

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036



Filed: April 25, 1997  
49th Day: June 13, 1997  
180th Day: October 22, 1997  
Staff: DL-SD  
Staff Report: June 18, 1997  
Hearing Date: July 8-10, 1997

REGULAR CALENDAR  
STAFF REPORT: AND PRELIMINARY RECOMMENDATION

Th10e

Application No.: 6-97-53

Applicant: Western Pacific Housing  
(LAMCO Housing Inc.)

Agent: Kevin Canning

Description: Construction of a planned unit development consisting of 87 detached condominium units ranging from approximately 1,200 sq.ft. to 1,719 sq.ft. per unit, and subdivision of the site into 18 residential lots, 6 street lots, and 12 landscaping or community recreation lots. Six units will be very low income level units, and nine will be moderate income level units. Demolition of an existing 138,038 sq.ft. computer manufacturing facility on the site, and approximately 54,000 cubic yards of balanced grading and installation of an off-site storm drain in Stevens Avenue West (formerly Jack Drive).

Lot Area	11.54 acres
Building Coverage	2.32 acres (20%)
Pavement Coverage	2.89 acres (25%)
Landscape Coverage	6.33 acres (55%)
Parking Spaces	227
Zoning	Medium High Residential
Plan Designation	Medium High Residential (8-12 du/ac)
Project Density	7.5
Ht abv fin grade	27 feet

Site: 533 Stevens Avenue, Solana Beach, San Diego County. APN 298-111-10, 37

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed residential construction and subdivision with special conditions requiring landscaping designed to screen the development from views from Interstate 5. As conditioned, the project is consistent with the visual resource, biological resource and access provisions of the Coastal Act.

The project was postponed from the June hearing because the public hearing notice was not properly provided to all interested parties and surrounding property owners. After the project was approved by the Solana Beach City Council, local opposition to the General Plan Amendment associated with the project has led to the project being placed on the November ballot. The application has been properly filed with the Commission and the Commission may legally act on the application prior to the election. No Coastal Act concerns have been raised by the project opponents.

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Substantive File Documents: Certified County of San Diego Local Coastal Program; City of Solana Beach General Plan and Zoning Ordinance; A.D. Hinshaw Assoc. "Environmental Impact Report for the Proposed San Simeon Residential Project," November 13, 1996; City of Solana Beach Case No. 17-95-03, 17-95-10.

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#### PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

##### I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

##### II. Standard Conditions.

See attached page.

##### III. Special Conditions.

The permit is subject to the following conditions:

1. Final Landscape Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final landscape plans approved by the City of Solana Beach, to be subsequently implemented, indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. The plan shall indicate all existing trees to

be removed, and emphasis shall be placed on retaining or relocating as many of the existing trees as is feasible. The plan shall be in substantial conformance with the draft landscaping plan, and specifically include the following:

- 1) Additional trees beyond those shown in the preliminary landscape plan along the eastern property line as required by the City of Solana Beach;
- 2) Retention of the approximately 1,600 sq.ft. natively vegetated area in the southwest portion of the site;
- 3) If retention or relocation of a tree is unavoidable, replacement of the trees on the site which are removed as a result of development at a minimum 1 to 1 ratio (removal to replacement);
- 4) A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of each phase of construction;
- 5) A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant material to ensure continued compliance with applicable landscape screening requirements.

2. Final Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final site, floor and elevation plans approved by the City of Solana Beach, to be subsequently implemented. Said plans shall be in substantial conformance with the submitted plans contained in the Environmental Impact Report dated November 13, 1996.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description: The proposed project involves a planned unit development for the construction of 87 two and three-bedroom detached condominium units, and subdivision of the 11.54 acre site into 36 lots (18 residential lots, 6 street lot, and 12 landscaping or community recreation lots). The floor plans of the units would range in size from approximately 1,200 sq.ft. to 1,719 sq.ft. The maximum proposed height of the buildings is 26 feet. Six of the units would be very low income level units, and nine would be moderate income level units. Also included is the demolition of an existing computer manufacturing company (Kaypro) on the site. The site is located on the northwest terminus of Stevens Avenue West (formerly Jack Drive), south of Lomas Santa Fe Drive, less than 1/2 mile west of Interstate 5. Because only preliminary plans for the condominium units have been developed at this time, Special Condition #2 requires the applicant to submit final plans in substantial conformance with the submitted plans.

The existing buildings on the site (approximately 138,038 sq.ft. of building space) are built on individual stepped pads. Approximately 54,000 cubic yards of balanced grading is required to prepare the site for the proposed residential development. Existing vegetation on the site consists mainly of approximately 90 trees which have been planted around the buildings. An isolated triangular area of approximately 1,600 sq.ft. located on a slope in the southwest portion of the site still retains native coastal sage scrub vegetation; no development or grading is proposed in this area.

