

CITY OF SOLANA BEACH
View Assessment Commission Action Minutes
Tuesday, February 21, 2023 - 6:00 P.M. Regular Mtg.
City Hall/Council Chambers
635 South Highway 101, Solana Beach, CA 92075

Minutes contain a summary of the discussions and actions taken by the View Assessment Commission during a meeting are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.

1. CALL TO ORDER and ROLL CALL

Commissioner Coad called the View Assessment Commission Meeting to order at 6:03 PM on Tuesday, February 21, 2023, in the Council Chambers at 635 South Highway 101, Solana Beach.

Present: VAC Members: Pat Coad, Robert Moldenhauer, Linda Najjar, Rich Villasenor, and Robert Zajac
Staff Members: Joseph Lim, Community Development Director; Corey Andrews, Principal Planner; John Delmer, Assistant Planner; and Elizabeth Mitchell, Assistant City Attorney.
Absent: Matthew Cohen, Frank Stribling

2. ORAL COMMUNICATIONS (Speaker time limit: 3 minutes)

There were no speakers.

3. ELECTION OF OFFICERS

Acting Chair Coad called for a nomination for Chair. Commissioner Moldenhauer nominated Commissioner Cohen as Chair, seconded by Commissioner Zajac, which passed 5/0/2 (Absent: Cohen and Stribling).

Acting Chair Coad called for nomination for Vice Chair. Commissioner Moldenhauer nominated Commissioner Coad as Vice Chair, seconded by Commissioner Najjar, which passed 5/0/2 (Absent: Cohen and Stribling).

4. VAC MEMBER TRAINING

Assistant City Attorney Mitchell gave a PowerPoint presentation discussing legal requirements for the View Assessment Commissioners. The presentation was video recorded and is available on the City's website.

Commissioner Stribling arrived at the meeting at 6:09 PM.

5. APPROVAL OF AGENDA

Vice Chair Coad called for a motion to approve the agenda. Motion made by Commissioner Zajac, seconded by Commissioner Moldenhauer, which passed 6/0/1 (Absent: Cohen).

6. APPROVAL OF MINUTES

A. January 17, 2023

Vice Chair Coad called for a motion to approve the 1/17/2023 Minutes. Motion made by Commissioner Zajac to approve the minutes, seconded by Commissioner Moldenhauer, which passed 6/0/1. (Absent: Cohen)

7. **Staff Comments / Discussion (10 minutes total)**

Staff notified the VAC that the next meeting will be on 3/21/2023.

Vice Chair Coad read the Chairperson preamble.

8. **SDP21-021 Joyce Deck – 421 N Granados Ave, Solana Beach**

Applicant Information:

Name: Tom & Beth Joyce
Phone: (858) 692-8034
Email: tjmjoyce@gmail.com

Architect:

Name: Ronald Wilson (Ronald Wilson Architects)
Phone: (858) 442-7535
Email: ronaldwilsonarch@yahoo.com

Claimant Information:

Name: Bert and Janet Nielsen
Address: 408 Barbara Ave
Phone: (858) 449-5132
Email: bertnielsen@gmail.com

Project Description:

The Applicant is requesting the approval of a Structure Development Permit (SDP) for an addition to an existing second story deck on a lot with an existing two-story single-family residence with an attached garage. The 22,113 square foot lot is located within the Low Residential (LR) Zone. The project would include grading in the amount of 11 yd³. The following is a breakdown of the existing and proposed floor area:

Existing Main Level	3,115.2 SF
Existing Garage	532.6 SF
Existing Lower Level	1,749.8 SF
<hr/> Subtotal	<hr/> 5,397.6 SF
Garage Exemption	-400 SF
<hr/> Total Existing Floor Area	<hr/> 4,997.6 SF

(Maximum Floor Area Allowed: 4,998.3 SF)

The maximum height of the proposed deck is proposed at 21.0 feet above pre-existing grade with the highest pole at 159 feet above mean sea level (MSL). A SDP is required for new construction in excess of 16 feet in height.

Commissioner Moldenhauer recused himself from item 8.

Vice Chair Coad stated that she owns property within 500 -1,000 ft of the project site and she performed the evaluation of a potential conflict and determined that she does not have a conflict of interest under the FPPC rules.

Commissioner Zajac also stated that he owns property within 500 -1,000 ft of the project site and he determined that he does not have a conflict of interest under the FPPC rules.

Vice Chair Coad opened the public hearing, and the Commissioners stated their disclosures (as shown on table below) regarding dates they visited the properties.

John Delmer, Assistant Planner, gave a PowerPoint presentation describing the project. A copy of the PowerPoint will be included in the project file.

