

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 14, 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 6:00 p.m.

Present: Lesa Heebner, David Zito, Peter Zahn, and Mike Nichols.

Absent: Ginger Marshall.

Also Present: Davit Ott, City Manager
Johanna Canlas, City Attorney
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 David Zito and seconded by Peter Zahn. **Motion carried 4/0/1** (Absent: Marshall)

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.

Torgen Johnson presented pictures (on file) of friends traveling the world, Top to Top Global Climate Expedition, all by way of sail, peddle, and walking. He extended an invitation to the public to introduce the family to the community at a BBQ on Friday.

Dario Schworer, father, said that they had been speaking at schools about their experience to encourage children with their travels and collected samples, that they would like to set Solana Beach as their base camp for the next year, and that they would be participating in a clean-up at Fletcher Cove this Saturday.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

A. CONSENT CALENDAR: (Action Items) (A.1. - A.8.)

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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for November 29, 2014 through January 2, 2015.

MOTION: Moved by Nichols Nichols and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

A.2. 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 Nichols Nichols and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

A.3. City Council Meeting Schedule 2015. (File 0410-05)

Recommendation: That the City Council

1. Review, edit, and/or approve a 2015 interim schedule with relative cancellations and/or additional meetings.

MOTION: Moved by Nichols Nichols and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

A.4. Community Choice Aggregation Feasibility Study. (File 0480-75)

Recommendation: That the City Council

1. Adopt Resolution 2015-011 to support the study of the feasibility of a regional CCA (Community Choice Aggregation).

MOTION: Moved by Nichols Nichols and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

A.5. Support the Re-designation of the North San Diego County Recycling Market Development Zone (RMDZ). (File 1030-50)

Recommendation: That the City Council

1. Adopt Resolution 2015-009:
 - a. Approving the renewal of North San Diego County as a RMDZ.
 - b. Adopting the RMDZ Negative Declaration Addendum.
 - c. Authorizing the County of San Diego to administer the RMDZ program.

MOTION: Moved by Nichols Nichols and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

A.6. Assessment District Administration Agreements. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2015-001 authorizing the City Manager to execute a professional services agreement, in an amount not to exceed \$6,000, with Koppel & Gruber Public Finance for annual administration of the Coastal Rail Trail and Street Light Assessment Districts.
2. Authorizing the City Manager to extend the agreement for up to four additional years, at the City's option.

MOTION: Moved by Nichols Nichols and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

A.7. Special Legal Services First Agreement Amendment. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2015-007 approving the First Amendment to the Professional Services Agreement for Legal Services, related to LCP cases, with Richards, Watson & Gershon, APC and to authorize the City Manager to execute the Amendment.

MOTION: Moved by Nichols Nichols and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

A.8. Veterans Courtyard Reject Bids. (File 0370-38)

Recommendation: That the City Council

1. Adopt Resolution 2015-008:
 - a. Rejecting all bids for the La Colonia Park Veterans' Honor Courtyard, Bid No. 2014-05.
 - b. Authorizing the Interim City Manager and/or his designee to modify the bid documents as may be necessary and then re-advertise the project for construction bids.

MOTION: Moved by Nichols Nichols and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

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.5.)

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. 675 S. Sierra Development Review Permit (DRP) Second Time Extension Request, Applicant: Seascape 1 Condominiums Homeowners Association, Case No. 17-09-28 (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. Adopt Resolution 2015-004, approving the request for a 12-month extension for a DRP for Case No. 17-09-28, and setting the expiration date as December 14, 2015.

David Ott, City Manager, introduced the item.

Patricia Bluman, Interim Principal Planner, presented a Powerpoint (on file) reviewing the project.

Council and Staff discussed the current status of the work on the project, the estimated time of completion, which may be within approximately one month.

Mayor Heebner opened the public hearing.

Council Disclosures. All Councilmembers presented stated that they had spoken with the applicant.

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

MOTION: Moved by Nichols Nichols and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

B.2. 249 Pacific Ave. Conditional Use Permit (CUP) Time Extension Request, Applicant: Presnell /Graves LLC, Case No. 17-11-24 (File 0610-60)

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. Adopt Resolution 2015-005, approving the request for a 12-month extension for CUP (Case No. 17-11-24) and setting the expiration date as February 22, 2015.

David Ott, City Manager, introduced the item.

Christina Rios, Associate Planner, presented a Powerpoint (on file).

Mayor Heebner opened the public hearing.

Council Disclosures. All Councilmembers presented stated that they had spoken with

the applicant.