The project also involves construction of off-site drainage improvements consisting of a new storm drain in Stevens Avenue West extending from Stevens Avenue east to the existing Stevens Creek channel.

2. Visual Resources/Community Character/New Development. Section 30250 of the Coastal Act requires new residential development to be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it, and where it will not have significant individual or cumulative adverse effect on coastal resources.

Section 30251 requires that the scenic and visual qualities of coastal areas be protected, that new development be sited and designed to protect views to and along the ocean and scenic coastal areas, and that development be visually compatible with the character of surrounding areas.

The project site is located at the toe of an east-facing slope and is highly visible from Interstate 5. The proposed project would regrade the site into a series of pads stepping down from the southwest corner of the site to the other three corners of the site. The highest building on the site would be a maximum of 27 feet, and a minimum of 10% of the buildings are required to be one-story high. The exteriors of the buildings would be colored with nine different color schemes consisting of soft earthtones.

The applicant has proposed a preliminary landscaping plan which includes shade, accent and palm trees, evergreen conifers, large and small shrubs, vines, and groundcovers. All trees (except on slopes 3:1 or steeper), would be a minimum of 15-gallon, with 25% of these trees in 24-inch boxes. Street trees would also be planted along Stevens Avenue West. The native vegetation on the southwest portion of the lot will be preserved. In addition to the vegetation contained in the preliminary landscape plan, the City of Solana Beach has required that additional trees be planted along the north and eastern property line to screen the project from the adjacent junior high school to the north, and from views from the east. Special Condition #1 requires the applicant to submit a final landscape plan incorporating the requirements of the City of Solana Beach. If retention or relocation of the existing trees on the site which must be removed as a result of development is infeasible, the trees must be replaced at a minimum of a 1 to 1 ratio. As conditioned, the views of the proposed development from Interstate 5 will be softened and the project will not have an adverse visual impact.

The project site was the subject of a General Plan Amendment and Zoning Ordinance change in the City of Solana Beach to change the designation of the site from Light Industrial to Medium High Residential (8 to 12 dwelling units per acre). The site was designed for Limited Industrial in the previously certified County of San Diego Local Coastal Program. The project site is bounded by single-family residential uses to the west, light industrial uses to the south, and a religious congregation, light industrial, and Stevens Avenue to the east. There is an existing Junior High school to the north of the site. All typical urban services such as water, sewer, and electricity will be provided. New improvements proposed for the project include construction of a new storm drain extending from Stevens Avenue West (Jack Drive) to the existing Stevens Creek channel. The existing surface drainage that now flows across the site and into Stevens Avenue West will be carried in this storm drain. The Environmental Impact Report (EIR) performed for the project determined that the increase in the velocity of discharge into Stevens Creek from the proposed storm drain improvements would increase the depth of flows by .3 feet, from a total depth of less than 5 feet at peak periods. This increase will not adversely impact the channel's flood flow capacity.

The site is located approximately 3/4 miles from the coast and does not directly abut a major coastal access route, and thus would not be a prime location for higher priority uses such as visitor-serving commercial or recreation, or coastal-dependent uses. No adverse impacts to any City services or coastal resources would result from a residential development in this location. Therefore, as conditioned, the proposed project will not adversely impact the scenic quality of the environment, will not have individual or cumulative impacts on coastal resources, and can be found consistent with Sections 30250 and 30251 of the Coastal Act.

2. Resource Protection/Water Quality. Section 30231 of the Coastal Act states that the biological productivity and the quality of coastal waters appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, controlling runoff and minimizing alteration of natural streams.

The project site is currently developed and contains several abandoned buildings previously used for computer manufacturing. There is no sensitive vegetation on the site itself except for a small patch of coastal sage scrub and chaparral which will not be disturbed. As noted above, the proposed project includes construction of storm drain improvements including construction of a new storm drain in Stevens Avenue West connecting to Stevens Creek. Existing runoff from the site currently flows as surface drainage along Stevens Avenue West, then south along Stevens Avenue to an existing 48-inch pipe which discharges into Stevens Creek approximately 500 feet south of Genevieve Street. Stevens Creek in this location consists of a 12-foot wide by 6-foot high rectangular concrete channel. Although Stevens Creek itself is not a pristine, natural creek, polluted runoff entering the channel could harm any vegetation growing in the channel downstream, and will eventually reach coastal waters.

