

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

JOINT **REGULAR** MEETING

**MINUTES**

**6:00 P.M.**  
**Wednesday, September 28, 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:**

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

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

**Absent:** None.

**Also Present:** David Ott, City Manager  
Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Wende Protzman, Dir. Admin. Serv./Deputy City Mgr  
Mo Sammak, City Engineer/Public Works Dir.

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

Johanna Canlas, City Attorney, stated that reportable action included the appointment of Mayor Heebner and Councilmember Roberts to a subcommittee to appoint the next City Manager.

**FLAG SALUTE:**

**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.

Eric Philips read a public apology to David Ott, City Manager, on behalf of the Solana Beach Fire Department that expressed hope to move forward and regain the trust between them.

Mayor Heebner suggested the communication be sent to the local papers.

Councilmember Roberts suggested that the meeting be adjourned in the memory of Maggie Houlahan, Encinitas Councilmember, who passed away on September 16 and served on committees with all Council.

#### **APPROVAL OF AGENDA:**

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

#### **PROCLAMATIONS/CERTIFICATES:**

##### **SANDAG**

- 1) Rideshare Week
- 2) Walk and Bike to School Day

Mayor Heebner presented proclamations for Walk, Ride and Roll to School Day and Rideshare Week.

#### **PRESENTATIONS:**

(Ceremonial items that do not contain in-depth discussion and no action/direction.)

##### **ISO (Insurance Service Office) Public Protection Classification Summary Report (added 9/27)**

Mark Muir, Fire Chief, and Scott Henry, Deputy Chief, presented a powerpoint (on file) reviewing insurance services and how the rating is obtained through the evaluation of over 47,000 Fire Districts.

Council and Staff discussed that fact that Solana Beach received an improved score, that Class 3 was practically at the top of the agencies countywide, whether it affected the City's insurance rates, that residential would probably not see much change but that commercial may show some change in premiums, and that

the combined effort which included the apparatus involved in the area affected the insurance rating.

**ORAL COMMUNICATIONS:**

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Torgen Johnson presented a Powerpoint (on file) reported on last evening's meeng with San Clemente City Council and Nuclear Regulatory Commission, that the issue needed to be brought to a public dialogue, and that the current plan for a nuclear disaster was inadequate.

Sharon Hoffman said she was a citizen of Carlsbad, that nuclear preparedness was far bigger than any one community, that cities had spoken up about the dangers of power plants, and urged the City of Solana Beach to speak up as well.

Ace Hoffman stated that he wrote a book about nuclear power which he left copies of, and emphasized that the nuclear power plant is only 30 miles away and an accident would be catastrophic to Solana Beach.

Gary Headrick said that he started a group called San Clemente Green that created a sustainability action plan, that the San Onofre power plant was built to withstand a 7.0 earthquake but the area was capable of a 8.0 earthquake, and that decision makers needed to be motivated.

Councilmember Nichols wanted to talk with David Ott, City Manager, and Torgen to review discuss the issue further and go over the Solana Beach emergency plan.

Mayor Heebner suggested that the issue be brought to SANDAG suggested other venues to present the information.

**COMMUNITY ANNOUNCEMENTS:**

Council reported community announcements.

**COMMENTARY:**

**A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)**

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. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held June 8, 2011 (Special and Regular).

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

**A.3. Register Of Demands. (File 0300-30)**

Recommendation: That the City Council

1. Ratify the list of demands for August 20 - September 2, 2011.

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

**A.4. Regional Beach Sand Project 2. (File 0740-80)**

Recommendation: That the City Council

1. Adopt Resolution 2011-130 authorizing the City Manager to request the allocation of up to \$375,000 in available SANDAG/CCC Beach Sand Replenishment Funds to SANDAG on behalf of the City to pay the City's share of RBSP #2 Phase 3 costs and amend the 2011-2012 budget accordingly.
2. Direct Staff to continue to work collaboratively with the SANDAG Shoreline Preservation Working Group staff members to implement the second Regional Beach Sand Project in 2012.

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

**A.5. Report on Changes made to the General Fund Adopted Budget for Fiscal Year 2011-2012. (File 0330-30)**

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2011-2012 General Fund Adopted Budget.