Applicant Representative

Jon Corn stated that he was sitting in for Walt Crampton, who had led the project. He said that they had worked with Coastal to get to this point and were ready to start construction on Monday, if Council approved this extension request.

MOTION: Moved by David Zito and seconded by Peter Zahn to close the public hearing. **Motion carried 4/0/1** (Absent: Marshall)

MOTION: Moved by David Zito and seconded by Peter Zahn. **Motion carried 4/0/1** (Absent: Marshall)

B.3. 684 Via De La Valle Development Review Permit (DRP), Applicant: Mengler, Case No. 17-14-02 (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. 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 2015-006 conditionally approving a DRP for a single story, single family residence located at 684 Via De La Valle.

David Ott, City Manager, introduced the item.

Christina Rios, Associate Planner, presented a Powerpoint (on file).

Mayor Heebner opened the public hearing.

Council Disclosures. All Councilmembers presented stated that they had not spoken with anyone on the project.

Applicant Presentation

Bruce Mengler, applicant, stated that they did not have a presentation and were present for questions.

MOTION: Moved by David Zito and seconded by Peter Zahn to close the public hearing. **Motion carried 4/0/1** (Absent: Marshall)

MOTION: Moved by Peter Zahn and seconded by David Zito. **Motion carried 4/0/1** (Absent: Marshall)

B.4. 209 E. Cliff St. Development Review Permit (DRP) and Structure Development Permit (SDP), Applicant: Wakeham, Case No. 17-14-03 (File 0600-40)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and 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 2015-003 conditionally approving a DRP and an administrative SDP for a 71 square foot addition to connect two existing structures onsite to create one single-family residence, the construction of a new detached 2,037 square foot, single-family residence and to retain an existing detached garage at 209 E. Cliff Street.

Councilmember Nichols recused himself from the item due to his residence being within 500 feet of the project.

David Ott, City Manager, introduced the item.

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

Council and Staff discussed how the set backs and frontage of the property were determined, according to the code, that there would be 3 buildings on the property, 2 dwelling units and a garage, that there was a condition in the resolution preventing use of the garage as an additional dwelling unit, and that the condition restricted the use of a cooking facility or sanitation in the garage.

Mayor Heebner opened the public hearing.

Council Disclosures: All Councilmembers presented that they were familiar with the property and had not spoken to anyone regarding the project.

Chris Wakeham, applicant, stated that he was excited to bring the first low carbon, super energy and water efficient project to the City, and that the small existing garage would be used as a workshop.

Council and applicant discussed that he had no plans of changing the siding on the buildings in order to preserve the look of the existing buildings.

MOTION: Moved by David Zito and seconded by Peter Zahn to close the public hearing. **Motion carried 3/0/2** (Absent: Marshall Recuse: Nichols Nichols.)

MOTION: Moved by Peter Zahn and seconded by David Zito. **Motion carried 3/0/2** (Absent: Marshall Recuse: Nichols Nichols.)

B.5. 823 Vera St. Development Review Permit (DRP), Structure Development Permit (SDP), and Minor Subdivision (SUB) Tentative Parcel Map, Applicant: Aidan LLC, Case No. 17-13-35 (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. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines;
3. Find the subdivision exempt from the California Environmental Quality Act pursuant to Section 15315 of the State CEQA Guidelines; and
4. Adopt Resolution 2015-002 conditionally approving a DRP, an SDP, and a Minor SUB for condominium purposes, to allow the development of four detached single-family dwelling units, each consisting of two stories with an attached two-car garage and a total of four guest parking spaces on property at 823 Vera Street.

David Ott, City Manager, introduced the item.

Patricia Bluman, Interim Principal Planner, presented a PowerPoint (on file) reviewing the project.

Council and Staff discussed that an area of the project, which had 3 sides and was covered with a trellis, was not counted towards the overall floor area ratio (FAR) of the project because the area was open at least 50%, but if the area had been completely covered it would have counted towards the FAR calculation.

Mayor Heebner opened the public hearing.

Council Disclosures: Councilmember Nichols stated that he had spoken to the City Manager, City Engineer and Fire Department regarding public safety concerns of the project and that he had met with the applicant about a year and half ago. Councilmembers Zahn, Zito and Heebner all reported that they were familiar with the project site and had met with the applicant about a year and half ago.

