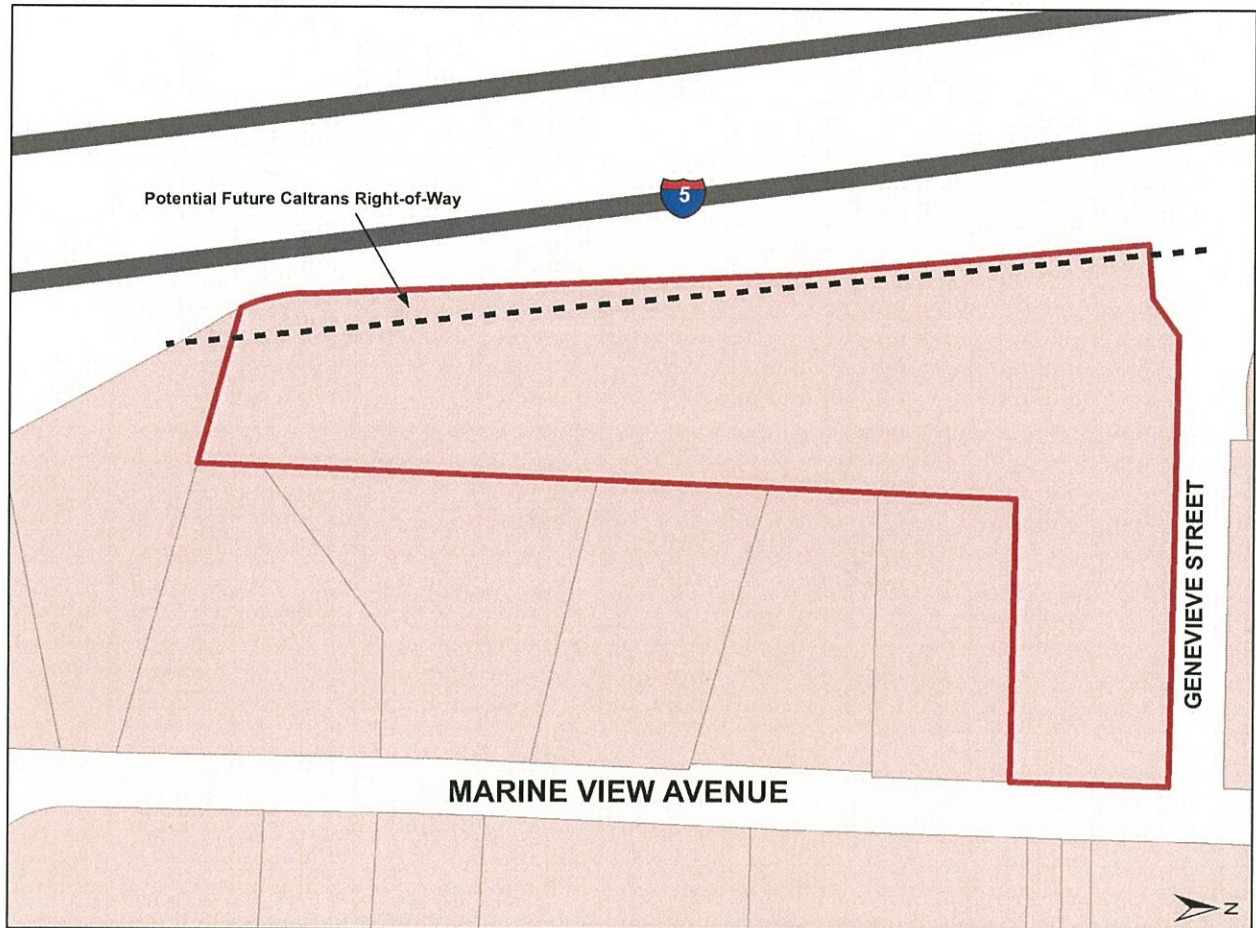


Exhibit 6-1 – Caltrans ROW Exhibit

B. Water Facilities

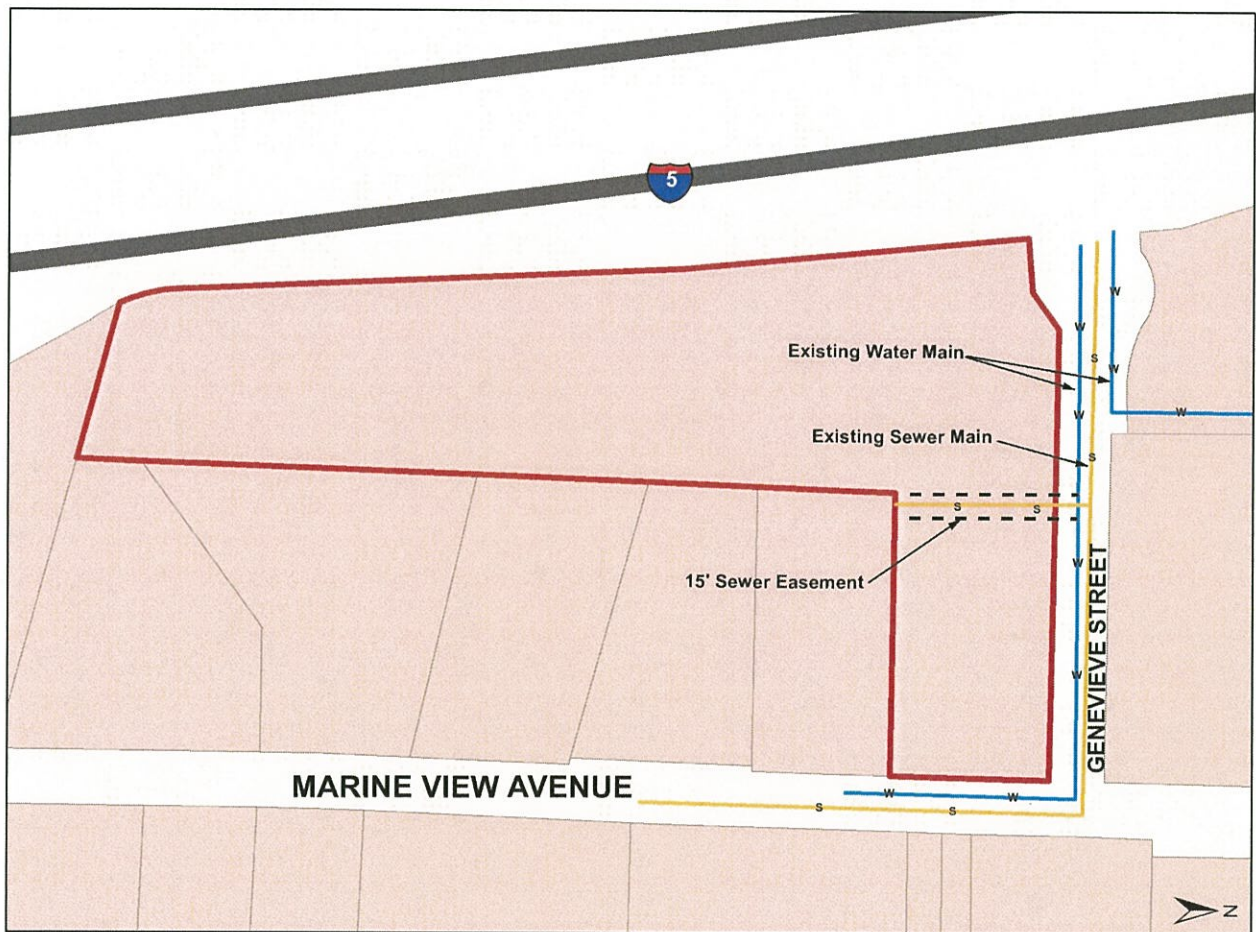
Water is provided to the Specific Plan property by the Santa Fe Irrigation District, which obtains its water from the San Diego County Water Authority – Metropolitan Water District system.