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

**A.6. Resolution of Denial of a Minor Subdivision (SUB) at 233, 235 and 237 North Rios Avenue, Applicant: McNally, Case # 17-11-08. (File 0600-40)**

Recommendation: That the City Council

1. Adopt the Resolution 2011-146 denying the request for a Minor Subdivision at 233, 235 and 237 North Rios Avenue.

**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 Request (DRP) Structure Development Permit (SDP) and Minor Subdivision (SUB) for 823 Vera Street, Applicants: Kettering and Davis, Case # 17-10-13. (File 0600-40)**

Recommendation: That the City Council

1. Conduct the Public hearing: Open the Public Hearing; Report Council disclosures; Receive Public Testimony; Close the Public Hearing;
2. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
3. Adopt Resolution 2011-141 conditionally approving a DRP, SDP, and SUB for the project to construct four new detached multi-family dwelling units over partially subterranean garage/basements under separate legal ownership at 823 Vera Street.

David Ott, City Manager, introduced the item.

Patricia Bluman, Interim Principal Planner, presented a powerpoint (on file) reviewing the project and the changes since the prior submittal.

Council and Staff discussion ensued regarding that the landscaping did not provide specific landscape notes or plant names, that the final grading plan would review various issues and make appropriate requirements, new storypoles were put up, and that the building was lowered by reducing the height inside the garages.

Council disclosed their familiarity with the project.

Robyn Kettering, Applicant, said that the project was being developed by

residents who planned on living in the community, that they hoped to spend their retirement years here, that it was a currently a boarded up condemned home, that the area needed improvements, that there was evidence of multiple new projects in the area where it was known as the less than desirable area of Solana Beach, that they had listened and had reduced the height and bulk reducing about 1,300 sq. ft. from each unit, that they had hosted a community meeting and invited neighbors to ask questions, that one objection was raised regarding parking which was already a problem in the area, that no other issues were raised at the meeting, and that they had complied with everything required from Staff.

Andy Davis, Applicant, that the height was lowered but the square footage was taken from the living space in order to to comply with the neighbor's issues and Council's findings from the last meeting and that the total reduction was 1,368 sq. ft.

Council and the Applicants discussed the concern for adequate off-street parking for additional units, that they had originally proposed a 2 car garage, that there were 2 parking spaces in his unit, that he would use one space for guest tandem parking bringing it to 3 spaces, that Unit 3 had a 2 car garage with guest parking, and that Unit 4 had a 2 car garage and space at the end of the driveway for guest parking since the Fire lane did not extend that far, that the street was congested, that adding 4 units would add to the congestion, that trying to fit spaces on the site was not accurate, that their understanding was that 2 spaces would be in the driveway, .

Council and Applicants discussion ensued regarding that fact the landscape plan was not finalized and would be done before construction, that the applicant's architect did a preliminary plan to indicate how it would work and was not meant to be final plan, that they had turned it into a condominium development in order to provide individual ownership, that the property actually fit 5 units but that they went with only 4 units, whether building it as a condo was a way to get around the rules for residential homes, and that the max allowed was 4 units instead of 5 on this lot.

Dan Towson said that he would be a neighbor, that there were 4 lots east of the site, that he wanted to lend support for this type of development, that he had lived in Eden Gardens for 7 years, that the area and the streets needed improvement, and that it would help increase property values and prospective buyers, that it was zoned for this kind of density, that he was concerned if property owners purchased and then could not build what was allowed, that as a member of a condominium 4 lots over he urged Council to approve or approve it conditionally.

Bruce Tilley said that he lived on Vera directly adjacent from the site, that

the neighborhood was very diverse in housing and that this site had been an eyesore for 20 years, that there were solar panels and a drought tolerant focus, that he saw nothing but good in this project, and that it would set a precedence for everyone else.

Teresa Correa (Burt Neilson donated time) stated that she lived in the neighborhood, that property values had gone up, that there were serious if this project was approved, that it would reduce light on the east side, that one property was not shown that would be affected, that she was the only one who attended the neighborhood meeting that the applicant held, that she had heard that the property would not be owned but rented, that only 2 of the 4 units would be built, that if the project was approved that it be mandated that the owner had to occupy for a minimum of one year.

Council and Mrs. Correa discussed whether adequate parking would help improve he concerns, that she was asked for 3 ft. of her property, that it would be overbuilt either way, and that the reduction was an improvement but that it did not seem that 4 single family dwellings on the property was an improvement.

Miriam Clark said that she had the lot across from the development, that it would be an enhancing project in the neighborhood, that she did not see how Council would turn it down, that this area had been a hazard for ppl who had lived there for many years, that it was a dynamite location and interesting community, and that she supported the project.

Council and Ms. Clark discussed that the fact that her lot was vacant and that she was interested in purchasing the property in the past.

Gary Martin (time donated by Torgen Johnson) said that the proposal was a squeeze into the lot and was an over-development for the site and neighborhood, that he would oppose the project, that there were no substantive changes to the project since last time, that there was some reduction but that it was still over 3,000 sq. ft., that the development review criteria was applied uniformly over the entire City, that there was no parking at night, that this project would set a precedent so that it could happen anywhere, and asked Council to deny the project and send it back for a redesign to better fit in the neighborhood.

Gerri Retman stated that she cared about what happened to the whole community and not just her neighborhood, how said it would be that this project would set the precedent for the neighborhood, that it was a pattern to develop condos to fit more units on smaller lots, and that it did not seem to be that different than the prior design.

Tracy Richman said that this area was getting hammered by large projects that were not compatible, that they were filling the entire lot envelope, that the project



could be done more tasteful and to better scale, that the preference of style was a matter of taste and that some homes were very cute in the area, that the current Ordinance was not addressing these issues, and requested a denial of the project and have it redesigned.

Mr. Davis and Ms. Kettering used their rebuttal time and stated that there were incorrect things stated, that they never intended to have one owner of the common area, that other homes were 3,000 sq. ft. that most people had to use the street for parking, that they were at 52% of the FAR and not building to the max, that she questioned the motives of someone who did not live in the area and had such specific opinions, that they had a petition from 13 neighbors that supported the project, that they should be given more credit than someone that did not live in the neighborhood, that the view would be greatly improved, that they were residents of the neighborhood, and they had tried to do what the City had asked.

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

Mayor Heebner stated that she had talked to the people listed on the petition, that Sanchez was listed but did not live there but in San Diego, that some people were not home, that she got a hold of one neighbor on the phone and that she did not speak English and that she said she signed the petition only because of the wild life that lived in the area and she wanted it cleaned up but that otherwise she thought it was too big, that she had located Miriam Clark and found that she lived in Encinitas and that her lot on this street was a empty lot, that she was a bit concerned about the petition, and that she did not find a lot of neighborhood support, and that after research and reviewing previous public hearings, that she could not make the required findings, specifically bulk and mass, and could not find the subdivision finding.

Councilmember Nichols said that he supported revitalization, that adding anything to the current 748 sq. ft. building would be a change, that this one property would have some of the largest structures of the 41 structures in the area, and that there would 4 on one property, that there were ways to design the project without tipping the scales, and that it was important to protect and honor and heritage of that community.

Council and Staff discussed condemned property, that it was difficult to tear down a single family dwelling, that they had not had any complaints, that the health and safety had to be significant, and that they would review the weed abatement.

Councilmember Nichols said that he could not make the finding related

to adjacent land use.

Councilmember Roberts said he could not make the finding of land use, that the condo issue was a concern, and made a motion to deny the project.

Deputy Mayor Kellejian confirmed with Staff that the project did comply with zoning and all requirements, that it was below the maximum allowable FAR, that 7 people signed the petition in the project area, that if the applicant met all the requirements and criteria it was unfair to do something different.

Councilmember Campbell stated that his questioning and comments were not biased to either party, that he had tried to understand the thinking, that he agreed that it was too much on this particular lot, that he could not support finding 2.a., that the other concern not demonstrated was the inadequate parking, that this site should meet a minimum of 1 guest per unit, that since he could not make finding 2.a. the subdivision issue was irrelevant, that he was not convinced that a condominium was wrong and that they were allowed to apply for it, that Council was dealing with discretion, that the redevelopment of the project should happen but that the design was too big for the lot.