To address potential downstream impacts, the applicant has proposed several best management practices (BMPs) including construction of a permanent detention/desiltation basin on the western edge of the site to intercept silt coming from the slopes off-site to the west of the project. Newly graded slopes will be sandbagged (temporary slopes) or planted (permanent slopes), and grading and construction activities will be phased to minimize exposed areas susceptible to erosion. Brow ditches will be constructed along the western and southwestern boundaries of the site to channel runoff into the proposed storm drain system. The EIR for the project indicates that runoff from the site will actually decrease slightly because there will be a small increase in pervious surfaces on the site compared to the existing development. In addition, under the terms of the National Pollutant Discharge Elimination System (NPDES) process, the applicant is required to develop a storm water pollution prevention plan, which is implemented and enforced by the California Regional Water Quality Control Board. Therefore, as conditioned, the proposed development will not result in adverse impacts to the biological productivity or quality of coastal waters, and the project can be found consistent with Section 30231.

3. Public Access/Recreation. Section 30252 of the Act requires that new development maintain and enhance public access to the coast by such means as providing non-automobile circulation within the development, providing adequate parking facilities, and assuring that the recreational needs of new residents will not overload nearby coastal recreation areas.

The subject site is located approximately 3/4 miles inland and 1,800 feet from Lomas Santa Fe Drive, the nearest major coastal access route. Adequate off-street parking to serve the new units will be provided through the 2-car garages and driveways associated with each residence, and with additional visitor spaces. The project site is not within walking distance of the beach and there are no major public recreational facilities in the area which could be impacted by an "over-flow" of cars from the development. The EIR for the project did find that cumulative traffic impacts would result from the project at the Interstate 5/Lomas Santa Fe Drive intersection, which is on a major coastal access route, and the Stevens Avenue/Academy Drive intersection. The City of Solana Beach has required the applicant to contribute a fair share fee towards the design and construction of future improvements at the I-5 intersection, and towards the future signalization of the Stevens Avenue/Academy Drive intersection to mitigate these impacts. Therefore, the project will not have an adverse impact on public access or recreation, and the Commission finds that the project is consistent with Section 30252 of the Coastal Act.

4. Local Coastal Planning. Section 30604(a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

As noted above, the site was the subject of a General Plan Amendment and Zoning Ordinance change in the City of Solana Beach to change the designation of the site from Light Industrial to Medium High Residential (8 to 12 dwelling units per acre). The proposed

project is consistent with this designation. The site was designed for Limited Industrial in the previously certified County of San Diego Local Coastal Program. As previously discussed, conversion of this project site from light or limited industrial-type uses to multi-family residential uses will not result in any adverse impacts to coastal resources. The site is not located within any of the special overlay designations contained in the certified County LCP. As conditioned, the proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act. Thus, the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

5. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the visual resource, community character, sensitive resource, and public access and recreation policies of the Coastal Act. Mitigation measures, including submittal of a final landscaping plan, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

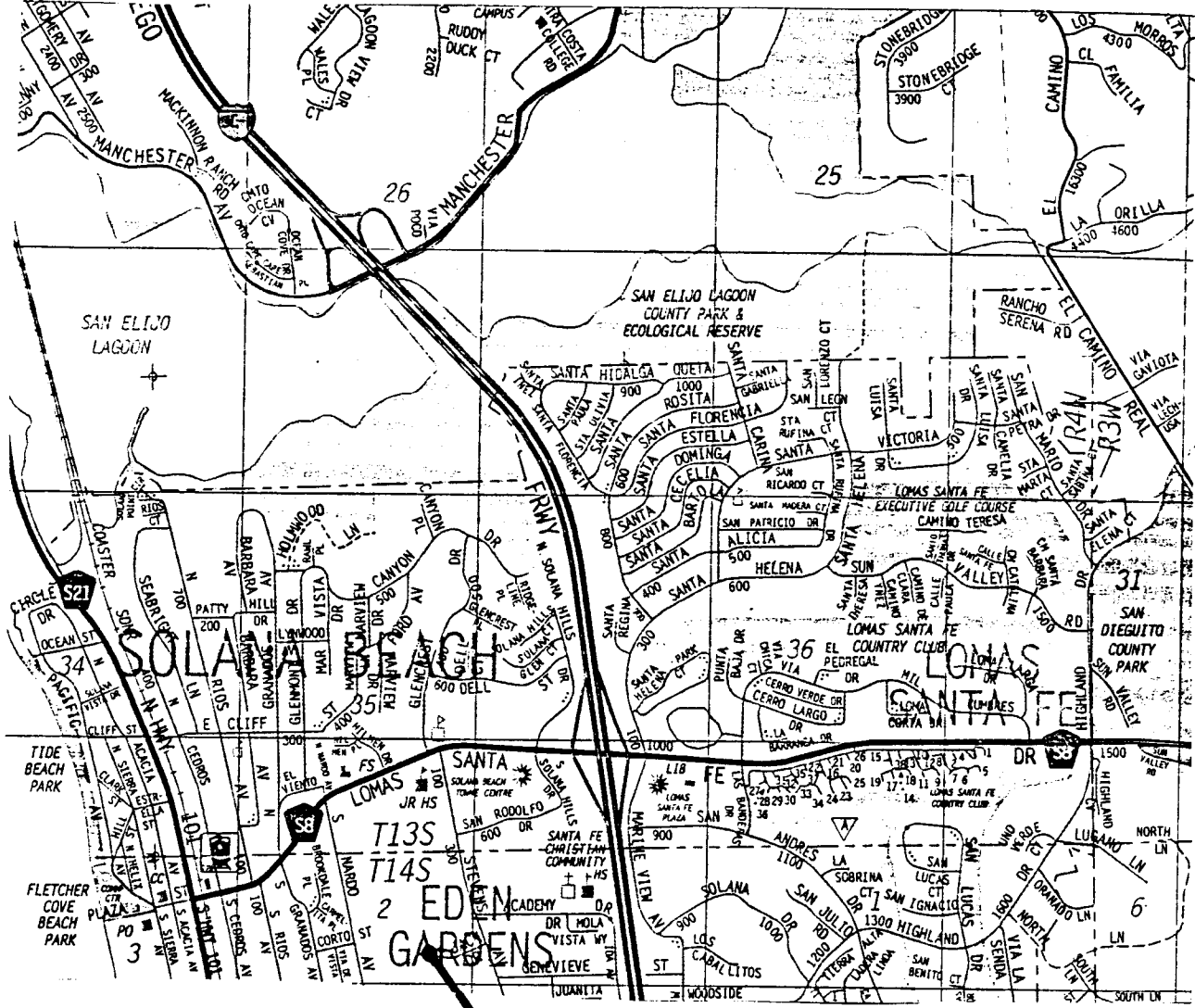
#### STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