There are existing public water lines in Genevieve Street available with adequate capacity to serve the site as shown on Exhibit 3-3.

C. Sewer Facilities

The Specific Plan property is located within the City of Solana Beach which is the public agency responsible for providing sewage collection and treatment. Sewage treatment occurs at the San Elijo Water Treatment Plan owned and operated by the San Elijo Joint Powers Authority (comprised of the City of Solana Beach and the Cardiff Sanitation District). Existing public sewer lines adjacent to the site are shown on Exhibit 3-3. The existing public sewer lines within Genevieve Street have adequate capacity to serve development in accordance with this Specific Plan.

An existing private sewer within an easement across the property partially bisects the site extending from the rear property lines of the existing residences along Marine View Avenue to the sewer line in Genevieve Street.



Source: Pasco, Laret, Suiter and Associates, 2014

Exhibit 6-2 – Water and Sewer Existing Facilities Map

D. Storm Water and Drainage Facilities

As identified by the San Diego Basin Plan, the Specific Plan property is located within the San Dieguito Hydrologic Unit, specifically the Rancho Santa Fe Hydrologic Sub Area. According to the California's Clean Water Act Section 303(d) list published by the San Diego Regional Water Quality Control Board, the Pacific Ocean at the mouth of the San Dieguito River is listed as an impaired water body for indicator bacteria. The proposed project has a relatively low concern for bacterial pollutants and any potential for impact can be adequately handled by the project storm water treatment system.

Drainage from the site ultimately discharges to the Pacific Ocean, but the site does not directly discharge into the ocean itself. The path of discharge from the pre-developed and post-developed is as follows: initially collected in a storm drain inlet adjacent to the site, conveyed in a public storm drain and discharged near the mouth of the San Dieguito River prior to entering the Pacific Ocean.

Storm water currently enters onto the site from properties to the east and south, and from Marine View Avenue, and is then discharged into a swale along the Caltrans right-of-way. (See Section 2.5 for map of existing drainage patterns.) Detailed design plans for managing storm water flows will be included in the engineering design for the project, addressing both quantity of flows and water quality. The design is anticipated to include retention basins, and BMP treatment swales, as part of the overall storm water management for the project.

A storm water management plan is required in accordance with the Solana Beach Municipal Code (SBMC 13.10) and the Regional Water Quality Control Board regulations prior to issuance of a grading permit.

E. Solid Waste Disposal

Within the City of Solana Beach, solid waste collection services are contracted with private disposal companies and will be paid for by the owner or lessee of the facility.

Adequate capacity for both trash and recyclables will be provided for the facility. All trash areas shall be screened from view from public streets and access drives into the site.

F. Energy

There are existing public utilities adjacent to the site, including gas, electricity and other dry utilities. Existing area supply lines are considered adequate to supply future needs with capacity to serve the project.

All new utility services within the Specific Plan boundary, including but not limited to electrical, telephone and cable TV, shall be underground.

G. Public Safety (Fire and Police Services)

Fire and paramedic services are provided by the Solana Beach Fire Department. The nearest fire station serving the project is located on Lomas Santa Fe, west of Interstate 5, about 1.5 miles from the project site.

For law enforcement services, the City of Solana Beach contracts with the San Diego County Sherriff's Dept., which are provided out of the Encinitas Sheriff's Station.

Fire and law enforcement services will continue to be provided by the City of Solana Beach and the County of San Diego Sherriff's Department.

6.2 Improvement Financing

Since this Specific Plan area is located at an infill location, no major offsite improvements are necessary, and limited financing mechanisms are needed. The two mechanisms anticipated for this Specific Plan are as follows:

Developer Funding

For development within this Specific Plan area, funding for on-site facilities shall be provided directly by the project. Developer funding will also pay for improvements as required concurrent with the project development, such as local street improvements, utility connections from the main trunk lines, and drainage facilities.

Impact Fees and Exactions

Impact fees, exactions, and reimbursement agreements are a tool for paying for required public facilities and improvements. The developer of property within this Specific Plan area will be required to pay appropriate fees and exactions to the City of Solana Beach.

6.3 Maintenance Financing

The recurring maintenance costs for infrastructure and improvements will be provided as follows:

Roadways

Maintenance of vehicular travel ways, curbs, gutters and concrete sidewalks within the public rights-of-way will be provided by the City of Solana Beach and funded by the City's tax revenue. Landscape frontage improvements, including any DG paths, will be maintained by the property owner, including those improvements within the public rights-of-way. Private driveways into the site will be maintained by the property owner.

Utility Infrastructure

Maintenance of public utilities and facilities will be the responsibility of the City of Solana Beach (sewer, storm drains) or the Santa Fe Irrigation District (water). Public service utilities contracted to private companies, such as solid waste disposal, will be maintained by the

owner of the property. Private utilities, such as electric, gas, telephone, cable television and internet service will be maintained by the individual private utility company.

Landscaping

Maintenance of all hardscape not within public rights-of-way and of all landscaping on the project site, including the neighborhood open space area, will be the responsibility of the property owner.

CHAPTER 7 - PLAN IMPLEMENTATION

7.1 Relationship of the Specific Plan to the General Plan

Per California Government Code Section 65454, a specific plan must be consistent with the local jurisdiction's General Plan. This Specific Plan is consistent with the City of Solana Beach General Plan. Chapter 7 discusses the consistency of the Specific Plan, including, without limitation, the development standards and design guidelines, with the Solana Beach General Plan.

7.2 Relationship of the Specific Plan to the Solana Beach Municipal Code

This Specific Plan is a legislative document that creates an overlay for the property that, in concert with other remaining portions of the Municipal Code, will be applied to the development and occupancy of the property for Residential Care Facility and Neighborhood Open Space uses. Where there is a conflict between the provisions of this Specific Plan and other sections of the Solana Beach Municipal Code (SBMC), the provisions of this Specific Plan shall prevail.

7.3 Severability

If any term, provision or condition of this Specific Plan is determined invalid, void or unenforceable, the remainder of this Specific Plan shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform, taking into consideration the purposes of this Specific Plan.

7.4 Specific Plan Administration

A. Development Review / Entitlements

This Specific Plan provides for site development as a Residential Care Facility in accordance with the regulations contained herein. If applicable, approval of this Specific Plan will serve as City approval of an amendment of the LCP. If the LCP amendment is required, this Specific Plan and the LCP amendment are not effective unless and until certified by the California Coastal Commission

All development proposed within the boundaries of the Specific Plan shall be required to conform with the provisions of this Specific Plan. This conformance will be evaluated through the City's standard process for Structure Development Permit and Development Review Permit, and approved by the Solana Beach City Council. A Coastal Development Permit may also be needed if required by law.

B. Specific Plan Interpretations

In instances where any section, subsection, sentence, clause, phrase, portion, or word contained within this Specific Plan is undefined, unclear or vague, then the Planning Director shall resolve the matter in a manner consistent with the goals, policies, standards, purposes and intent established in this Specific Plan.

C. Compliance with the Specific Plan as Adopted

The City of Solana Beach shall monitor compliance with the Specific Plan, as adopted, and mitigation measures at these stages, as appropriate:

- During the review and approval of development entitlements and other permits as appropriate.
- During the review of construction documents, and prior to the issuance of grading or building permits.
- Prior to the issuance of a certificate of occupancy for any building within the Specific Plan area.

D. Specific Plan Modifications

Approval of this Specific Plan establishes specific standards for design, development, occupancy and use of the site. While this document attempts to be comprehensive, it is understood that not all things can be envisioned, and there may be situations where modifications in the Specific Plan may be necessary.

Proposed modifications to the Specific Plan shall initially be reviewed by the City staff in order to determine the extent to which they differ from the established standards and regulations of the Specific Plan.

Proposals that substantially conform to the Specific Plan shall not require a revision to the Specific Plan. Proposals that do not substantially conform to the Specific Plan shall be treated as either Minor Modifications or Substantive Amendments. Administrative Modifications will allow for minor revisions to the Specific Plan through review by City staff and administrative approval by the Planning Director. No public hearing and no public vote of the electorate shall be required. Substantive Amendments will address more significant changes and shall be reviewed by City staff and require City Council public hearing and approval.

Administrative Modifications

Certain minor changes to or deviations from provisions in this Specific Plan may be made administratively with approval by the Planning Director. Such modifications to the adopted Specific Plan must be consistent with the purpose and intent of the originally approved Specific Plan and must comply with the following requirements:

1. The total number of Residential Care Facility beds within the Specific Plan area shall not exceed 99 beds.
2. The public health, safety and welfare shall not be jeopardized by the proposed modifications.
3. No additional potentially significant adverse environmental impacts are expected to occur as a result of the proposed modifications, except as evaluated in a certified environmental document for the project.
4. The following deviations are examples of “minor changes” that qualify as Administrative Modifications:
 - a) Modifications to the Specific Plan area boundaries that respond to more accurate or recent data or actual on-site conditions, but which do not result in an increase in significant adverse environmental impacts beyond those already considered.
 - b) Variations in public improvements identified in this Specific Plan including, but not limited to, adjustments to horizontal and vertical roadway alignments to respond to actual ground conditions; provided, however, that the changes do not adversely affect public safety.
 - c) Modifications to the development standards, use standards, architecture, landscape or grading provisions necessary to respond to actual site conditions, or that are substantially consistent with the purposes and intent of this Specific Plan.
 - d) Modifications required to satisfy changes to Federal and/or State law that require a corresponding amendment to local ordinances.
 - e) Modifications to the water, sewer and/or drainage plan(s) that improve efficiency or are necessary to respond to actual site conditions.
 - f) Other minor modifications of a similar nature to those listed above which are in keeping with the purpose and intent of the approved Specific Plan, and which are in substantial conformance with the General Plan, as amended.

Substantive Amendments

Proposed Specific Plan modifications that do not meet the criteria for Administrative Modifications as previously described, shall be deemed to require a Substantive Amendment. The procedures to amend this specific plan shall be by ordinance or resolution as specified by State of California Govt. Code 65456 through a public hearing before the City Council pursuant to the Solana Beach Zoning Ordinance. The applicant shall be required to submit a completed application with graphics, statements, or other information as may be required to support the proposed

amendment. Said amendment or amendments shall not require a concurrent general plan amendment or a public vote of the electorate pursuant to Proposition T or otherwise unless a new, inconsistent land use change is proposed or there is an intensification of land uses beyond the 99 beds of Residential Care Facility for the Elderly (RCFE) use authorized by the Specific Plan.

This Specific Plan establishes the land use, intensity, development regulations, design standards, and primary infrastructure components to direct future development of the project. In evaluating any proposed Substantive Amendment, City staff and the City Council will have comprehensively reviewed the Specific Plan, including its text and exhibits. A Substantive Amendment application shall:

1. Demonstrate that the proposed amendment substantially complies with the goals and policies of the Solana Beach General Plan.
2. Update applicable technical studies or provide additional studies as determined by the Planning Director to be needed to evaluate or support the proposed Substantive Amendment.
3. Provide a strikeout/underline copy of the Specific Plan text noting proposed revisions, along with any revised exhibits or maps necessary to support the Substantive Amendment.

CCC Review

If CCC adoption or modification of the LCP or CCC review of any coastal development permit for the subject property requires a modification of this Specific Plan, the process for approving such a change to the Specific Plan shall be determined in accordance with this Section 7.4.D. As specified above, a CCC required modification to the Specific Plan shall only trigger a public vote of the electorate if the change requires incorporation of a new, inconsistent land use or an intensification of land uses beyond the 99 beds of RCFE authorized by the Specific Plan.

CHAPTER 8 - CONSISTENCY WITH THE GENERAL PLAN

This Specific Plan is consistent with the City of Solana Beach General Plan. The following excerpts applicable General Plan goals and then summarizes the manner in which the Specific Plan is consistent. The relevant Goals excerpted from the City of Solana Beach General Plan are listed below in *italics*, and the consistency summary follows in regular type.

8.1 Land Use Element

Goal 3.1: To promote development of a well-balanced and functional mix of residential, commercial, industrial, open space, recreational, and institutional and uses.

Especially in relation to existing and future demand, the City has limited existing Residential Care Facilities and limited sites that can accommodate new Residential Care Facilities. The Specific Plan provides an opportunity for a quality Residential Care Facility use with the potential for both assisted living and memory care services to help meet the increasing demand and need for such services. The Specific Plan promotes re-use of a currently vacant, previously disturbed, underutilized site with substantial constraints associated with its proximity to and frontage along Interstate 5.