Tom Joyce, Applicant, gave a PowerPoint presentation describing the intent of the proposed design. A copy of the PowerPoint presentation will be included in the project file.

Bert Nielsen, Claimant, presented a PowerPoint presentation describing their concerns of view obstruction resulting from the proposed project. A copy of the PowerPoint presentation will be included in the file.

There was no public comment on this item.

Mr. Joyce responded to the items that were brought up by Mr. Nielsen.

Commissioners Zajac asked the claimant to confirm what he believes is the primary view; the claimant confirmed his primary view is from the living room looking west.

Vice Chair Coad closed the public hearing and the commissioners made their findings as shown in the table below.

Bert and Janet Nielsen 408 Barbara Ave		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant	10/13 & 2/17	2/18 & 2/19			10/15	10/11/22	10/13 & 2/17
	Applicant	10/13 & 2/17	2/19			10/16	10/11/22	10/13 & 2/17

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Primary Viewing Area	Living Room and Upper Deck	Living Room, W			Roof Deck, W	Living Room, W	Upper Deck, W
#1. Communication Taken Place	Y	Y			Y	Y	Y
#2. No Public View Impairment	Y	Y			Y	Y	Y
#3. Designed to Minimize View Impairment	Y	Y			Y	Y	Y
#4. No Cumulative View Impairment	N	N			Y	Y	N
#5. Neighborhood Compatibility	N	Y			Y	Y	Y

Vice Chair Coad made a motion to deny the project, seconded by Commissioner Najjar, which passed 3/2/2 (Ayes: Coad, Najjar, Villasenor. Noes: Stribling, Zajac. Recused: Moldenhauer: Absent: Cohen).

Vice chair Coad called for a recess of 5 minutes.

9. DRP22-006/SDP22-004 Derfus Residence – 150 S. Granados Ave, Solana Beach

Applicant Information:

Name: Austin and Gayle Derfus
 Phone: (858) 361-7377
 Email: aderfus@gmail.com

Architect:

Name: Erin McKinley
 Phone: (858) 945-8227
 Email: erin.mckinley@colliers.com

Claimant 1 Information:

Name: Martin Caden
 Address: 141 Brookdale Place
 Phone: (619) 987-4474
 Email: M_caden@yahoo.com

Claimant 2 Information:

Name: Tom and Barbara Gaeto
 Address: 133 Brookdale Place
 Phone: (760) 481-5205

Email: bgaeto@gmail.com

To be represented by:

Name: Colm and Amanda Kenny
Phone: 9619) 518-7725
Email: colmjkenney@gmail.com

Claimant 3 Information:

Name: Shelli and Oliver Pelly
Address: 146 S. Granados Avenue
Phone: (619) 933-5565
Email: smpelly@gmail.com

Project Description:

The Applicants are requesting the approval of a Development Review Permit (DRP) and Structure Development Permit (SDP) to perform an interior remodel and construct a second-floor addition to an existing single-story, single-family residence with an attached garage, and perform associated site improvements. The 11,659 square-foot lot is located within the Low Medium Residential (LMR) Zone and Scaled Residential Overlay Zone (SROZ). The following is a breakdown of the existing and proposed floor area:

Existing First Floor Living Area:	1,653 SF
Existing First Floor Attached Garage:	677 SF
<u>Proposed Second Floor Living Area:</u>	<u>1,843 SF</u>
Subtotal:	4,173 SF
<u>Required Parking Exemption:</u>	<u>-400 SF</u>
Total Floor Area Proposed:	3,773 SF
Maximum Allowable Floor Area (SROZ):	3,990 SF

The project would include grading in the amount of 20 yd³ of cut, 0 yd³ of fill, 25 yd³ of export, 5 yd³ for footings, and 10 yd³ for removal and recompaction. **The maximum building height of the residence is proposed at 21.49 feet above the existing grade with the highest pole at 168.55 MSL.** The project requires a DRP for a structure that exceeds 60% of the maximum allowable floor area, and for a second floor that exceeds 40% of the floor area of the first floor. An SDP is required for a structure in excess of 16 feet in height.

Commissioner Moldenhauer rejoined the meeting at 7:34 p.m.

Vice Chair Coad opened the public hearing, and the Commissioners stated their disclosures (as shown on table below) regarding dates they visited the properties.

Corey Andrews, Principal Planner, gave a PowerPoint presentation describing the project. A copy of the PowerPoint will be included in the project file.

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Austin Derfus, Applicant, gave a PowerPoint presentation describing the intent of the proposed design. A copy of the PowerPoint presentation will be included in the project file.