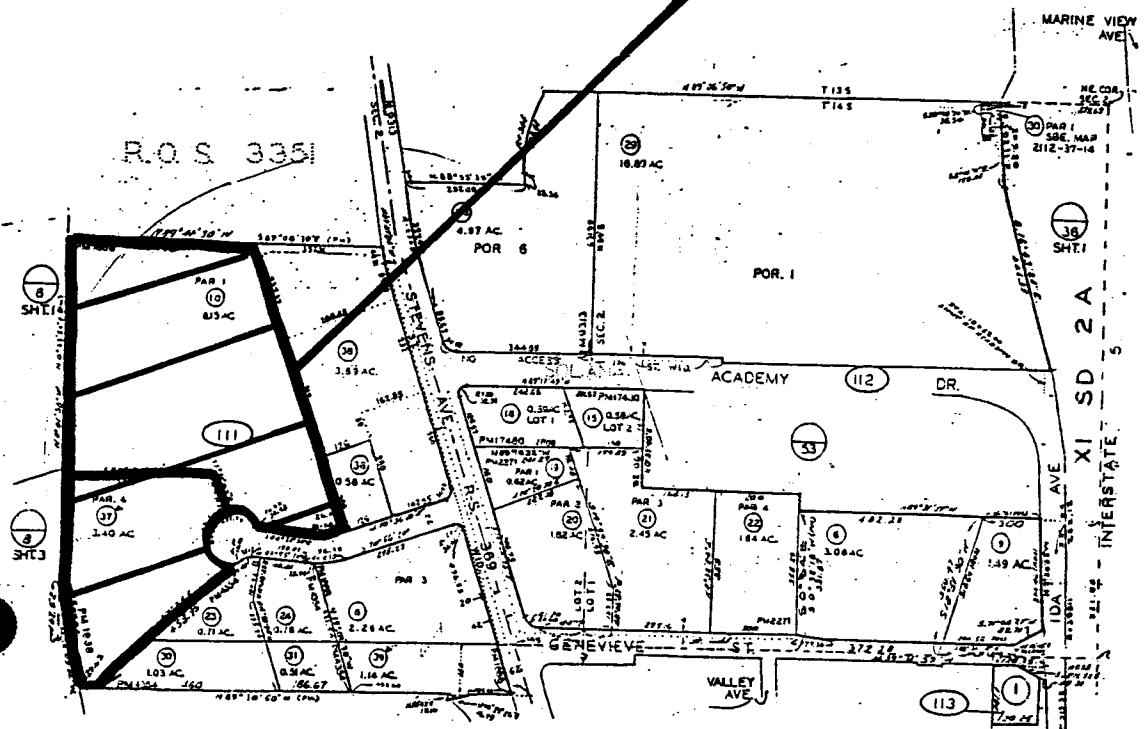
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(7053R)