The Specific Plan incorporates standards for open space that includes both common open space areas that solely serve the residents of the Residential Care Facility, as well as a Neighborhood Open Space as a transitional, passive use along Marine View Avenue that will also be available for use by the adjacent residential neighborhood.

Goal 3.2: To ensure that development in the City is consistent with the overall community character and contributes positively towards the City's image.

The Specific Plan identifies the existing character of the neighborhood and varied uses around the property, and incorporates development standards and design guidelines that requires amenities for the Residential Care Facility use along with architectural, site and landscaping improvements that maintain the semi-rural neighborhood character of the neighborhood to the east, and serve as an appropriate transitional use to the office development to the north and the freeway to the west.

8.2 Housing Element

The primary goal of the City of Solana Beach is to continue to ensure that decent, safe housing is available at a cost that is affordable to all current and future residents of the City. To achieve this goal the City has defined the following sub-goals:

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

While Residential Care Facility uses are not dwelling units tracked under Housing Element regulations, they incorporate elements of assistance needed by segments of the populations due to aging or health limitations. The Specific Plan provides an opportunity to house those who need assisted living or memory care services. Thus, the Specific Plan is consistent with the City's goal of encouraging the adequate provision of a range of residential opportunities.

Goal 2: Minimize governmental constraints to the development, improvement, and maintenance of housing.

This Specific Plan establishes regulations for development of a Residential Care Facility that accounts for the unique improvements, amenities and services required for a Residential Care Facility. The Specific Plan furthers the City's goal of minimizing governmental constraints to the development, improvement, and maintenance of housing while authorizing a development that is consistent with the overall community character.

Goal 3: Maintain and enhance the quality of residential neighborhoods in Solana Beach.

This Specific Plan incorporates design standards and development regulations for the Residential Care Facility use including generous setback, yard, open space and facility requirements that ensure maintenance of the existing character of the nearby residential neighborhood, and the quality living environment of Solana Beach.

Goal 4: Conserve existing affordable housing opportunities.

The Specific Plan property is currently vacant, and development in accordance with the Specific Plan would not adversely affect any existing affordable housing opportunities.

Goal 5: Promote equal opportunity for all residents to live in the housing of their choice.

There is an increasing demand for Residential Care Facility uses that is presently unmet in the City of Solana Beach, and this Specific Plan will provide equal opportunities for residents who need such care services to remain in their community. Thus, the Specific Plan furthers the goal of promoting equal opportunity for all residents to live in the housing of their choice.

8.3 Circulation Element

Goal 3.1: To provide a street network to move people and goods safely and efficiently.

The Specific Plan provides for frontage improvements along both Genevieve Street and Marine View Avenue consistent with their designation as local streets, with the design of pavement, curb, gutter, and sidewalk as outlined in the Circulation section of this Specific Plan. Existing capacity is available on the overall City street network to accommodate trips associated with development in accordance with the Specific Plan. Thus, development in accordance with the Specific Plan is consistent with the City's goal of providing a street network to move people and goods safely and efficiently.

Goal 3.3: To promote safe alternatives to motorized transportation that meet the needs of all city residents.

The Specific Plan standards require pedestrian improvements and parking for bicycles in accordance with City requirements. Thus, the Specific Plan is consistent with the goal of promoting safe alternatives to motorized transport.

Goal 3.4: To provide an adequate supply of private off-street and public parking to meet the needs of residents and visitors to the city.

The Specific Plan satisfies this goal by requiring private off-street parking to serve the staff, residents and visitors to the Residential Care Facility use, consistent with the minimum parking requirements for Residential Care Facility uses established in the City zoning ordinance. Design standards of the Solana Beach Off Street Parking Design Manual are incorporated by reference into the Specific Plan.

8.4 Noise Element

Goal 3.1: To protect public health and welfare by eliminating existing noise problems and by preventing significant degradation of the future acoustic environment.

The site is not a source of noise problems requiring elimination. The most substantial noise source in the Specific Plan area is from traffic on Interstate 5. The Specific Plan requires noise attenuation for traffic noise from Interstate 5 through the use of building materials for interior areas and sound barriers for active outdoor use areas.

The Specific Plan prevents significant degradation of the future acoustic environment by requiring compliance with the City of Solana Beach's adopted community noise standards for noise levels in residential areas, and includes provisions for site and building design that minimizes noise effects on use areas within the Specific Plan boundaries. Further, the buildings authorized by the Specific Plan will help buffer existing and future freeway noise for at least some of the existing residential neighbors.

8.5 Safety Element

Goal 3.1: To minimize hazards to public health, safety, and welfare resulting from natural and man-made phenomena.

Development of property within the Specific Plan is required to comply with City code requirements, including the requirement for technical studies such as geotechnical and storm water management, associated with any site grading and street improvements. Thus the Specific Plan is consistent with the goal to minimize hazards to public health, safety and welfare from natural and man-made phenomena.

Goal 3.2: To provide a safe and secure environment for the city's residents, workers, and visitors.

The Specific Plan is consistent with the City's goal of providing a safe and secure environment for the City's residents, workers, and visitors because the proposed uses are compatible with the surrounding area. Development and design standards require setbacks, lighting of the parking areas and the building with consideration for location within the Dark Sky Overlay zone, and provide access considerations related to site security.

8.6 Conservation and Open Space Element

Goal 3.1: To protect and conserve the city's natural and cultural resources.

The Specific Plan is consistent with the City's goal of conserving natural and cultural resources as the site is a previously disturbed area. Further, future development of property within the Specific Plan is subject to City and State regulations regarding environmental review under CEQA, state and federal water quality standards, and other applicable state law designed to conserve natural and cultural resources.

Goal 3.2: To protect and enhance sensitive open space areas and viewsheds.

The Specific Plan is consistent with the goal of protecting and enhancing sensitive open space areas and viewsheds. The property within the Specific Plan boundaries is not within a sensitive hillside or open space area and is not part of a protected viewshed. Design and development standards also address building heights, setbacks, and alteration of natural landforms and siting building and use areas.

CHAPTER 9 - DEFINITIONS

9.1 Purpose

Words, phrases and terms not specifically defined in this Chapter shall have the same definition as provided in the Chapter 17.08 of the Solana Beach Municipal Code, or, where not defined in the SBMC, as applied in normal usage. For purposes of this Specific Plan, the following terms shall have the meanings set forth in this Chapter.

