

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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October 1, 2025

Joseph Lim
Community Development Director
City of Solana Beach
Via: jlim@cosb.org
635 S. Highway 101
Solana Beach, CA 92075

Dear Joseph Lim:

RE: Solana Beach – 60 East 31st Avenue – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received a request from the applicant of the proposed Residential Care Facility for the Elderly (RCFE) at 959 Genevieve Street ("Project") seeking to utilize the State Density Bonus Law (SDBL). Specifically, the applicant is requesting assistance regarding the calculation of base density and the use of waivers to allow for the proposed density including bonus units.

Background

The Project, located at 60 East 31st Avenue, will be developed as an RCFE, as defined in Health and Safety Code section 1569.2, subdivision (p)(1), for persons 60 years of age or older or for people under age 60 with compatible needs, and state-licensed as a RCFE by the Department of Social Services, Community Care Licensing Division, per the requirements of Chapter 8, Division 6 of Title 22 of the California Code of Regulations. The Project has a calculated base density of 80 beds and is seeking to apply a 20-percent density bonus¹ to achieve 96 total beds. The 96 beds will be distributed in 85 rooms and will be a mix of assisted living and memory care beds.

The Solana Beach Municipal Code (SBMC) does not establish a dwelling-units-per-acre or beds-per-acre density standard for RCFEs located in the ER-2 Zone and instead relies on a Conditional Use Permit (CUP) process to evaluate the number of beds that may be allowed on a particular site. However, because the Project is enabled by the SDBL, the base density calculation is being made pursuant to the SDBL. A base density

¹ The Project qualifies for a 20-percent bonus under Government Code section 65915, subdivision (f)(3)(A), which provides density bonus allocations for projects meeting the definition of a Senior Citizen Housing Development as defined in Sections 51.3 and 51.12 of the Civil Code.

study was prepared by the applicant to show that an RCFE with 80 beds could be built on the site and meet all objective standards. The base density study was conducted in accordance with Government Code section 65915, subdivision (o)(6), which provides a pathway to calculate base density for sites that do not have a dwelling-units-per-acre density standard. The base density study calculated the site's current capacity based on existing objective development standards, including floor area ratio (FAR), lot coverage, building height, setbacks, and parking minimums.

The Project also seeks development standard waivers to allow for the physically larger building needed to accommodate the proposed 96-bed development. These waivers include modifications to maximum allowable height and FAR calculated based on bed area. The Project will request waivers to increase the maximum height from 25 feet to 31 feet and the total floor area from 23,531 square feet to 69,778 square feet.²

Question: Can waivers be applied to development standards used in the base density study?

Yes, waivers may be applied to development standards that were used to calculate the base density in accordance with Government Code section 65915, subdivision (o)(6). Waivers may be applied to any development standard that would “have the effect of physically precluding the construction of a development” that meets the requirements of the statute,³ and there is no carve-out in the definition of “development standard” in Government Code section 65915, subdivision (o)(2) for standards used to calculate base density under subdivision (o)(6). In fact, the standards used in calculating base density are often precisely the same standards for which waivers are typically used. Therefore, even though height and FAR limits were used as objective measures in the base density study, they still may be modified by waivers.

The requested waiver is also not required to be proportional to the number of bonus units⁴ granted. For example, the allowable FAR may be increased by more than 20 percent for a project that is applying a 20-percent density bonus. Again, “development standard” is defined broadly, with no numeric limit on the amount or size of the waiver. The City may only deny the waiver request if it finds that the waiver creates an unmitigable specific, adverse impact upon health or safety as defined by Government Code section 65589.5, subdivision (d)(2), would have an adverse impact on a property listed in the California Register of Historical Resources, or is contrary to state or federal law.⁵

² SBMC FAR on ER-2 is calculated as follows: 0.60 for the first 5,000 square feet, 0.30 for the next 15,000 square feet, and 0.15 for square footage above 20,000. For this site, that equates to 23,531 square feet.

³ Gov. Code, § 65915, subd. (e)(1).

⁴ In this instance, beds rather than units.

⁵ Gov. Code, § 65915, subd. (e)(1).

Conclusion

The Project is eligible to apply waivers to modify standards that were used to calculate the base density. The waiver request does not need to be proportional to the granted density bonus and may only be denied by making the findings contained in Government Code section 65915, subdivision (e)(1). HCD is committed to providing housing opportunities for senior citizens and other special needs populations and encourages the City to work towards approval of the Project at the proposed density.

If you have any questions regarding the content of this letter or would like additional technical assistance, please contact Bentley Regehr at bentley.regehr@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Zisser', with a long horizontal flourish extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability