

**SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY**

JOINT **REGULAR** MEETING

MINUTES

**6:00 P.M.
WEDNESDAY, APRIL 13, 2011**

CITY COUNCIL CHAMBERS
635 S. HIGHWAY 101,
SOLANA BEACH, CALIFORNIA

The City Council acts as the City of Solana Beach Redevelopment Agency and the Public Financing Authority.

CALL TO ORDER AND ROLL CALL:

Present: Heebner, Kellejian, Roberts, Nichols, and Campbell.

Absent: None.

Also Present: David Ott, City Manager
Johanna Canlas, City Attorney
Leticia Fallone, Deputy City Clerk
Angela Ivey, City Clerk
Dennis Coleman, Finance Director
Wende Protzman, Dir. Admin. Serv./Deputy City Mgr
Tina Christiansen, Community Dev. Dir.
Rich Whipple, Principal Planner
Mo Sammak, City Engineer/Public Works Dir.

Mayor Heebner called the meeting to order at 6:05 p.m.

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, stated that there was no reportable action.

FLAG SALUTE:

Mayor Heebner led the flag salute.

APPROVAL OF AGENDA:

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

PRESENTATIONS:

Alexander Fagleston and Emily Jones announced the 2011 San Diego County Fair and the theme of cars this year.

Solana Vista Elementary School worked with RSWA and children decorated brown paper bags to educate the communicate about putting trash on a diet.

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.

Michael Willis stated that he had concerns about safety issues on Cedros, that the double yellow lines were not slowing traffic, that the lines made it more dangerous for pedestrians since the cars went out further, that the lines also made it more dangerous for motorist parked on the west side of the street near the Sandpipa apartments, that many motorist crossed the double yellow lines, and that the curb at Marsolan and Cedros should be painted red.

Dale Hall stated that she lived on Cedros, that she had been complaining about traffic on the street for eleven years but had not addressed the City Council, that people drove between 30-50 miles on the street, that she did not feel comfortable allowing her children to play outside, that all of the City's attempts to slow traffic on the street had not worked, and that the 25 mile per hour speed limit should be posted.

Council discussed that several workshops were conducted with residents on the speed limit on Cedros, that after the striping was done there were positive feedback from the residents, that people may had become comfortable with the striping and sped back up, that the double yellow lines were implemented for a 12 month trial period and should be reviewed.

David Ott, City Manager, stated that there would be another evaluation done on this issue and neighbors would be noticed on potential future meetings.

Bruce Berend stated that reducing the lot size from from 20k to 5k sq ft to allow for chickens was a bad idea, that the Friends of the Hens glossed over the issues of flies, stench and noise that would result from allowing chickens. He played a tape recording of noise from chickens, stated that the noise would make it difficult for neighbors to sleep or have conversations, that this should not be inflicted upon neighbors, that other unintended consequences would occur such as code enforcement issues or sominella from eggs, and that gardens were a better idea.

COMMUNITY ANNOUNCEMENTS:

Council announced community happenings.

COMMENTARY:

A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)

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. Waive the reading of Ordinances.

Recommendation: That the City Council

1. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

MOTION: Moved by Roberts and seconded by Kellejian. **Motion carried unanimously.**

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

Recommendation: That the City Council

1. Ratify the list of demands for February 26 - March 18, 2011.

MOTION: Moved by Roberts and seconded by Kellejian. **Motion carried unanimously.**

A.3. Monthly Investment Reports. (File 0350-45)

Recommendation: That the City Council

1. Accept and file the attached Cash and Investment Reports for the month of January 2011.

MOTION: Moved by Roberts and seconded by Kellejian. **Motion carried unanimously.**

A.4. California Road System Map Change. (File 0860-12)

Recommendation: That the City Council

1. Adopt Resolution 2011-046 approving the submittal of a Functional Classification Change for local streets and roads to the State of California, Department of Transportation.

MOTION: Moved by Roberts and seconded by Kellejian. **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. Development Review Permit (DRP) and Structure Development

Permit (SDP) for 505 Ford, Applicants: Charles and Jacquelyn Nagy, Case # 17-10-22. (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 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 Council makes the requisite findings and approves the project, adopt Resolution 2011-047 conditionally approving a DRP and an administrative SDP to demolish the existing residence and construct a new multi-level, single-family residence including a partially subterranean garage and basement area as well as a detached guest house at 505 Ford Avenue.

City Manager introduced the item.

Corey Johnson, Assistant Planner, presented a powerpoint (on file).

Council and Staff discussed the requirement of three parking spaces and that there were requirements within the off-street parking manual.

Council disclosed their familiarity with the project.

Mayor Heebner opened the public hearing.

John Jensen, architect, Applicant representative, showed poster boards (copies had been presented as supplemental materials) and read a letter from the applicant. He said that the 2nd story was only a bath and bedroom, reviewed some renderings of the proposed project taken from various location vantage points, that they worked with the Kings to alleviate their concerns and protect their views and that they had said they no longer had concerns with the view.

Jim King said he was a neighbor of the proposed project, that his family was ok with the present design, that the removal of a tree had opened up a view to help with this area, that the View Assessment Committee had encouraged it and did a

good job, and that they would ask that the Nagys maintain the views that they have preserved and keep it future consideration when landscaping.

Council and speaker discussed the bulk and scale, that Mr. Neighbor agreed that it as a Tom big house, that they had worked with the Nagys for 1 1/2 years regarding these big improvements, that their northwest primary view had been greatly improved, that they created a relief on the major slab next to them, and that they were comfortable with the design.

Council, Staff, and speaker discussion ensued regarding providing a landscape plan to help in understanding the plan for preserving future views, whether the large stairwell had been changed between the two plans, that it was made smaller but did not want to create a dungeon like area and wanted to maintain the light in this area, that some areas do not add to the square footage but add a perspective of bulk and scale, and that it was a signature piece of property for the neighborhood.

Tina Christiansen, Community Development Dir., stated that a portion of the stair and basement was included and a portion was not included in the FAR, which has to do with whether that portion was included in the FAR so the stair and lightwell are treated as any other basement space resulting in a portion counted and a portion not counted.

Council, Staff, and applicant representative continued discussing the fact that the treads were counted in the FAR but not the void, that the landing coming out of the stairs on the floor was counted, that the open area in the stairwell was 5 1/2 x 13.

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

Councilmember Roberts stated that he was concerned with the bulk and scale which had nothing to do with square footage, that the signature of this property defined the whole neighborhood, that it did not seem to be quite their yet, and that he was struggling with a decision.

Deputy Mayor Kellejian stated that there were not specific criteria of tools to judge bulk and scale, that the applicant had increased space between the neighbors and addressed some articulation which helped, and that it seemed like a major improvement.

Councilmember Nichols said that there had been a tremendous move forward, that there were some questions about voids and spaces that were newer, that creating bulk and air but not providing any mitigation makes the mass seem larger than it really is, that he still wondered if there was still room for a little

more reduction, that the Kings seemed ok now, and that it would still be a big change for the neighborhood.

Councilmember Campbell said that the applicant had come a long way, that he shared concerns regarding rules and regulations that don't take into consideration this particular issue, and that Council had discretion in making this type of determination, and that he could go either way at this point.

Mayor Heebner acknowledged that it was a better plan, that people would have to live in this space over time around the neighborhood, and that she would support the design as is now.

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

Mr. Jensen, applicant's representative, stated that if Council would make a conditional approval that he thought he could work with it.

Council and applicant's representative discussed bringing in the wall 18 inches, that they may be able to do a little better, that the benefit would be the northwest of the project.

Johanna Canlas, City Attorney, stated that Staff would review and prepare a condition.

Mayor Heebner recessed the meeting for a break at 7:25 p.m. and reconvened at 7:35 p.m.

David Ott, City Manager, stated that it may not be possible to make certain changes so that it would be ideal to focus on the open space near the stairwell area.

Tina Christiansen, Community Development Dir., stated that the condition would be to modify 13 ft. 5 in. section of north eastern wall of the stairwell enclosure on the upper most floor, and move it in a westerly direction by 1 ft. 5 1/2 in. and said that the affect of that motion would be to relocate the wall.

Councilmember Campbell made a motion to approve the recommendation and to incorporate the verbiage stated by the Community Development Dir. for the purpose of moving that section of the wall.

Deputy Mayor seconded the motion.

Councilmember Roberts stated that he appreciated the efforts but that he could support the motion due to the bulk and scale, that he was sorry that

a better compromise could not be reached, that the closest the guest house cottage could be moved more.

MOTION: Moved by Campbell and seconded by Kellejian with modifications to the resolution. **Motion carried 4/1** (Noes: Roberts.)

NOTE: It was noticed that the public hearing was not officially closed and therefore the official vote was taken.

MOTION: Moved by Roberts and seconded by Campbell to officially close the public hearing prior to the vote. **Motion carried unanimously.**

B.2. Development Review Permit (DRP) and Structure Development Permit (SDP) for 336 North Granados Avenue, Applicants: Mark Kadden and Michelle LaLouche-Kadden, Case #17-10-19. (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 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 Council makes the requisite findings and approves the project, adopt Resolution 2011-037 conditionally approving a DRP and an administrative SDP to construct a new two-level, single-family residence on a vacant lot at 336 North Granados Avenue.

Councilmember Nichols recused himself due to living within 500 feet of the project.

David Ott, City Manager, Introduced the Item.

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

Council discussed that there were no City codes prohibiting rooftop decks.

Mo Sammak, City Engineer, stated that the applicant was asked to create a modified rolled curb to separate the pavement from the un-improved portion of the right-of-way and that the primary purpose of the rolled curb was to guide drainage.

Council and Staff discussed the rolled gutters and viewed photos of the curb designs.

Council and staff discussed the rolled curbs, that the angeled parking on the street would be eliminated, the difference of concrete v. asphalt curbs, that the top of the roof top railing of the deck met the maximum building height requirements, that there could be a restriction on the height of items placed on the deck, that the City maintained the area between the curb and property line, that the right-of-way should be kept clear for pedestrians, that the landscaping should go out to the rolled curb for a consistent look along the street, that the rolled curb could also be done with a colored concrete for aesthetics, that parking was limited in the neighborhood so many people designed their front yard landscaping to allow for at least one parking space, and that rolled curbs allowed property owners to have parking at the frontage of their homes.

Councilmembers made their disclosures.

Mayor Heebner opened the public hearing.

Gary Cohn, architect, stated that they had consulted with the neighbors on the project which prevented any view assessment complaints, that this was low level house, that the majority of the house was 12-16 feet above grade, that there were several concerns regarding the modified gutters and roof deck, that the roof deck was not a third floor, that the roof deck was set back as much as ten feet from the street, that there would be glass rails to make them less intrusive, and that the applicant would've worked with the neighbors if they had known about any concerns with the roof deck.

Gary Martin stated that people currently parked in between the edge of the pavement and the property line, that if this area was taken by landscaping people would be forced to park in the street, that there was already a shortage of parking in the area, that the appearance would be out of place with the neighborhood, and that the rolled curbs should be a community decision since the character of the neighborhood would be changed.

Council and Mr. Martin discussed his concerns regarding that the roof deck should be re-designed to allow more privacy for neighbors to the south of the property.

Council and Mr. Cohn discussed concerns regarding the roof top deck, that it may create a domino effect in the neighborhood with others wanting to build one as well, that the deck should be moved to the north to assist with privacy concerns, and that the applicants agreed with keeping a parking area in front of the property.

MOTION: Moved by Campbell and seconded by Roberts to close the public hearing. **Motion carried 4/0/1** (Recuse: Nichols.)

Council discussed that there were not any other roof top decks on second floor in the neighborhood, that restrictions should be placed on the height of items located on the deck, that the curb and gutter designs were not visually appealing, that other options should be reviewed for the drainage, and that the curb and gutter designs should be placed on a future agenda.

David Ott, City Manager, stated that the purpose of the rolled curbs was to assist with improving drainage and to prevent water going into drieways and garages, that Staff had been working on designs and could continue to research other design options for aesthetics, and that since this project was uphill there was not as much of a drainage concern.

Councilmember Campbell made a motion to adopt Staff recommendation adding the following conditions: that the roof deck be moved as far north as physically possible, to maintain the set back of the deck at least 10 ft from the front of the building, that there should be glass walls or open cabling, that items placed on the deck should not exceed the top of the railing or be higher than 42 inches, that the rolled curbs should be removed from the project, and to maintain parking in the area where the rolled curb would be.

Council and the City Attorney discussed that any violation of conditions by the current or future owners could be enforced by Chapter one of the Solana Beach Municipal Code, that administrative fines were done frequently, and that all investigations were initiated by complaints.

MOTION: Moved by Campbell and seconded by Kellejian Motion to adopt Staff recommendation with the following conditions: 1) that the roof deck be moved as far north as physically possible, 2) to maintain the set back of the deck at least 10 ft from the front of the building, 3) that the roof deck should have glass walls or open cabling, 4) that items placed on the deck should not exceed the top of the railing or be higher than 42 inches, 5) that the rolled curbs should be removed from the project, and 6) to maintain parking in the area where the rolled curb would be. **Motion carried 4/0/1** (Recuse: Nichols.)

C. STAFF REPORTS: (C.1. - C.3.)

Submit speaker slips to the City Clerk

C.1. Approval of the Reprogramming of Transnet Funds. (File 0840-30)

Recommendation: That the City Council

1. Adopt Resolution 2011-041 approving the transfer of Transnet funding from completed RTIP (Regional Transportation Improvement Program) projects to other eligible Transnet projects.

Councilmember Nichols left the meeting at 8:45 p.m.

Dennis Coleman, Finance Director, presented a powerpoint (on file).

Council and Staff discussed whether the City had to reprogram at this time or return the funds and that the plan could be changed.

MOTION: Moved by Campbell and seconded by Roberts. **Motion carried 4/0/1** (Absent: Nichols)

C.2. Revised Draft Local Coastal Program (LCP) Land Use Plan (LUP). (File 0610-12)

Recommendation: That the City Council

1. Provide direction to the City Manager to issue the Revised Draft LCP/LUP for a 6 week public review period, issue a Notice of Public Availability to all residents and businesses in the City as soon as possible;
2. Meet with CCC (Ca. Coastal Commission) staff to present and discuss the revised draft LUP during the public review period; and
3. Report back to the Council at the end of the public review period and seek Council direction regarding the next steps.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a power point (on file). She stated that the draft Land Use Plan (LUP) was required to be released for a six week public comment period, reviewed the background of the Local Coastal Plan (LCP), that

the City had been working on this document for over a decade, that the LCP was submitted to the Coastal Commission in 2009 and required additional technical information, that the revisions were submitted and the application was deemed complete in August 2010, this revised document was in response to the Coastal Commission's comments, that the Coastal Commission had to respond to the City by November 2011, and reviewed key policy changes included in the revised document.

Council discussed the importance of educating the community on the information in the document and set a tentative meeting to continue discussion on this item to June 29th.

MOTION: Moved by Roberts and seconded by Kellejian. **Motion carried 4/0/1**
(Absent: Nichols)

C.3. 22nd District Agricultural Association Community Relations Committee Update on Discussions with the City of Del Mar Regarding the Sale of the Del Mar Fairgrounds. (File 0150-85)

Recommendation: That the City Council

1. Discuss the item and provide direction to the 22nd District Agricultural Association Community Relations Ad Hoc Committee as necessary.

Mayor Heebner stated that there had been no further meeting with the Del Mar Ad Hoc.

David Ott, City Manager, said that they had met with Senator Kehoe, that the status of Senate Bill 1 was that it would go to a public hearing process beginning April 25th and would still go through a long process and that it could continue into next year if it was not resolved by August, that he spoke with their Staff regarding outreach to regional agencies, that Del Mar was waiting on that component due to the financing plan, and that he shared with them that time was running short and if that it was important to reach out to gain other partners inquiries. He said that they met with the Del Mar City Manager and their attorney regarding the charitable trust and nonprofit board, that they went through the mutual understanding of what they were proposing in order to ensure the City's understanding of the facts, that he stated that it was not the City's purpose to destroy their effort, and that it was Solana Beach's goal was to make sure that the effort succeeded under clear guidance. He continued stating that Solana Beach's one main issue was that they disagreed with any 3 person council / board that could change what would be agreed upon today, that they concluded that regional meeting may be needed now to involved other agencies,

Council and Staff discussed the need to discuss forms of ownership and governance, that Solana Beach had been creating a matrix of issues that may be finalized in the next few weeks, that Senator Kehoe was going forward with a vague bill, that this Council had not changed its position on a JPA (Joint Powers Authority) idea, that the City needed to formulate its position and state very clearly the reasons for it, and that the City Manager would meet individually with the Council to keep them up to date.

WORKPLAN COMMENTS:

(Adopted June 23, 2010)

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 reported committee activity.

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

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

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

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

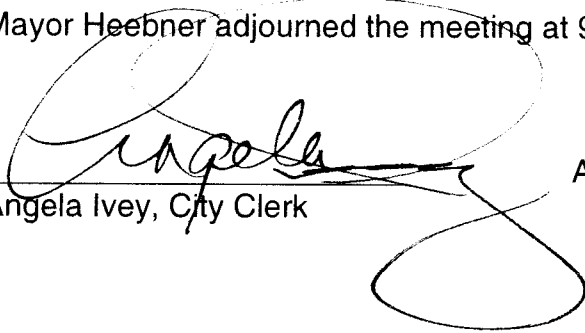
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.
- f. Parks and Recreation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

Ad Hoc Committees: (All Primary Members) (Temporary Committees)

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 7, 2011.
- b. City's 25th Anniversary - Heebner, Kellejian. Expires July 13, 2011.
- c. Development Review - Nichols, Heebner. Expires November 16, 2011.
- d. Environmental Sustainability - Roberts, Heebner. Expires December 7, 2011.
- e. Fire Department Management Governance-Kellejian,Roberts. Expires July 13, 2011.
- f. Fletcher Cove - Campbell, Heebner. Expires November 16, 2011.
- g. General Plan - Campbell, Nichols. Expires July 13, 2011.
- h. La Colonia Park - Nichols, Heebner. Expires May 11, 2011.
- i. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 8, 2012 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 11, 2012
- k. View Assessment - Nichols, Heebner. Expires August 22, 2011

ADJOURN:

Mayor Heebner adjourned the meeting at 9:05 p.m.



Angela Ivey, City Clerk

Approved: July 13, 2011