9.2 Construction of Language

1. As used in this Specific Plan, the terms "shall" means mandatory or required; "should" means recommended or desired; and "may" means optional.
2. In case of any difference of meaning or implication between the text of any provision and any caption or illustration, the text shall control.
3. Where stated, numerical metrics take precedence over graphic metrics.
4. References in the masculine and feminine genders are interchangeable.
5. Unless the context clearly indicates to the contrary, words in the present and the future tense are interchangeable, and words in the singular and plural are interchangeable.
6. Unless the context clearly indicates to the contrary, the following conjunctions shall be interpreted as follows:
 - a) "And" indicates that all connected items or provisions shall apply.
 - b) "Or" indicates that the connected items or provisions may apply singly or in any combination.
 - c) "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.
 - d) The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied, or intended to be utilized.

9.3 Definitions

C

COMMON LIVING AREA: The interior areas of a Residential Care Facility available for use by all residents, exclusive of sleeping, dining and kitchen areas, and typically used for entertainment, relaxation or other activities.

K

KITCHEN, CENTRAL: A commercial-grade kitchen within a Residential Care Facility that is used for preparation of food, cooking, storage and refrigeration to serve the needs for common dining services to residents.

KITCHEN, CONVENIENCE: A portion of an individual room within a Residential Care Facility that has limited kitchen facilities such as a sink, refrigerator, microwave, cabinet and countertop.

L

LOT LINE: A line bounding a lot. (See also YARD). The classifications of lot lines within this Specific Plan are described below and shown in the following diagram:

- FREEWAY SIDE LOT LINE: The lot line abutting Interstate 5.
- FRONT LOT LINE: The line separating the parcel from Genevieve Street.
- REAR LOT LINE: The lot line at the southernmost extent of the parcel that is most distant from and most closely parallel to the front lot line.
- RESIDENTIAL SIDE LOT LINE: The lot lines abutting the side or rear lot lines of adjacent residential property.
- STREET SIDE LOT LINE: The lot line abutting Marine View Avenue.

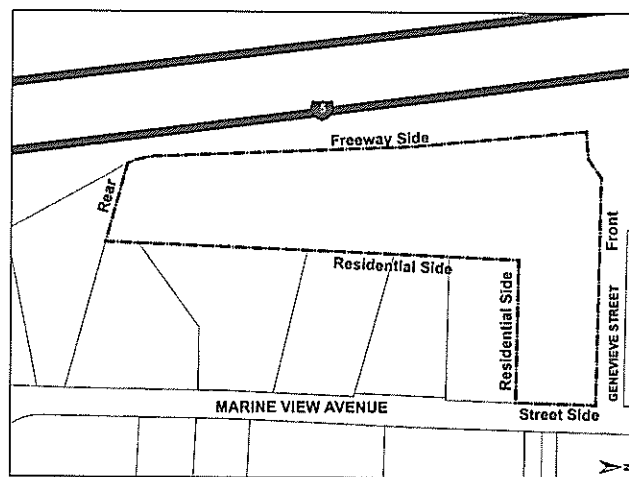


Exhibit 9-1 – Lot Lines

N

NEIGHBORHOOD OPEN SPACE: For purposes of this Specific Plan, Neighborhood Open Space refers to the portion of common open space area within the Specific Plan boundaries that is available for use by occupants of the Residential Care Facility as well as by residents of the broader neighborhood, generally located at the corner of Marine View Avenue and Genevieve Street, that is owned and maintained by the owner of the subject property and improved as an outdoor landscaped area with passive amenities such as walkways and seating areas.

O

OPEN SPACE, COMMON: The exterior/outdoor open space areas of a Residential Care Facility available for use by all occupants of the facility or by occupants of a designated portion of the facility. Common open space is not dedicated to the public and is owned and maintained by the private owner of the subject property. Common open space includes outdoor or unenclosed areas on the ground, or on a deck, or terrace, designed and accessible for outdoor living, recreation, pedestrian access, or landscaping. Amenities may be active or passive such as walking paths, courtyards, sitting areas, gardens, recreational game areas, open landscaped areas, and/or greenbelts. Common open space excludes streets, pavement or driveway areas, parking facilities, utility or service areas or parkway landscaping within public rights-of-way.

R

RESIDENTIAL CARE FACILITY: For purposes of this Specific Plan, a Residential Care Facility is only a Residential Care Facility for the Elderly (RCFE) as defined by the State of California. An RCFE subject to this Specific Plan is allowed to serve the elderly, and may also provide residential care services to those with compatible needs such as persons with debilitating diseases and injuries requiring long term support with daily living requirements (e.g. veterans or others with severe brain injuries) consistent with State law. A Residential Care Facility is a group care facility with food services and kitchen facilities, for 24-hour nonmedical care of persons in need of personal services, supervision, ancillary support services, or assistance essential for sustaining the activities of daily living or for the protection of the individual including assisted living and memory care services. An RCFE must secure all required licenses from the State of California as a Residential Care Facility for the Elderly for the specific number of residents. Transitional care and skilled care services may be provided as authorized by state licensing provisions. No Residential Care Facility uses other than RCFE, including facilities dedicated to alcohol or drug abuse recovery, are allowed.

S

SENIOR CARE FACILITY: See "Residential Care Facility".

SETBACK: The minimum required distance that a building, structure, parking area or other designated item must be located from a lot line (see also YARD). The setbacks for the subject site are further defined as follows and as illustrated on Exhibit 4-2.

- **BUILDING SETBACK:** A Yard area that prohibits enclosed structures, but allows parking and other items permitted within the buildable area, including but not limited to lighting subject to Dark Sky compliance, landscaping, hardscape, and fencing.
- **PARKING SETBACK:** A Yard area that prohibits vehicle parking and enclosed structures, but allows other items permitted within the buildable area, including but not limited to lighting subject to Dark Sky compliance, landscaping, hardscape, and fencing.

SETBACK LINE: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot (see also YARD).

SLEEPING AREA: An area within a Residential Care Facility designated as space for one or more beds. No room commonly used for other purposes shall be used as a sleeping area, such as living rooms, dining rooms, family rooms, dens, recreation rooms, hallways, stairways, unfinished attics, basements, garages, closets, storage areas, or sheds. No sleeping area shall be used as a public or general passageway to another room, bath, or toilet.

Y

YARD: An open area on a parcel of land, other than a court, unobstructed and unoccupied from the ground upward, except for projections or encroachment permitted by this Specific Plan or the SB Municipal Code (see also LOT LINE). The Yard areas for the subject site are as follows, and as illustrated on Exhibit 4-2:

- **FREEWAY SIDE YARD:** An area extending from the required front yard to the rear lot line and from the freeway side lot line to the freeway side building setback line parallel thereto.
- **FRONT YARD:** An area extending across the full width of the lot between the front lot line, or the existing or future street right-of-way (whichever is greater) and the front building setback line parallel thereto.
- **REAR YARD:** An area extending across the full width of the lot between the rear lot line and the rear building setback line parallel thereto.
- **RESIDENTIAL SIDE YARD:** An area extending from the residential side lot line to the residential side building setback line parallel thereto, exclusive of any area defined as a front yard or rear yard.