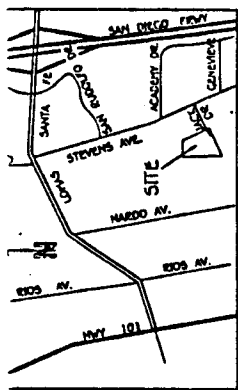




**SITE**



<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO.</b>
<b>6-97-53</b>
<b>Location Maps</b>
California Coastal Commission



VICINITY MAP



MAP NO. 1749

P.M. NO. 11564

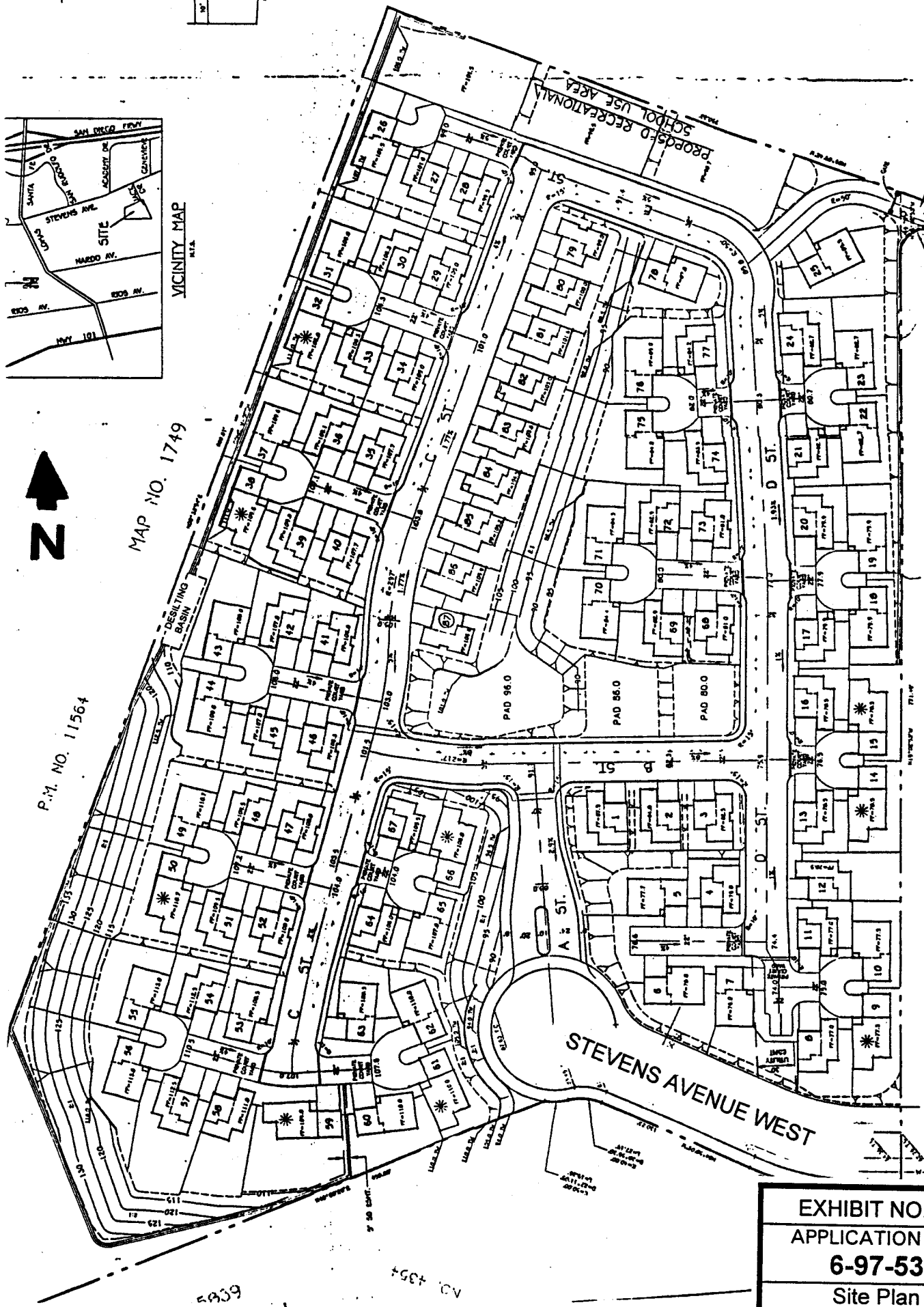


EXHIBIT NO. 2  
APPLICATION NO.  
**6-97-53**  
Site Plan

RECEIVED

JUN 04 1997

FAX TRANSMISSION MEMO

TO: California Coastal Commission

TO FAX NO: +619-521 9672

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DIST

ATTN: Ms. Sherlyn Sarb, Supervisor

REF: PERMIT #6-97-053

FROM: Dr Hugh Chivers

DATE: 6/4/97

PAGES TO FOLLOW: 0

I refer to the item docketed for 6/11/97 in Marin County concerning a Parcel Map for 11+ acres on Stevens Avenue West (Jack Drive?) in Solana Beach (permit #6-97-053). I believe that this item should be taken off the agenda because it is not an proper item for the Commission to consider at this time. The reasons are as follows:

1. The General Plan Amendment for this site is the subject of a certified referendum and thus any action is in abeyance until the referendum is complete. An application cannot even be made to the Commission until the City General Plan Amendment is finally approved.

2. It appears that notice to interested parties is inadequate. Only some of the neighbors have been informed officially and other involved parties such as myself have not been noticed in accordance with your application rules.

I would appreciate being informed of the action taken.

Yours sincerely

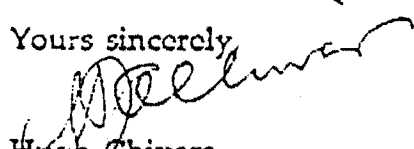
  
Hugh Chivers.

EXHIBIT NO. 3

APPLICATION NO.

6-97-53

Letters of Opposition

California Coastal Commission

301 South Granados Avenue, Solana Beach, California 92075-2012 U.S.A.  
Telephone: (619) 755-4556 Fax: (619) 755-7872 E-mail: chivljs@ucsd.edu

DATE: 6/3/97

P41 of 9

TO: SHERILYN SARB, SUPERVISOR  
FOR PERMITS AND ENFORCEMENT

ATTN: DEBRA LEE

CALIFORNIA COASTAL COMMISSION, SD FAX (619) 521 9672

FROM: NORMA RUHM, <sup>ET ALS,</sup> PROPONENTS OF CERTIFIED FAX (619) 755 0200  
REFERENDUM AGAINST RESOLUTION 97-24 PHONE (619) 755 0486  
OF THE CITY COUNCIL OF SOLANA BEACH, CA.

RE: PERMIT # 6-97-053

DOH: JUNE 11, 1997  
PLACE MARIN COUNTY COUNTY CIVIC  
CENTER

THANK YOU FOR SPEAKING WITH ME THIS DATE (A.M).  
THE PURPOSE OF THIS LETTER (PER FAX) AND ACCOMPANY-  
ING DOCUMENTATION, IS TO PROVIDE FORMAL NOTICE TO YOU  
THAT THE ABOVE <sup>REFERENCED</sup> ~~REFERENCED~~ HEARING (ACTION) BY THE  
CALIFORNIA COASTAL COMMISSION SCHEDULED FOR  
JUNE 11, 1997 IS WITHOUT AUTHORITY UNDER THE  
COMMISSION'S REQUIREMENTS FOR REVIEW, FOR  
THE FOLLOWING REASON:

THE PROPOSED PROJECT IS THE SUBJECT OF A  
CERTIFIED REFERENDUM PETITION (5/20/97)  
AND THEREFORE THE APPLICANT HAS NOT OBTAINED  
LOCAL AGENCY APPROVAL AS IT IS REQUIRED TO  
DO PRIOR TO REVIEW BEFORE YOUR COMMISSION.

712 Sonrisa St.  
S.B. 92075

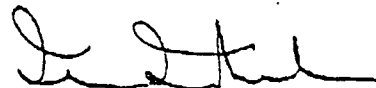
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JUN 6 2 1997

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

ACCORDING TO THE APPLICATION FORM, (TO YOUR COMMISSION)  
PAGE 1, THE APPLICATION WAS RECEIVED  
4/25/97; THE REFERENDUM PETITION WAS  
LODGED WITH THE CITY ON 4/22/97, (SEE ATTACHMENT 1)  
VALIDATED BY THE COUNTY REGISTRAR  
OF VOTERS (SEE ATTACHMENT 2) AND  
CERTIFIED FOR BALLOT BY THE CITY COUNCIL  
ON MAY 20, 1997. RESOLUTION # 97-24  
IS A PRIOR REQUISITE TO ANY OTHER LOCAL  
AGENCY APPROVAL AND IT IS WITHOUT EFFECT  
UNDER THE REFERENDUM (SEE PAGE 5,  
# 4 OF REFERENDUM AGAINST RESOLUTION  
(ATTACHED)).

ON THE BASIS OF THE INFORMATION  
PROVIDED, THE PROPONENTS OF THE  
REFERENDUM REQUEST THAT THE  
HEARING ON THIS APPLICATION BE  
CANCELLED, IMMEDIATELY, AT THIS  
TIME.



I, DEBORAH A. HARRINGTON, CITY CLERK OF THE CITY OF SOLANA BEACH, CALIFORNIA, DO HEREBY CERTIFY THAT THE FOLLOWING REFERENDUM PETITION AGAINST RESOLUTION NO. 97-25 WAS LODGED WITH THIS OFFICE ON APRIL 22, 1997. AND WILL BE REVIEWED FOR STATUTORY REQUIREMENTS BEFORE FILING.

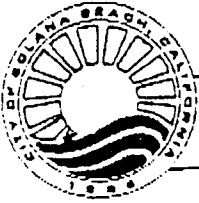
THE PETITION CONSISTS OF APPROXIMATELY 40 SECTIONS.

DATED: APRIL 22, 1997

*Deborah Harrington*  
DEBORAH A. HARRINGTON  
CITY CLERK

*Proposed*

- Frank White* ① FRANK WHITE, CHAIR SOS  
*Celine Olson* ② CELINE OLSON  
③ Norma ROTH (12) BOB ANGELO<sup>P</sup>  
④ CAREY COLBERT (13) BILL MCME  
⑤ THUGT CHIVERS (14) KNOY KA  
⑥ ELLEN STEPHENSON  
⑦ DEAN PASCO  
⑧ GERRI RETMAN  
⑨ JOE OLSON  
⑩ BEN DANDRELL  
⑪ NANCY KING

**CITY OF SOLANA BEACH**

635 SOUTH HIGHWAY 101 • SOLANA BEACH, CALIFORNIA 92075-2215 • (619) 755-2998

May 5, 1997

Proponents of Referendum Petition  
Of Resolution No. 97-24  
Norma Ruhm, Celine Olson  
Joe Olson, Ellen Stephenson  
C/O 712 Sonrisa  
Solana Beach, CA 92075

Re: Signature Verification

Dear Proponents:

The Referendum Petition signature verification has been completed and 910 valid signatures were found. The certification of the petition will be placed on the City Council Agenda of May 20, 1997. At that time the City Council will be presented with the options of repealing the Resolution or calling an election.

Should you have any questions regarding the certification of the petition, please contact this office.

Sincerely,

Deborah A. Harrington  
City Clerk

Cc: City Council

ATTACHMENT 3 A

REFERENDUM AGAINST A RESOLUTION PASSED BY THE CITY COUNCIL  
(Resolution No. 97-24)

We, the undersigned, registered voters of Solana Beach, County of San Diego, hereby protest the adoption by the Solana Beach City Council of Resolution No. 97-24 on March 25, 1997, and pursuant to §§9237 and 9241 of the California Elections Code request the City Council of the City of Solana Beach to reconsider and entirely repeal said Resolution, or, alternatively, to submit the Resolution to a vote by the registered voters of Solana Beach.

If the City Council chooses to submit the Resolution to a vote of the citizens of Solana Beach, the Council, pursuant to California Elections Code §9241, must set the vote for the next regularly scheduled election or, alternatively, may call a special election.

The text of the Resolution appears below.

Following the signature pages in this petition, and for informational purposes, a site location map for the property in question is attached as Exhibit "A". Property Descriptions and the corresponding Parcel Map #1888 for Assessor Parcel No.'s 298-111-10 and -37 are attached as Exhibit "B". A copy of a portion of a tentative map for the project submitted March 17, 1997, is attached hereto as Exhibit "C". A non-precise Solana Beach General Plan Land Use Map, as it appears in the Final Environment Impact Report dated November 13, 1996, is attached as Exhibit "D". A copy of Resolution No. 96-102 certifying the (Final) Environmental Impact Report (EIR) for the 11.54 acre, Maximum 87- unit, General Plan Amendment, Rezone and Associated Permits for the LAMCO Housing Residential Project is attached as Exhibit "E".

**RESOLUTION NO. 97-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, AMENDING THE LAND USE ELEMENT OF THE SOLANA BEACH GENERAL PLAN BY CHANGING THE LAND USE PLAN DESIGNATION FOR CERTAIN PROPERTY LOCATED AT THE WESTERN END OF STEVENS AVENUE WEST (FORMERLY CALLED JACK DRIVE) FROM LIGHT INDUSTRIAL TO MEDIUM HIGH RESIDENTIAL**

**APPLICANT: LAMCO HOUSING, INC. (RICH WELTER)**  
**CASE NO.: 17-95-10**



REFERENDUM AGAINST A RESOLUTION PASSED BY THE CITY COUNCIL  
(Resolution No. 97-24 )

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WHEREAS, the above referenced applicant has submitted an application pursuant to Chapter 17.78 Solana Beach Municipal Code to amend the General Plan Land Use designation applicable to the property owned by the applicant; and

