STAFF REPORT
CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: David Ott, City Manager
MEETING DATE: January 26, 2011
ORIGINATING DEPT: Community Development Department
SUBJECT: Resolution of Denial of a DRP and SDP for 624 Mar Vista Drive. (Case # 17-10-12 Applicants: Tony and Jasna Frakes)

BACKGROUND:
On January 12, 2011, the Solana Beach City Council conducted a public hearing to consider a Development Review Permit (DRP) and an administrative Structure Development Permit (SDP) to demolish the existing residence and detached garage to construct a new two-story residence of 4,062 square feet (including detached garage).

The Council voted 5-0-0 to deny the application, “without prejudice”, and directed Staff to bring forward a resolution of denial.

It should be noted that unlike denials “with prejudice”, when a project is denied “without prejudice” it may be redesigned and resubmitted for Staff review and subsequent Council consideration without waiting the requisite one year from the Council denial date.

This item is before the Council for consideration and proposed adoption of a Resolution of Denial of a DRP and SDP for a proposed project at 624 Mar Vista Drive.

DISCUSSION:
The Council conducted a public hearing to consider the proposed project as noted above for a new two-story, single-family residence and detached garage. The Council's vote to deny the project was based upon the information in the Staff report that was presented, the oral testimony and written communication submitted to the City Clerk from six persons in opposition to the project, and the testimony of the Applicants' representative in support of the project at the hearing.

During the public hearing, public speakers testified that the placement of the bulk of the 22.17 foot high, two-story wall along the southern border of the site fails to protect the

CITY COUNCIL ACTION:

AGENDA ITEM A.6.
surrounding areas from potential adverse effects of the proposed development. Public testimony was also provided stating that the placement of the building onsite and bulk of the building is not complimentary to and is incompatible with the development that is existing in the area.

Having heard and considered all the information and testimony provided, the Council members found that the project was not consistent with the required findings for a DRP pursuant to SBMC Section 17.68.040(H)(2) and corresponding development review criteria listed under SBMC Section 17.68.040(F)(1) Relationship with Adjacent Land Uses and (2) Building and Structure Placement. Adoption of the attached resolution (attachment 1) will formalize the Council's decision to deny the DRP without prejudice and therefore deny the administrative SDP.

**CEQA COMPLIANCE STATEMENT:**
The denial of this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270 (Projects which are Disapproved) of the State CEQA Guidelines.

**FISCAL IMPACT:**
No significant direct impacts identified.

**WORKPLAN: N/A**

**OPTIONS:**
- Approve the adoption of Resolution 2011-021 denying the project.
- Provide alternative direction.

**DEPARTMENT RECOMMENDATION:**
Staff recommends that the City Council:

1. Adopt Resolution 2011-021 denying the request for an application for a Development Review Permit and an Administrative Structure Development Permit for the proposed project at 624 Mar Vista Drive.

**CITY MANAGER'S RECOMMENDATION:**
Approve Department Recommendation

[Signature]
David Ott, City Manager

Attachments:

1. Resolution 2011-021
RESOLUTION 2011-021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, DENYING A REQUEST FOR A DEVELOPMENT REVIEW PERMIT AND ADMINISTRATIVE STRUCTURE DEVELOPMENT PERMIT TO DEMOLISH THE EXISTING RESIDENCE AND DETACHED GARAGE TO CONSTRUCT A NEW TWO-STORY SINGLE-FAMILY RESIDENCE AND DETACHED GARAGE AT 624 MAR VISTA DRIVE, SOLANA BEACH

APPLICANTS: Tony and Jasna Frakes
CASE NO.: 17-10-12 DRP/SDP

WHEREAS, Tony and Jasna Frakes (hereinafter referred to as "Applicants") have submitted an application for a Development Review Permit and Structure Development Permit to demolish the existing residence and detached garage and construct a new two-story single-family residence and detached garage at 624 Mar Vista Drive ("Project"), pursuant to Title 17 (Zoning), of the Solana Beach Municipal Code (SBMC); and

WHEREAS, on January 26, 2011, the City Council held a duly noticed public hearing to consider the Project; and

WHEREAS, at the hearing the City Council received and considered evidence concerning the Project; and

WHEREAS, the public hearing was conducted pursuant to the provisions of SBMC Section 17.72.030; and

WHEREAS, the California Environmental Quality Act Guidelines section 15270 provides that disapproved projects are exempt from CEQA; and

WHEREAS, this decision is based upon the evidence presented at the public hearing, the project application and the development plan, and any information the City Council gathered by viewing the site and the area as disclosed at the hearing; and

WHEREAS, pursuant to SBMC Section 17.68.040(H), the City Council findings determined that, as proposed, the Project was not compatible with existing and potential future residential development, and that the design does not enhance the intended use.

NOW, THEREFORE, the City Council of the City of Solana Beach, California, does resolve as follows:
1. That the above recitations are true and correct.

2. That the denial of the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270 of the State CEQA Guidelines.

3. That the request for a Development Review Permit and Structure Development Permit for 624 Mar Vista Drive (APN: 263-096-03), filed on June 18, 2010, and on file with the Community Development Department is denied, based upon the following Findings.

3. Findings:
   A. In accordance with Section 17.68.040.H (Development Review Permits) of the Solana Beach Municipal Code (SBMC) the City Council denied the application for a development permit based on the following findings.

   1. The proposed development does not comply with the development review criteria set forth in SBMC 17.68.040(F) as follows:

      a. Relationship with Adjacent Land Uses. The proposed two-story residence is not designed in a manner compatible with and it is not complimentary to other residential development in the immediate vicinity of the project site. Based on the testimony and written communications received from the public during the hearing, and other facts submitted into evidence at the hearing, the Council found that the project does not give adequate consideration to the protection of the surrounding areas from potential adverse effects of the proposed development. The placement of the bulk of the 22.17 foot high wall on the site relative to the perimeter and southern border of the site does not protect the surrounding areas from potential adverse effects of the proposed development. This placement of the building on the site and the bulk and mass of the building is not compatible with development surrounding the site.

      b. Building and Structure Placement. The building and structure placement on the site does not visually and functionally enhance its intended use.

   B. Because all of the findings for the DRP cannot be made the Administrative SDP will not be issued.
4. The project is therefore denied without prejudice.

NOTICE REGARDING JUDICIAL REVIEW: The City Council decision is final unless a petition for a writ of mandate is timely filed. The time within which judicial review of this decision must be sought is governed by the Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Solana Beach by the Solana Beach Municipal Code, Chapter 2.36. Any petition or other papers seeking judicial review must be filed in the appropriate court not later than the ninetieth (90th) day following the date on which this decision shall be made and filed with the Solana Beach City Clerk. This decision is final upon the adoption of this resolution.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of the City of Solana Beach, California held on the 26th Day of January, 2011 by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

LESA HEEBNER, Mayor

APPROVED AS TO FORM: ATTEST:

JOHANNA N. CANLAS, City Attorney ANGELA IVEY, City Clerk