- STREET SIDE YARD: An area extending from the side street lot line, or the existing or future side street right-of-way (whichever is greater) to the street side parking setback line parallel thereto.

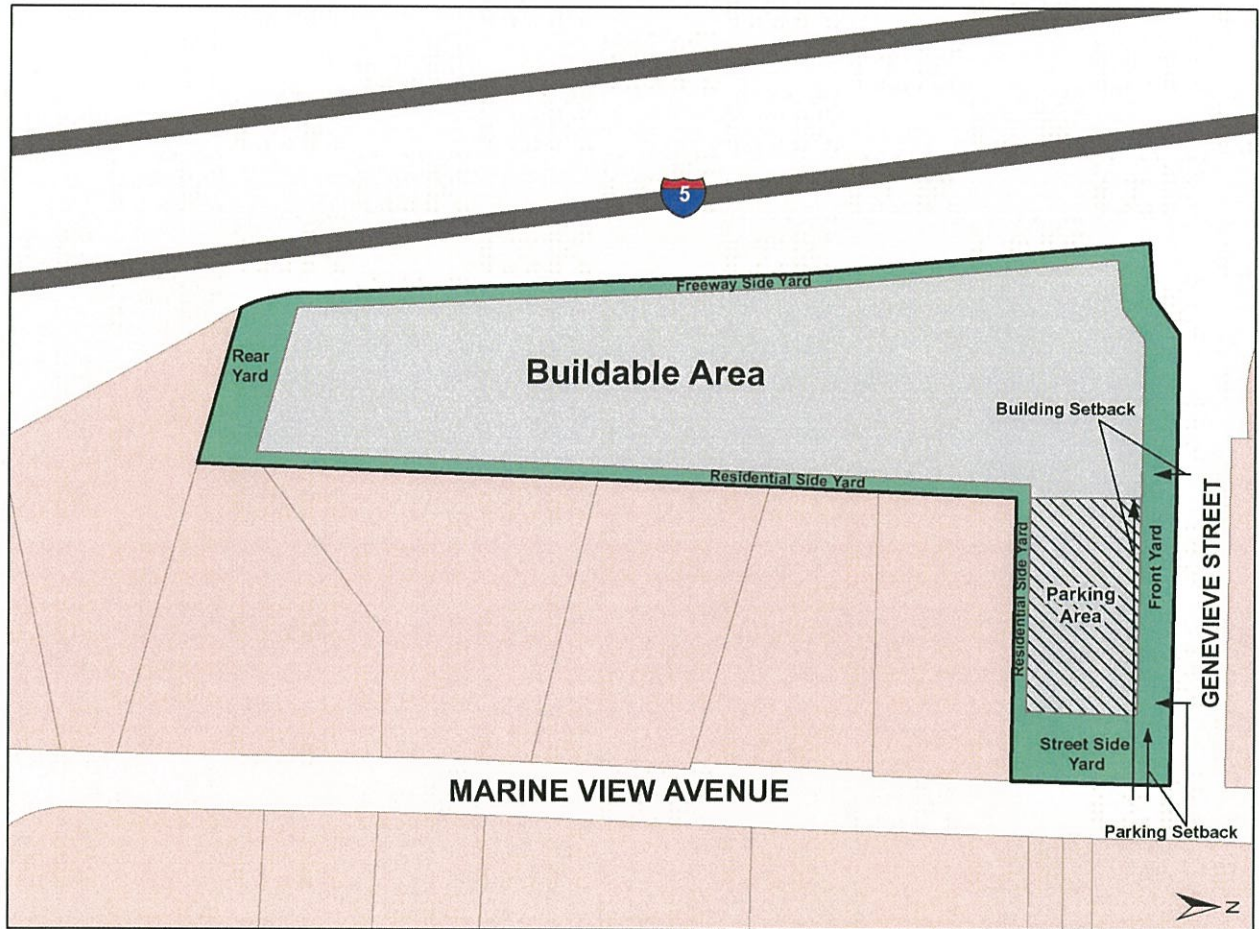


Exhibit 9-2 – Setbacks and Yards

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APPENDICES

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APPENDIX A LEGAL DESCRIPTION

PARCEL A:

ALL THOSE PORTIONS OF LOTS 1 AND 2 IN BLOCK 3 OF KENNEY'S MARINE VIEW GARDENS, IN THE CITY OF SOLANA BEACH, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1774, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 31, 1923, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EASTERLY LINE OF SAID LOT 1, SOUTH 0° 54' 58" WEST (RECORD EQUALS SOUTH 0° 37' WEST), 115.05 FEET; THENCE LEAVING SAID EASTERLY LINE AT RIGHT ANGLES NORTH 89° 05' 02" WEST, 200.56 FEET TO THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF PARCEL MAP NO. 8089, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 22, 1978; THENCE ALONG SAID PROLONGATION SOUTH 0° 45' 49" WEST (RECORD EQUALS SOUTH 0° 33' 43" WEST) TO AND ALONG THE WESTERLY LINE OF SAID PARCEL MAP NO. 8089, 580.96 FEET TO THE SOUTHWEST CORNER OF PARCEL 3 OF SAID PARCEL MAP NO. 8089, SAID CORNER BEING ON THE SOUTHWESTERLY LINE OF SAID LOT 2 OF SAID MAP NO. 1774; THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 75° 20' 10" WEST (RECORD EQUALS NORTH 75° 27' WEST), 118.91 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE FREEWAY ROUTE 5 AS SHOWN ON STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION MONUMENTATION MAP, IDENTIFIED AS MISCELLANEOUS SURVEY 777, SURVEY OF 1976, SHEET 2 OF 15, SAID EASTERLY RIGHT OF WAY LINE ALSO BEING THE WESTERLY LINE OF A PARCEL OF LAND DESCRIBED IN DIRECTORS DEED TO LLEWELLYN W. HUGHES AND WIFE, RECORDED NOVEMBER 6, 1970 AS FILE NO. 203703, BOOK 1970 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE AND SAID WESTERLY LINE OF HUGHES LAND, NORTH 28° 21' 02" WEST, 24.42 FEET (RECORD EQUALS NORTH 27° 51' 24" WEST, 24.43 FEET); THENCE NORTH 3° 47' 39" WEST, 375.69 FEET (RECORD EQUALS NORTH 3° 14' 09" WEST, 375.83 FEET) TO A POINT BEING AT COORDINATES Y EQUALS 3,000,493.48 AND X EQUALS 1,692,101.28 AS SHOWN ON SAID MISCELLANEOUS SURVEY 777; THENCE FROM SAID LAST MENTIONED POINT, CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE NORTH 7° 34' 58" WEST, 245.02 FEET (RECORD EQUALS NORTH 7° 03' 00" WEST, 245.00 FEET), TO THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL 2 IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED MAY 14, 1962 AS FILE NO. 82067 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY'S OF SAID DEED NORTH 82° 25' 16" EAST, 49.98 FEET (RECORD EQUALS NORTH 82° 57' 00" EAST, 50.00 FEET); THENCE NORTH 51° 42' 08" EAST, 33.20 FEET (RECORD EQUALS NORTH 52° 11' 49" EAST, 33.17 FEET) TO THE NORTHERLY LINE OF SAID LOT 1; THENCE ALONG SAID LOT LINE SOUTH 89° 19' 24" EAST (RECORD EQUALS SOUTH 89° 28' EAST), 318.38 FEET TO THE POINT OF BEGINNING.

