

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

# MINUTES

JOINT **REGULAR** MEETING  
Wednesday, January 28, 2015  
06:00 P.M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California  
Minutes contain a summary of the discussions and actions taken by the City Council during a meeting. City Council meetings are video recorded and archived as a permanent record. The video recordings capture the complete proceedings of the meeting and are available for viewing on the City's website.

**CALL TO ORDER AND ROLL CALL:**

Mayor Heebner called the meeting to order at 6:04 p.m.

**Present:** Heebner, Zito, Zahn, Nichols, and Marshall.

**Absent:** None.

**Also Present:** David Ott, City Manager  
Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Wende Protzman, Community Development Dir.  
Mo Sammak, City Engineer/Public Works Dir.  
Marie Berkuti, Finance Manager  
Dan King, Sr. Management Analyst

**CLOSED SESSION REPORT: (when applicable)**

No reportable action.

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**MOTION:** Moved by Zito and seconded by Zahn. **Motion carried unanimously.**

**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.

Roberta Waterman and Valerie Thatcher Assistance League Grant

**COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

**A. CONSENT CALENDAR: (Action Items) (A.1. - A.3.)**

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

**A.1. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held April 9, September 17, October 15, November 19, December 10, and December 17, 2014.

**MOTION:** Moved by Zito and seconded by Nichols. **Motion carried unanimously.**

**A.2. Register Of Demands. (File 0300-30)**

Recommendation: That the City Council

1. Ratify the list of demands for January 3, 2015 through January 16, 2015.

**MOTION:** Moved by Zito and seconded by Nichols. **Motion carried unanimously.**

**A.3. General Fund Adopted Budget for Fiscal Year 2014-15 Changes. (File 0330-30)**

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2014-2015 General Fund Adopted Budget.

**MOTION:** Moved by Zito and seconded by Nichols. **Motion carried unanimously.**

**NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)**

**B. PUBLIC HEARINGS: (B.1. - B.2.)**

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

**B.1. 147 S. Rios Development Review Permit (DRP) and Structural Development Permit (SDP), Applicant: Jackson, Case No. 17-12-14 (File 0600-40)**

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, Close the Public Hearing;
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2015-012 conditionally approving a DRP and an administrative SDP for a new accessory structure and addition to a two family dwelling unit located at 147 S. Rios Avenue.

David Ott, City Manager, introduced the item.

Christina Rios, Assistant Planner, presented a powerpoint (on file).

Mayor Heebner opened the public hearing.

Applicant

Robert Jackson, applicant, stated that he had owned the property for sometime, that he and his wife have a history in the real estate profession, that this property was their primary residence, there were challenges in the coastal community with parking, that they would like to find a way to post the parking signage more permanently stating *no parking during certain business hours* since it had been removed several times, that they wanted to build a four car garage for parking since it was an issue utilizing a carport alternative, had updated the electrical not requiring a secondary meter, adding a sewer pump station, and that they were trying to bring the home up to current or future standards, and asked that they approve the project.

Council, Staff, and the Application discussed the parking signage that would repeatedly disappear, he had witnessed parking by people working in the area, that Staff worked with local business owners and specifically with a larger employer in the area to manage the parking of this employees. Discussion continued about the other corner, near the Wedbush building, also requiring some communications regarding business parking in the neighborhood.

Council Disclosures

All Councilmembers stated that they were familiar with the property but had not spoken with the applicant.

**MOTION:** Moved by Zito and seconded by Nichols to close the public hearing. **Motion carried unanimously.**

**MOTION:** Moved by Zito and seconded by Zahn. **Motion carried unanimously.**

**B.2. 636 Valley Ave Development Review Permit (DRP), Structure Development Permit (SDP) and Minor Subdivision (SUB), Applicant: 636 Valley Avenue, LLC, Case No. 17-14-14 (File 0600-40)**

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines.

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2015-010 conditionally approving a DRP, SUB and SDP for the project for a Mixed Use Development containing one structure with retail/office and a residential unit and two individual detached dwelling units on the property at 636 Valley Avenue, Solana Beach.

David Ott, City Manager, introduced the item.

Corey Johnson, Assistant Planner, presented a PowerPoint (on file) reviewing the proposed project.

Mayor Heebner opened the public hearing.

Council and Staff discussed that the actual height of building A was 27 ft 6 inches, that the other 2 buildings were approximately 25 feet, that the front building would appear taller from the street than the two in the back, and discussed the set back of the property.

Council Disclosures: Mayor Heebner, Deputy Mayor Zito, and Councilmembers Zahn and Nichols all presented that they were familiar with property and had spoken to the applicants approximately a year to a year and a half ago. Councilmember Marshall disclosed that she had driven by the property.

Applicant

Joshua Lichtman, applicant, presented a PowerPoint (on file) reviewing the proposed project and changes made from the initial proposal. He stated that he had reached out to the community, that he had removed an entire unit, had reduced the floor area ratio (FAR) of the project, and removed an entire 3rd story on the back two units. He stated that the proposed height of the front building had been reduced from 32 feet to 27 feet, and the back units had been reduced to 23 feet from 32 feet. He stated that there were parking issues on Valley Ave., that there were 11 required parking spaces for the project, that no bike parking was required, and that they had added additional guest parking for the residents a total of 6 guest parking spaces on the weekends. He stated that he had reduced the height of the building, worked with the neighbors, also pulled back on the side setbacks, created an additional planting buffer to screen from neighboring properties, and was using drought tolerant plants for the landscaping.

Council and applicant discussed the height of the first building why it was taller than the first building, that with a commercial space wanted a better height for the commercial user, ceiling height is 1 feet in commercial building.

Perry Herst stated that he supported the project.

Tara Hernandez stated that she had been a resident for 28 years, that she supported the project, that she lived directly to the north of the project, and that the applicant had reached out to the community.

Danny Hernandez stated that he lived directly to the north of the project, that the applicant had reached out to the community, that he listened to concerns, and that he knew that the neighborhood was going to change but wanted it to change responsibly.

Gary Martin (time donated by Gordon Johns) stated that he was a resident, that the applicant did a great job of revising the project, that additional items needed correcting, and that the zoning requirements were not guarantees but maximums. He stated that the project had to fit with the compatibility of the neighborhood, that the front building created some issues with compatibility, that the project should not be the biggest building on the street, and that there was a way to deal with the front of the building to set it further back. He stated that the building created too much mass on the street, that it was too prominent, and that street presence needed to be worked on.

Dale Trudeau stated that he supported the project, that the applicant did a good job on the redesign, and it would be a good project for the neighborhood.

David Kramer stated that he was a resident, that he had seen a lot of changes in the City, that he did business out of a building on Valley Ave., that a lot of effort had been put into this project, and that he supported the project.

#### Applicant rebuttal

Scott Moss, applicant representative, addressed the height issue of the front building, that the ceiling height was standard for commercial buildings, that the building added character to the neighborhood, that it was a nice project for the neighborhood, and that landscaping had been added to the front of the building to soften the look.

Council and Mr. Moss discussed the architectural changes that had been made from the first project submittal, the width of sidewalk, that the applicant would explore the cost of undergrounding the of power pole, and that the power pole location would force pedestrians to walk onto private property in order to get past property. Discussion continued that the building was pushed forward in the new design in order to allow for a bigger upper unit, whether the building could be pushed back again, and that there was a potential public safety issue in units 1 and 2 due to the lightwell space.

David Ott, City Manager, stated that some issues would be reviewed during the building inspection however, the power pole issue should be addressed sooner.

Council and Mr. Moss discussed removing power pole to have unobstructable walking area, that the first floor of the commercial building was actually 12.5 feet from floor to ceiling, that the shared parking arrangement was positive, that the commercial space was small so it was suited for a small office rather than a retail space, that there were compatibility concerns regarding the project, and whether pushing the building back could be explored.

Gary Livett, President of Sea Breeze Properties, stated that the character of Eden Gardens included a variety of different buildings, that the project should be looked at in comparison to the Bluebird building which also had a zero lot line, and that this project would be a great addition to the community.

Councilmember Nichols stated that he was concerned about the height of the building being so close to the street corner, that the front of the building should be stepped back, and that the project did not fit in with the character of the neighborhood. He stated that the power pole was an issue that needed to be resolved, that it was not a good pedestrian enhancement, and that he could not support the project as proposed.

Councilmember Zahn stated that the applicant had done a good job reaching out to the community, that there were compatibility issues, that the setback on the south east corner of the project was abrupt, and that the building had an extreme angle.

Councilmember Marshall stated that the applicants had done a good job re-designing the project, that the added parking was an enhancement, that it was not a big block building, and that the project would be an improvement to the neighborhood.

Deputy Mayor Zito stated that he was on the fence about the project approval, that it would be an easier decision if the building was set back, and that his biggest concern was regarding the location of the utility pole how it worked with flow of pedestrian traffic.

Mayor Heebner stated that she shared the same concerns presented by Councilmember Nichols and Zahn, that the project was different than seen the first time, that she was concerned about power pole and wall since it was a narrow street, and that she could not support the project since she could not make the compatibility finding. She stated that it appeared that 3 Councilmembers were opposed to the project, one was unsure, and one was supported, and requested advice from City Attorney on options on how to proceed.

Johanna Canlas, City Attorney, stated that the applicant may choose to request for the Council to continue the item to allow them to make changes to the project, or that Council could close the public hearing and vote on the item, and if the vote was to not approve the project then it would return for a Resolution of Denial, and that Council could determine whether the denial would be with or without prejudice.

Joshua Litchmen stated that he had done a lot of hard work on the project, and requested whether the Council could approve the project with the condition of pulling back the front of the building about 2 feet to address the set back issue.

Council, Staff, and applicant discussed there were other issues that needed to be addressed with the project, that pulling the building back 2 feet would not be

sufficient, that the applicant should have time to further work on the project and consider all comments, that Council could allow the applicant to continue the project to a date certain keeping the public hearing open so no discussion could take place with the Council, and the applicant requested the earliest date which would be February 25, 2015.

**MOTION:** Moved by Nichols and seconded by Zahn to continue the item to a date certain of February 25, 2015. **Motion carried unanimously.**

**C. STAFF REPORTS: (C.1. - C.2.)**  
*Submit speaker slips to the City Clerk*

**C.1. Citizen Commission Annual Appointments. (File 0120-05)**

Recommendation: That the City Council

1. Appoint 3 members to the Budget and Finance Commission:
  - a. Three (3) vacancies shall be nominated/appointed by individual Councilmembers (Heebner, Zito, Zahn) for a two-year term until January 2017.

**MOTION:** Moved by Zito and seconded by Zahn to appoint Ed Murphy (Zito), Michael Whitton (Zahn), Gordon Johns (Heebner), until January 2017. **Motion carried unanimously.**

2. Appoint 4 members to the Parks and Recreation Commission.
  - a. Four (4) vacancies shall be nominated/appointed by Council-at-large for a two-year term until January 2017.

**MOTION:** Moved by Zito and seconded by Zahn to appoint Rachel Friedman, Peter McConville, Chris Hohn until January 2017. **Motion carried unanimously.**

3. Appoint 3 members to the Public Arts Commission:
  - a. Three (3) vacancies shall be nominated/appointed by Council-at-large for a two-year term until January 2017.

**MOTION:** Moved by Zahn and seconded by Nichols to appoint Brett Reisdorf, Stephen Ostrow, Kathryn Schmiedeberg until January 2017. **Motion carried unanimously.**

4. Appoint 4 members to the Public Safety Commission:
  - a. Four (4) vacancies shall be nominated/appointed by individual Councilmembers (Heebner, Zito, Zahn, Nichols) for a two-year term until January 2017.