WHEREAS, the application has been duly processed according to applicable law; and

WHEREAS, on August 6, 1996; September 3, 1996; November 12, 1996; December 3, 1996; and on January 21 and February 18, 1997; the City Council held duly noticed public hearings to consider the above referenced application; and

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

WHEREAS, the City Council has considered and, on November 12, 1996, by separate resolution, certified the Final Environmental Impact Report and supporting documents for the application; and

WHEREAS, the City Council has found and determined that:

- I. The Final EIR for the application has been completed in compliance with CEQA. A Draft EIR was prepared and circulated for comments, pursuant to the process outlined in CEQA. The Draft EIR and Final EIR contained the required contents as described in CEQA.
- II. The Final EIR was distributed to Council prior to the public hearings permitting the Council time to review the contents, and the Final EIR was discussed and considered by the Council during the public hearings on the EIR and the project.
- III. Changes or alterations have been required and incorporated, or will be required and incorporated as a condition of development approvals, into the project which will, or substantially, lessen the potentially significant environmental effects as identified in the

**REFERENDUM AGAINST A RESOLUTION PASSED BY THE CITY COUNCIL  
(Resolution No. 97-24 )**

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Final EIR. The mitigation measures have been, or will be,  
incorporated into the conditions of approval for the project.

WHEREAS, this decision is based upon the application, evidence presented at the hearings, written correspondence and petitions submitted to the City Council, the Final EIR, visits to the site and other legislative facts;

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

1. The foregoing recitations are true and correct.
2. The Land Use Plan of the Land Use Element of the Solana Beach General Plan is amended as follows:
  - A. The land use designation for that certain property described in the application submitted for Planning Department Case No. 17-95-10 (APN 298-111-10 and 37 ) is hereby changed from Light Industrial (LI) to Medium High Residential (MHR) subject to the following provisions:
    - I. A Planned Development Use Permit and tentative subdivision map implementing this general plan designation have been submitted, processed and considered by the City Council concurrently herewith.
    - II. The mitigation measures identified in the Final EIR, and its certifying resolution, shall be incorporated as conditions of approval of the Planned Development Use Permit, CC&R's, Tentative Subdivision Map, and Building Permits as appropriate as shall the following requirements.
      - a. The impacts on public schools serving residents of development of the subject property shall be fully mitigated by the owner and/or developer to the satisfaction of the Solana Beach School District and the San Dieguito Union High School District, as well as the City Council. Prior to approval of any final subdivision map for development of the subject property, the owner and/or developer shall submit proof of execution of school impact mitigation

**REFERENDUM AGAINST A RESOLUTION PASSED BY THE CITY COUNCIL  
(Resolution No. 97-24 )**

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agreements, or other arrangements acceptable to the school districts.

b. CC&R's for the project shall be submitted for approval by the City Attorney prior to the recordation of any final subdivision map of the property and shall contain provisions relating to the following:

- (1) Usage and ownership issues associated with recreational facilities on the project's northern boundary shall be coordinated with the adjacent School District.
- (2) The project shall not exceed a maximum of 87 units.
- (3) Minimum ten percent of the units to be one story.
- (4) Minimum six percent of the units to be available to very low income households per State Redevelopment law.
- (5) Minimum nine percent of the units to be available to low or moderate income households per State Redevelopment law.
- (6) The on-site southern recreational area shall include a tot lot, spa and pool in substantial conformance as proposed by the applicant.
- (7) Enhanced decorative street paving at project entrance and within each of fifteen vehicular access private court yards.
- (8) Perimeter landscaping to be detailed in landscape plans required prior to any building or final map recordation.

**REFERENDUM AGAINST A RESOLUTION PASSED BY THE CITY COUNCIL  
(Resolution No. 97-24 )**

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- (9) Non-gated project entrance with non-publicly maintained private streets.

3. If a final map for all property subject to this resolution is not recorded within 24 months from the effective date of the zone change authorized hereby, then the land use and zoning designation for the property shall automatically revert from medium-high density residential to light-industrial. The City Council may extend this provision in the same manner as provided for the adoption or amendment of zoning ordinances.

4. This resolution shall be effective upon adoption subject only to the possibility of referendum within 30 days following adoption.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California, on the 25th day of March, 1997 by the following vote:

**AYES:** Councilmembers - Dodson, Kellejian, Renteria, Tompkins

**NOES:** Councilmembers - Campbell

**ABSTAIN:** Councilmembers - None

**ABSENT:** Councilmembers - None

**THOMAS M. CAMPBELL, Mayor**

**ATTEST:**  
**DEBORAH A. HARRINGTON, City Clerk**

**APPROVED AS TO FORM:**  
**DANIEL S. HENTSCHKE, City Attorney**