

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

JOINT **SPECIAL** MEETING

**MINUTES**

**5:30 P.M.**  
**Wednesday, December 5, 2012**

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 Kellejian called the meeting to order 5:39 pm

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

**Absent:** None.

**Also Present:** David Ott, City Manager  
 Johanna Canlas, City Attorney  
 Jeanette Brown, Deputy City Clerk  
 Wende Protzman, Dir. Admin. Serv./Deputy City Mgr

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

Johana Canlas, City Attorney, stated there was no reportable action.

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**MOTION:** Moved by Heebner and seconded by Nichols. **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.

**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.)**

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. Public Hearing - Local Coastal Program Land Use Plan. (File 0610-12)**

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. Find the project exempt from the California Environmental Quality Act pursuant to Section 15265 of the State CEQA Guidelines, the LCP process is exempt because the criteria under the Coastal Act are the functional equivalent of the EIR process; and
3. Provide direction as to which option to proceed and adopt Resolution 2012-178.

David Ott, City Manager, presented the overview.

Leslea Meyerhoff, Consultant, presented the powerpoint (on file). She reviewed the purpose of the meeting, the history, background and recent milestones of the Local Coastal Program (LCP) and Land Use Plan (LUP). She summarized the comments received by the public.

Council and Staff discussed the significant outstanding issues that the City was working

through, and that the Beach Bluff Conservancy (BBC) / Condominium Organization of South Sierra Avenue (COOSSA) and Surfrider Foundation would be each given 15 minutes to speak.

### BBC/COOSSA

Jon Corn, spoke on behalf of BBC/COOSSA, stated that on behalf of his clients they were pleased that a universally acceptable and legally defensible LUP appeared to be close. He reaffirmed his pledge to continue in a cooperative spirit to make it happen as quickly as possible. He noted that his clients would like to see the City Council approve Staff Report option #4. He asked that the Council not adopt the March LUP and try to amend it later; all amendments needed to be approved by the Coastal Commission which had been difficult for other cities. He presented a powerpoint (on file) of a letter from Ron Ball, City Attorney of Carlsbad, which state his difficult experiences with the Coastal Commission. He also made the request for Council to direct Staff to start working on the LIP.

Tom Ryan stated that he was the Chair of COOSSA and spoke about provision 2.60 (conversion of private stairs to public stairs), the Coastal Commission raised this provision without any prior notice, there were many ramifications of this provision to the surrounding residents, the result would lead to litigation, and that there may be an easement in the location that would resolve this issue.

Dave Winkler stated that he was willing to meet at anytime so as to not prolong the process, the bluff owners would like resolve.

### SURFRIDER FOUNDATION

Julia Chunn stated that she was a campaign coordinator for Surfrider, San Diego. She requested that the City had moved forward and stayed in step with the Coastal Commission approval of the March 2012 LUP. She explained that a request to deny or to make changes to the submission would result in a new LUP, which would jeopardize what had been accomplished thus far, homeowners may not ever be happy and some of their requests didn't comply with the Coastal Act, what was to say we go until the end of January and the homeowners are still not happy like they were at 6/11, 10/11, 3/12 and 9/12 meetings. She urged the Council to keep things moving forward and do what was best for the City, to stay in step with the Coastal Commission, approve the March 2012 LUP. Jim Jaffe stated that he was a 16 year resident and a representative of Surfrider. He talked about all the time that he had sacrificed on this issue, BBC/COOSSA had changed their position and kept working on the issue, Coastal Commission had worked with the Staff throughout the process. He noted that the City Council should approve the March 2012 LUP and then amend the document.

Kristin Brenner stated that she was a resident of Solana Beach and a representative of Surfrider, that with an approved LCP it would end the two stop process for permits, and

the delay waiting for the Coastal Commission approval had been costly to the homeowners.

Jim Moriarity stated that he was a 20 year resident and a representative of Surfrider, requested that the City Council approve and adopt the March 2012 LUP, and that the beach belonged to everyone.

David Winkler, group rebuttal, clarified there is no interest in a delay, concerned with the material defects in the LUP, a lot of money and staff time has been spent and believes issues can be worked out.

Jim Jaffe, group rebuttal, stated he has been working on this project since 1999, reiterating his previous statement.

### PUBLIC SPEAKERS

Wayne Brechtel stated that he was with the firm Worden, Williams and represented a Solana Beach resident. He spoke about homes destroyed by natural disasters could be reconstructed in the same location as long as they conformed to zoning, that was the intent of the City and accepted by the Coastal Commission with their March comments, but what came out was a requirement that any home that was reconstructed completely must comply with the LUP, this was not what was provided under the Coastal Act.

Peter Lambrou (with donated time from Dottie Lambrou) spoke about his concerns with LUP provision 2.60, there was no need to created a provision that creates public beach access through private condominiums, and to not adopt the LCP as it currently existed.

Eric Bourdette stated that he was a resident of Solana Beach. He asked the City Council think about how the physical and financial impacts the LCP would have on beach neighborhoods.

Kelvin Tanaka stated that he was a resident of Solana Beach. He stated his concern was that public access, would cause more crime for the beach area residents.

Council and Staff discussed Mr. Brechtel comment regarding rebuilding of properties to the LCP standards and that the October 2012 Staff Report stated that the rebuilding of a property destroyed by natural disaster would need to conform with state zoning requirements and not the adopted LCP.

Councilmember Nichols asked individuals of each group (BBC, COOSSA and Surfrider) to clarify for the record that they were represented by the group speakers.

Tom Ryan and Chris Hamilton stated that David Winkler has been approved to speak for BBC/COOSSA members.

Roger Que stated that Jim Jaffe has been approved to speak for Surfrider.

Council reported disclosures.

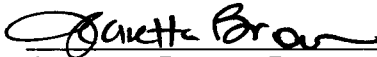
Councilmembers and Staff discussed Option #4 to take no action at this time and provide another 60 days for resolution between the two groups, the City and Coastal Commission.

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

**MOTION:** Moved by Nichols and seconded by Kellejian to approve taking no action on the suggested modifications at this time and continue to work with the Coastal Commission and local groups for 60 days. **Motion carried unanimously.**

**ADJOURN:**

Mayor Kellejian adjourned the meeting at 7:07 pm.

  
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Jeanette Brown, Deputy City Clerk

Approved: December 12, 2012