PARCEL B:

AN EASEMENT FOR SEWER PIPE LINE AND INCIDENTAL PURPOSES OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 15 FEET IN WIDTH, BEING THE WESTERLY 15 FEET OF PARCELS B AND C AND EXTENDING IN A STRAIGHT LINE NORTHERLY TO THE NORTH LINE OF PARCEL A, ALL AS DESCRIBED IN CERTIFICATE OF COMPLIANCE, RECORDED APRIL 28, 2003 AS FILE NO. 2003-0487729 OF OFFICIAL RECORDS.

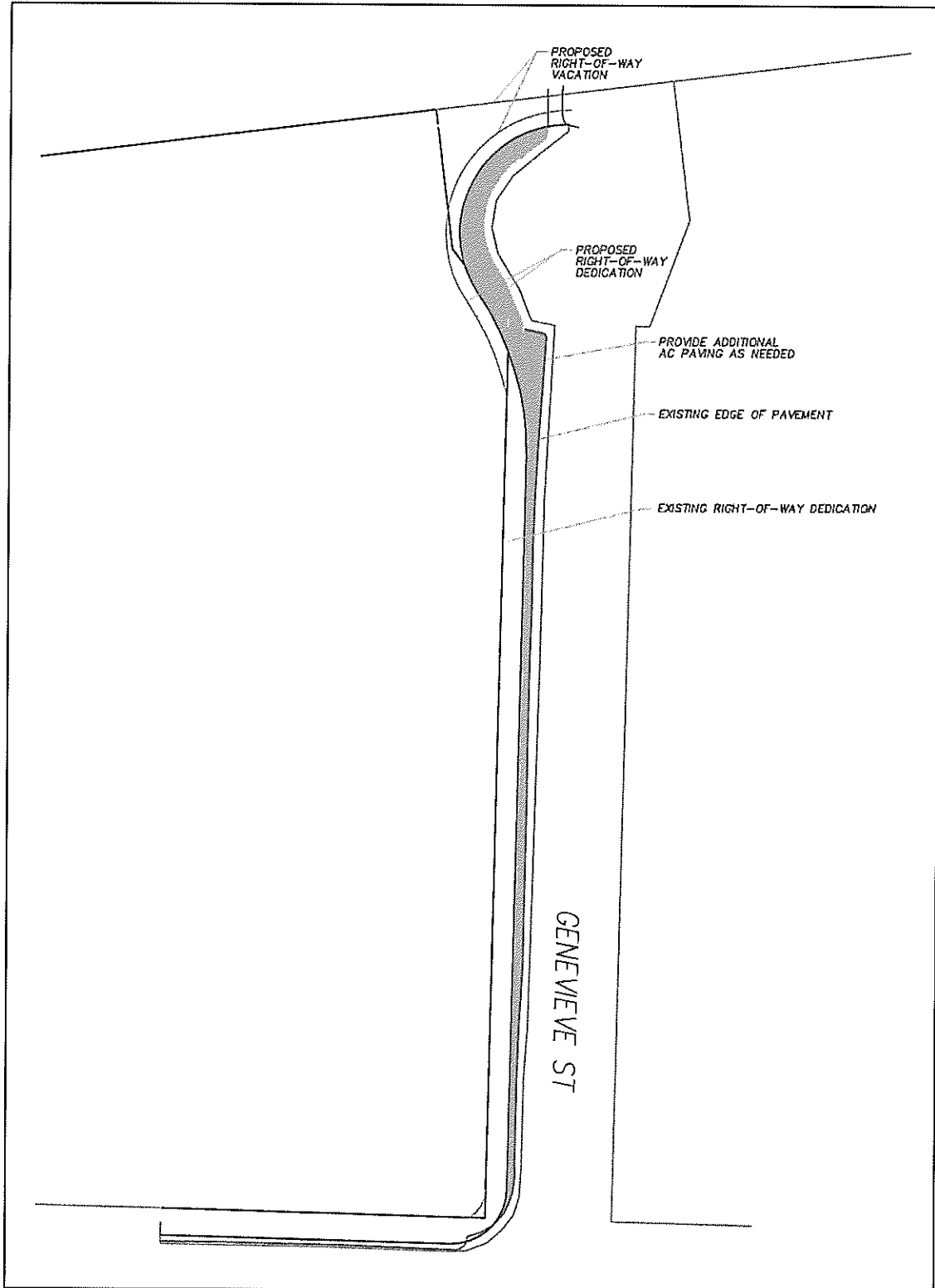
EXCEPTING THEREFROM THAT PORTION LYING WITHIN PARCEL 1 ABOVE.

APN: 298-390-51

APPENDIX B Genevieve Street ROW Improvements

Source: Pasco, Laret, Suiter and Associates, 2014

No Scale



APPENDIX C Landscape Plant Palette

Plant Type	Botanical Name	Common Name
<i>Trees – All Site Areas</i>		
	Pinus Torreyana	Torrey Pine
	Platanus Racemosa	California Sycamore
	Quercus Agrifolia	Coast Live Oak
	Quercus Tomentella	Island Oak
	Arbutus 'Marina'	Marina Madrone
	Cercis Occidentalis	Western Redbud
	Phoenix Roebelenii	Pigmy Date Palm
	Eriobotrya Deflexa	Bronze Loquat
	Lyonothamnus Floribundus	Catalina Ironwood
	Magnolia Grandiflora 'Little Gem'	Southern Magnolia
	Magnolia Grandiflora 'Majestic Beauty'	Southern Magnolia
	Fruit / Citrus Trees	various
<i>Bioswales and Retention Basins</i>		
	Carex Divulsa	Berkeley Sedge
	Chondropetalum Tectorum	Small Cape Rush
	Juncus Patens	California Gray Rush
<i>Entry Way and North Garden</i>		
<i>Shrubs</i>	Callistemon Viminalis 'Little John'	Dwarf Bottlebrush
	Festuca Ovina 'Glaucia'	Blue Fescue
	Hemerocallis Hybrids	Daylily
	Heuchera Maxima	Island Alum Root
	Nandina D. 'Gulf Stream'	Heavenly Bamboo
	Nephrolepis Cordifolia	Sword Fern
	Phormium 'Maori Maiden'	New Zealand Flax
	Rhus Integrifolia	Lemonade Berry
	Rosa 'Blueberry Hill'	Rose
	Rosa 'Dream Weaver'	Rose
	Rosa 'Eureka'	Rose
	Rosa 'June Laver'	Rose
	Rosa 'Playtime'	Rose
<i>Groundcovers</i>	Trachelospermum Jasminoides	Star Jasmine
	Rosmarinus O. 'Huntington Blue'	Rosemary
<i>Vines</i>	Bougainvillea 'San Diego Red'	Bougainvillea
	Vitis California 'Rogers Red'	California Wild Grape