Colm Kenny (133 Brookdale Pl.), the Gaetos' representative, presented a PowerPoint presentation describing his concerns of view obstruction resulting from the proposed project. A copy of the PowerPoint presentation will be included in the file.

Martin Caden (141 Brookdale Pl.), Claimant, presented a PowerPoint presentation describing his concerns of view obstruction resulting from the proposed project. A copy of the PowerPoint presentation will be included in the file.

Oliver Pelly (146 S Granados Ave), Claimant, presented a PowerPoint presentation describing his concerns of view obstruction resulting from the proposed project. A copy of the PowerPoint presentation will be included in the file.

Mr. Derfus responded to the items that were brought up by the Claimants.

Commissioner Moldenhauer had questions for the applicant. The applicant addressed all questions.

Vice Chair Coad closed the public hearing and called for discussion. The commissioners discussed the potential to continue the public hearing to a later date to allow for additional communication between the applicant and claimants. The commissioners made their findings as shown in the table below.

Martin Caden 141 Brookdale Pl.		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant	2/20	2/19		2/18	2/9	2/18	2/20
	Applicant	2/16	2/19		2/18	2/18	2/18	2/16
Primary Viewing Area		Den and Patio	Patio		Patio	Western Deck	Patio	Patio
#1. Communication Taken Place		Y	Y		Y	Y	Y	Y
#2. No Public View Impairment		Y	Y		Y	Y	Y	Y
#3. Designed to Minimize View Impairment		N	N		N	N	N	N
#4. No Cumulative View Impairment		N	N		N	N	Y	N
#5. Neighborhood Compatibility		N	N		N	N	N	N

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Tom and Barbara Gaeto 133 Brookdale Pl		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant	2/16	2/18		2/18	2/10	2/18	2/16
	Applicant	2/16	2/19		2/18	2/18	2/18	2/16
Primary Viewing Area		Sitting, Dining, and Kitchen	Dining Room		Living and Dining Room	Dining Room	Dining Room and Kitchen	Patio
#1. Communication Taken Place		Y	Y		Y	Y	Y	Y
#2. No Public View Impairment		Y	Y		Y	Y	Y	Y
#3. Designed to Minimize View Impairment		N	N		N	Y	N	N
#4. No Cumulative View Impairment		N	N		N	N	Y	N
#5. Neighborhood Compatibility		N	N		N	N	N	N

Shelli and Oliver Pelly 146 S Granados Ave.		Coad	Villasenor	Cohen	Moldenhauer	Stribling	Zajac	Najjar
Date Visited	Claimant	2/16	2/18		2/18	2/8	2/18	2/16
	Applicant	2/16	2/19		2/18	2/18	2/18	2/16
Primary Viewing Area		Patio	Deck Looking West		Living Room	2 nd Floor Deck	Living Room	2 nd Floor Sitting Room
#1. Communication Taken Place		N	Y		Y	Y	Y	Y
#2. No Public View Impairment		Y	Y		Y	Y	Y	Y
#3. Designed to Minimize View Impairment		N	Y		Y	N	N	N
#4. No Cumulative View Impairment		N	Y		Y	Y	Y	Y
#5. Neighborhood Compatibility		N	N		N	N	N	N

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Vice Chair Coad called for a motion to reopen the public hearing. Commissioner Moldenhauer motioned to reopen the public hearing, seconded by Zajac, which passed 6/0/1. (Absent: Cohen)

Vice Chair Coad asked the applicant if he would consent to a continuance for more than 30 days. The applicant consented to a continuance.

Vice Chair Coad closed the public hearing.

Vice Chair Coad called for a motion to reopen the public hearing. Commissioner Moldenhauer motioned to reopen the public hearing, seconded by Zajac, which passed 6/0/1. (Absent: Cohen)

Commissioner Najjar motioned to continue the item to a future meeting to allow for additional communication between the applicant and claimants, seconded by Commissioner Moldenhauer, which passed 6/0/1 (Absent: Cohen).

10. VAC MEMBER COMMENTS / DISCUSSION

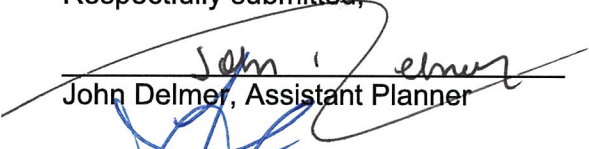
There were no VAC member discussions.

11. ADJOURNMENT

Vice Chair Coad adjourned the meeting at 9:55 PM.

Minutes as approved by V.A.C. on 4/18/23.

Respectfully submitted,



John Delmer, Assistant Planner

Joseph Lim, Community Development Director