Applicant

Erin McKinley, applicant, presented a PowerPoint (on file) reviewing the project. She stated that she had lived in the Eden Gardens neighborhood for over ten years, had worked extensively with the community on this project, the project property was about 1/2 acre, and that it was built in the 1900s. She stated that since the property had been vacant there were issues with loitering on the property, and that she had reviewed the previously proposed projects at this location and resolved previous concerns in this project including height of the buildings and neighborhood compatibility. She stated that community outreach had included distribution of flyers, meeting with neighbors, holding two community outreach meetings, and maintaining

social media postings. She stated that a main concern from neighbors was the lack of parking in the area, the developers had increased the parking to over 300% of what was required, they had developed a low-density site plan in line with the General Plan, the project was designed to look like single family homes, the project remained within the development constraints of the General Plan, and that there was a need to revitalize the neighborhood. She stated that these homes were in line with City's vision for smart growth, she had elected to take a more creative design approach to the look of the project, they had reduced the bulk of the structure by building into the slope, they were not asking for any variances, that they had spent over 5 months in the View Assessment process, and they had entirely redesigned the project for the benefit of the neighbors. She stated that building into the slope assisted in the reduction of the visual bulk of the project, that the project had been designed with the community in mind, and that the homes would help revitalize the neighborhood.

Dan Condrick (time donated by Pauline Condrick) stated that he lived on the project street, he supported the project and that it fit into the community, and he requested that Plan 4 should be only 25 feet in height.

Arriane Bettazzi (time donated by Massimo Bettazzi) stated that she lived on the project street, that she filed the view assessment complaint, they appreciated the compromise that were made, and that they supported the project. She said that here two concerns were 1) that all the units should be under 25 feet, that a special assessment should not be granted for certain buildings to be over 25 feet, and that this would set a precedence for future projects. She stated that the parking during the construction phase was a concern, everyone from Valley Ave. parked on Vera, there were no curbs on Valley, that she did not want to be affected by the construction noise or pollution, and that the height of units 1 and 4 should be under 25 feet.

Jonathan Goodmacher stated that he had lived in the City for nearly 40 years, that the applicant did a good job of reaching out to the public and it was a good project, and that he supported approval of the project.

Bridget Herrin stated that she had lived in the City for 5 years, that the project should be approved, that it was thoughtful in design, and that she liked projects to revitalize the community.

Tara Hernandez stated that she lived across from the proposed project, that she had been a resident for 27 years, and that this was a bad plan for the neighborhood. She stated that there were severe parking issues in the neighborhood due to multi-family homes, that most properties in the neighborhood had 1-2 homes on them, that character of neighborhood would be forever changed if the City approved building 1-4 homes on the lot, the proposed project would set a precedence, and that the project should not be approved.

Danny Hernandez stated that he lived on Valley Ave, that he was a long time resident, that 8 of the 10 properties on Vera Street had 2 or less homes on them, and that 13 of 14 properties on Juanita Street also had 1-2 homes built on each lot. He stated that parking was a concern in the area, that there was no parking allowed on Valley Ave., people did not always use their garage for parking, the community character of 1-2 homes per property should remain, and that the project should not

be approved.

Dawn Andrews stated that she lived in the City, that she spent a lot of time in Eden Gardens, and that she believed Eden Gardens area would be more enjoyable if there were more projects like this one being proposed. She stated that the project met all the legal requirements, that the development would make the property visually appealing, and that quality housing should be provided in the City. She stated that parking was difficult everywhere in the City, that it was part of living in a desirable area, and that the project should not be held accountable for parking issues in the area.

Joshua Lichtman stated that he lived on Valley Ave., there was a parking issue in the area, and that he applauded the applicant on her outreach efforts. He stated that the development was a thoughtful design, that he supported the project, and that it would be a great addition to neighborhood.

Allison Wirth stated that she was a resident of the City, that abandoned properties were a safety concern, that she lived on a subdivided property and enjoyed the neighborly bond that formed in these types of developments. She stated that projects like this would bring more young families into the community and that she supported the project.

Newsha Digius stated that she lived in the City, she supported the project, and that the developer had considered neighbor and land issues.

Sharron Hayek stated that she was a resident of the City for 29 years, that she would soon be a first time home buyer, and that developments such as this one provided families an opportunity to own property in the City. She stated that she supported the project.

Maribel Bradberry stated that she was a resident for 5 years, that this street was similar to N. Cedros, that there was community there because they spent a lot of time together with neighbors, and that she supported the project.