**MOTION:** Moved by Roberts and seconded by Campbell to deny the project without prejudice. **Motion carried 4/1** (Noes: Kellejian.)

Mayor Heebner recessed the meeting at 8:35 p.m. and reconvened the meeting at 8:40 p.m.

Councilmember Roberts left the meeting at 8:35 pm

**B.2. Introduction (1st Reading) of Ordinance 433 relating to Development Review Permits. (File 0610-10)**

Recommendation: That the City Council

1. Introduce Ordinance 433 revising Solana Beach Municipal Code Section 17.68.040(B)(1).

David Ott, City Manager, introduced the item.

Wende Protzman presented a powerpoint (on file) which reviewed the revisions to the Development Review Permit.

Councilmember Nichols suggested a change to the ordinance related to whether the restrictions should be aggregate.

Council and Staff discussed the issue and decided to make revisions to the ordinance.

Mayor Heebner opened the public hearing.

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

Deputy Mayor Kellejian stated that if someone wants to increase the size of their home it would be a big fee before they even start, that the amount of work at the Council level will increase significantly, that it will add cost to the City because of Staff time and agenda time, that Staff has begun the process of defining the criteria for bulk, scale, and community compatibility, and questioned whether the Council would prefer to wait until that process has finished before proceeding with the ordinance.

Councilmember Nichols stated that he was not opposed to the additional time, work, or added cost. Mayor Heebner agreed with Councilmember Nichols.

**MOTION:** Moved by Nichols and seconded by Campbell. **Motion carried 3/1/1** (Noes: Kellejian. Absent: Roberts)

Deputy Mayor Kellejian stated that he was not against the 50 ft, but that he opposed the process.

**C. STAFF REPORTS: (C.1. - C.3.)**  
*Submit speaker slips to the City Clerk*

**C.1. Community Grant Program Fiscal Year 2011-12. (File 0330-25)**

Recommendation: That the City Council

1. Adopt Resolution 2011-145 approving and authorizing the Fiscal Year 2011-12 Community Grant Program.

David Ott, City Manager, introduced the item.

Dan King, Sr. Management Analyst, presented a powerpoint (on file).

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

**C.2. Adopt Amended Enforceable Obligations Payment Schedule (EOPS) of the Agency. (File 0115-20)**

Recommendation: That the City Council

1. Adopt Resolution RDA-052 amending the enforceable obligations of the Agency by the addition of \$29,150 payable to Delta Builders.

David Ott, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a powerpoint (on file).

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

**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.

**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 on committee activities.

**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

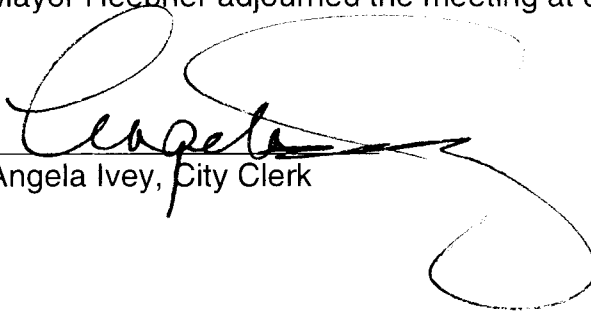
**Ad Hoc Committees: (All Primary Members) (Temporary Committees)**

- 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. Fiscal Sustainability - Campbell, Roberts. Expires June 28, 2012.
- g. Fletcher Cove - Campbell, Heebner. Expires November 16, 2011.

- h. General Plan - Campbell, Nichols. Expires July 13, 2011.
- i. La Colonia Park - Nichols, Heebner. Expires May 10, 2012.
- j. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 8, 2012 or at the California Coastal Commission adoption.
- k. NCTD / Train Station Site Project Ad Hoc Committee - Heebner, Nichols. Expires January 11, 2012
- l. View Assessment - Nichols, Heebner. Expires August 22, 2011

**ADJOURN:**

Mayor Heebner adjourned the meeting at 8:55 p.m.



Angela Ivey, City Clerk

Approved: February 8, 2012