**MOTION:** Moved by Heebner and seconded by Nichols to re-appoint current members at a this time, Bernhard Geierstanger (Nichols), David Bittar (Zahn), until January 2017. Remaining vacancies will be addressed following a report requested by Council on the Commission is submitted, at 2-3 meetings from now. **Motion carried unanimously.**

5. Appoint 3 members to the View Assessment Commission:
  - a. Three (3) vacancies shall be nominated/appointed by individual Councilmembers (Heebner, Zahn, Nichols) for a two-year term until January 2017.

**MOTION:** Moved by Nichols and seconded by Zahn to appoint Jewel Edson (Heebner), Dean Pasko (Zahn), Jack Hegenauer (Nichols), until January 2017. **Motion carried unanimously.**

David Ott, City Manager, introduced the item.

Angela Ivey, City Clerk, stated that the applicant list was in order of

Mayor Heebner stated that Council had requested a report on the actions of the Public Safety Commission including what actions had been taken over 12-24 months by the Commission, and to consider waiting to make appointments to the open seats until the report was completed.

Public Speakers

Jason Barry, applicant, stated that he was a new resident, spoke about his background in law enforcement.

**C.2. City Entry Sign/Monument for the Median at Lomas Santa Fe Drive and Highland Drive. (File 0910-40)**

Recommendation: That the City Council

1. Adopt Resolution 2015-014:
  - a. Approving the "Gateway to Sunshine" Entry Sign/Monument design for the median at Lomas Santa Fe Drive and Highland Drive.
  - b. Authorizing the City Manager to release an RFP for construction bids for the project.

David Ott, Interim City Manager, introduced the item.

Danny King, Assistant to the City Manager, presented a PowerPoint(on file).

Council and Staff discussed that it would be funded by TOT and no general fund money would be used for this project.

Mike Nichols, Councilmember, disclosed speaking with Bret Reisdorf, commission member, about the font.

Mike Swanson and Bret Reisdorf, commission members, said that the font would be similar to the Fletcher Cove.

**MOTION:** Moved by Nichols and seconded by Marshall. **Motion carried unanimously.**

**WORKPLAN COMMENTS:**

Adopted June 25, 2014

Mayor Heebner asked that parking spaces in the Eden Gardens area be added to the Workplan to explore what might be needed.

**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.

Councilmember Marshall reported that the City reimbursed her for hotel and airfare to attend the League of California Cities.

**Regional Committees: (outside agencies, appointed by this Council)**

- a. City Selection Committee (meets twice a year) - Nichols, Zahn (alternate).
- b. County Service Area 17 - Zahn, Marshall (alternate).
- c. Escondido Creek Watershed Authority - Marshall.
- d. League of Ca. Cities' San Diego County Executive Committee - Nichols, Zahn (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Nichols, Zahn (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Nichols, Heebner (alternate).
- g. North County Dispatch JPA - Zahn, Nichols (alternate).
- h. North County Transit District - Nichols, Heebner (1st alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Zahn (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Zito (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee - Nichols, Heebner (alternate).
- l. San Dieguito River Valley JPA - Zito, Zahn (alternate).
- m. San Elijo JPA - Marshall, Zito (both primary members) (no alternates).
- n.

22nd Agricultural District Association Community Relations Committee -  
Heebner, Nichols.

**Standing Committees: (All Primary Members) (Permanent Committees)**

- a. Business Liaison Committee - Zito, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee -Heebner, Nichols.
- c. I-5 Construction Committee - Heebner, Zito.
- d. Parks and Recreation Committee - Heebner, Nichols.
- e. Public Arts Committee - Nichols, Zito.
- f. School Relations Committee - Marshall, Zahn.

**ADJOURN:**

Mayor Heebner adjourned the meeting at 8:14 p.m.

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Angela Ivey, City Clerk

Approved: May 13, 2015