Teresa Correa stated that she was a resident for over 42 years, that she owned 2 parcels on Vera Street, and that the applicant did a great job working with the community. She stated that she had not been contacted by the applicant until today, that the project would affect her property due to the density on the street, and asked the Council to review the width of the street when considering the project. She stated that the street was very narrow, there was a lot of traffic, that she was concerned about fire access on the street, and that the only fire hydrant for the street was on her property. She stated that she wanted Council to consider all factors, asked at what point was landscaping considered overgrowth, that 4 homes were too much for this property, and that Council should consider how the old community culture would be affected.

Daniel Powell stated that he lived on the only one-lane dirt road in the City, that one of the best things about a community was young families, and that there was a need for affordable housing for young families. He stated that the project met many boxes on a checklist of positive qualities for the area, vacant properties were dangerous and

public safety concerns, and that it was not an economic reality to build a single home on this property.

Erin McKinley, applicant, (rebuttal time) addressed speaker concerns of certain units being built over 25 feet, that language in the City's code required projects over 25 feet to file for a Development Review Permit (DRP) so that this would not become a precedent. She stated that the home under Plan 4 was being built 5 feet underground, and that it was slightly over 25 feet due to the topography of the land. She addressed concerns of density, stated that the project was not pushing limits of density or FAR, that she had met with Ms. Correa about a year and a half ago, they had designed the architecture to fit the area, and that this project offered a wider range of housing in the City.

Council and the applicant discussed that conditioning residents to park in the garage rather the guest parking could not be done through the CC&Rs but could be accomplished by a deed restriction, that the developers decided against the gate at this time but it was not removed from the plans, that the applicant would consider options of how to protect the trees that would be planted in between the guest parking spaces, and that they were flexible to the type of trees to plant on the property.

MOTION: Moved by David Zito and seconded by Peter Zahn to close the public hearing. **Motion carried 4/0/1** (Absent: Marshall)

Council and Staff discussed that all fire codes were met for the project area, that it was a good project, the height issue occurred due to the varied topography of the land, and that there should be conditions stating that residents had to park in garages rather than guest parking. Discussion continued regarding that the development size was appropriate or the lot size, that the applicant had put a lot of thought into the project, that they had worked with the topography to reduce the bulk of the project, that the project had some character, that the City had policies regarding noise and other construction related matters, and that the construction of the project would stay within code regulations. Discussion continued regarding trees used to soften the views, that if gates were desired in the future that it should return to Council for that consideration, that there had been tremendous outreach to the community, and that it was not economically realistic for a single home to be built on this property.

MOTION: Moved by Nichols Nichols and seconded by Peter Zahn to approve with modifications. **Motion carried 4/0/1** (Absent: Marshall)

C. STAFF REPORTS(C.1.)

Submit speaker slips to the City Clerk

C.1. Council Boards/Commissions/ Committees Review (File 0410-05)

1. Review Council's Regional Boards/Commissions/Committees.
 - a. Determine the City Selection Committee 2015 annual term appointment.
 - b. Make appointments, or re-appointments, to all other agencies for a new two year term.

2. Review Council Standing Committees: Make appointments, or re-appointments, to all Standing Committees for a new two year term.

MOTION: Moved by David Zito and seconded by Peter Zahn.

Motion carried 4/0/1 (Absent: Marshall)

Regional Agencies Jan 2015 – Jan 2017

City Selection Committee – Nichols, Zahn (alternate)

CSA 17 County Service Area – Zahn, Marshall (alternate)

Escondido Creek Watershed Alliance – Marshall/Staff (no alternate)

League Ca. Cities Exec Committee – Nichols, Zahn (alternate)

League Ca. Cities Legislative Sub – Nichols, Zahn (alternate)

League Ca. Coastal Issues – Nichols, Heebner (alternate)

North County Dispatch JPA – Zahn, Nichols (alternate)

North County Transit District – Nichols, Heebner (alternate)

Regional Solid Waste Assoc. – Nichols, Zahn (alternate)

SANDAG Board of Directors – Heebner, Nichols (1st alternate), Zito (2nd alternate)

SANDAG Shoreline Preservation – Nichols, Heebner (alternate)

San Dieguito River Valley JPA – Zito, Zahn (alternate)

San Elijo JPA – Marshall, Zito

22nd DAA Community Relations – Heebner, Nichols

Standing Committees Jan 2015 – Jan 2017

Business Liaison – Zito, Zahn

Hwy 101/ Cedros Development – Heebner, Nichols

I-5 Construction – Heebner, Zito

Parks & Recreation – Heebner, Nichols

Public Arts – Nichols, Zito

School Relations – Marshall, Zahn

ADJOURN:

Mayor Heebner adjourned the meeting at 8:37 p.m.

Angela Ivey, City Clerk

Approved: February 11, 2015