Landscape Plant Palette (continued)

Plant Type	Botanical Name	Common Name
<i>Open Space and Slope Areas</i>		
<i>Shrubs</i>	Calliandra Californica	Baja Fairy Duster
	Carex Tumulicola	Berkeley Sedge
	Ceanothus 'Dark Star'	California Lilac
	Ceanothus 'Joyce Coulter'	California Lilac
	Coreopsis Gigantea	Coreopsis
	Galvezia Speciosa	Island Bush Snapdragon
	Muhlenbergia Dubia	Pine Muhly
	Muhlenbergia Rigens	Deergrass
	Penstemon Centranthifolius	Scarlet Bugle
	Penstemon Heterophylla	Margarita Bop
	Ribes Viburnifolium	Catalina Current
	Arctostaphylos Densiflora 'Harmony'	Harmony Manzanita
	Heteromeles Arbutifolia	Toyon
	Rhamnus Californica 'Eve Case'	Coffeeberry
	Rhus Integrifolia	Lemonade Berry
<i>Groundcovers</i>	Arctostaphylos Pacific Mist'	Manzanita
	Bacchais Pilularis 'Pigeon Point'	Dwarf Coyote Bush
<i>Memory Garden and East Garden</i>		
<i>Shrubs</i>	Agapanthus 'Getty White'	Getty White Agapanthus
	Camellia Sasanqua 'Mine-No-Yuki'	Camellia
	Camellia Japonica 'Alba Plena'	Camellia
	Carex Pansa	California Meadow Sedge
	Clivia Miniata Var Citrina 'Snowball'	Clivia
	Gardenia Augusta 'Klein's Hardy'	Gardenia
	Hemerocallis Hybrids	Daylily
	Lavendula Stoechas	Spanish Lavender
	Pittosporum Tenuifolium 'Marjorie Channon'	Variegated Kohuhu
	Rosa 'Iceberg'	Rose
<i>Groundcovers</i>	Lantana Montevicensis 'White Lightning'	Trailing Lantana
	Rosa X 'Noaschnee'	White Carpet Rose

RESOLUTION 2019-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AUTHORIZING WRITTEN ARGUMENT(S), SETTING PRIORITIES FOR FILING (A) WRITTEN ARGUMENT(S), AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS REGARDING A CITIZEN INITIATIVE, PROPOSED ORDINANCE 499.

WHEREAS, Resolution 2019-013 authorized a Special All-Mail Municipal Election to be held in the City of Solana Beach, California, May 7, 2019, at which there will be submitted to the voters a Measure, Ordinance 499; and

WHEREAS, the following question will be submitted to the voters at the election:

Shall the proposed ordinance adding a Specific Plan Overlay and amending Solana Beach Municipal Code (SBMC) to allow a state-licensed residential care facility of up to 99 beds for those in need of assisted living in the ER-2 (Estate Residential-2) Zone at 959 Genevieve Street be adopted?	YES
	NO

WHEREAS, for measures placed on the ballot by petition, California Elections Code Section 9282(a) authorizes the persons filing the petition to submit an argument in favor of the ordinance and the legislative body to submit an argument against the ordinance; and

WHEREAS, California Elections Code Section 9287 provides guidance to the elections official regarding the selection of arguments when more than one argument *for* or more than one argument *against* is submitted within the time prescribed, with priority given to 1) the legislative body or members authorized by that body, 2) Bona fide sponsors or proponents of the measure, whether individual voters or groups 3) Bona fide associations of citizens, and 4) Individual voters who are eligible to vote on the measure; and

WHEREAS, California Elections Code Section 9280 authorizes the City Council to direct the City Attorney to prepare an impartial analysis of the measure, showing the effect of the measure on the existing law and the operation of the measure, qualifying for a placement on the ballot.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve, declare, determine and order as follows:

SECTION 1. That the foregoing recitations are true and correct.

SECTION 2. That Ballot arguments shall be accepted for and against this measure in the manner required by law. The City Council authorizes any and all

members of the City Council to file a written argument against the measure, authorizes the proponents to file an argument in favor of the measure, and hereby acknowledges its authority, and the authority of any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, to submit a written argument, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the authors submitting it, in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code.

The arguments shall be filed with the City Clerk, and shall include original signatures, the printed name(s) and signature(s) of the authors submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The argument shall be accompanied by the Form of Statement to Be Filed by Author(s) of Argument as supplied by the City Clerk.

The arguments may be changed or withdrawn until and including the deadline date fixed by the City Clerk, Friday, February 15, 2019 by 5:00 p.m., in accordance with California Elections Code section 9286(b), after which no arguments for or against the measure may be submitted to the City Clerk.

SECTION 3. That the City Clerk is directed to transmit a copy of the proposed ordinance to the City Attorney. The City Attorney is directed to prepare an impartial analysis of the proposed ordinance, not exceeding 500 words, showing the effect of the measure on the existing law and the operation of the measure, pursuant to California Elections Code Section 9280. If the measure affects the organization or the salaries of the office of the City Attorney, then the City Clerk shall prepare the impartial analysis. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED, this 30th day of January 30, 2019, at a special meeting of the City Council of the city of Solana Beach, California 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

RESOLUTION 2019-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITIZEN INITIATIVE, PROPOSED ORDINANCE 499.

WHEREAS, Section 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of Rebuttal Arguments for city measures submitted at Municipal Elections.

NOW THEREFORE, the City Council of the City of Solana Beach, California, does resolve, declare, determine and order as follows:

SECTION 1. That the above recitations are true and correct.

SECTION 2. That pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of any argument against, and copies of the argument against to the authors of any argument in favor. The author or a majority of the authors of an argument may prepare and submit rebuttal arguments not exceeding 250 words or may authorize, in writing, any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five individuals.

SECTION 3. The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signatures(s) of the author(s) submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments, Monday, February 25, 2019. The rebuttal arguments shall be accompanied by the Form of Statement to Be Filed by Author(s) of Argument as supplied by the City Clerk.

SECTION 4. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 5. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 6. That the provisions mentioned above shall apply only to the election to be held on Tuesday, May 7, 2019, and shall then be repealed.

PASSED AND ADOPTED this 30th day of January, 2019, at a special meeting of the City Council of the City of Solana Beach, California 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