

# CITY OF SOLANA BEACH

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



## MINUTES

### Joint REGULAR Meeting

Wednesday, March 25, 2015 \* 6:00 P. M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.
- City Council meetings 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.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

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### **CALL TO ORDER AND ROLL CALL:**

Mayor Heebner called the meeting to order at 6:06 p.m.

Present: Lesa Heebner, David A. Zito, Peter Zahn, Mike Nichols, Ginger Marshall  
Absent: None  
Also Present: David Ott, City Manager  
Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Wende Protzman, Community Development Dir.  
Mo Sammak, City Engineer/Public Works Dir.  
Danny King, Sr. Management Analyst

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

Johanna Canlas, City Attorney, stated that direction was provided, there was no reportable action.

### **FLAG SALUTE:**

Mayor Heebner led the flag salute.

### **APPROVAL OF AGENDA:**

David Ott, City Manager, stated that item B.2. would be removed from the agenda and placed on the April 8, 2015 agenda.

**Motion:** Moved by Zito and second by Zahn. **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.

Chuck Leighton stated that a Geico banner had been repeatedly flown over the east side of the city. He stated that he had contacted the Federal Aviation Administration (FAA) with no response, and he read a letter aloud that he sent to the FAA. He stated that this had been repetitive, that the plane was flying at a lower elevation, and submitted a letter to Council that he had sent to the City Manager on the issue in 2013.

Ron Morris stated that he had issues with the City's policy for flag lots, that the current policy was to apply front and side yard set backs to the flag pole portion of the flag lot, and that the policy was not consistent with the definition set forth in the Municipal Code for front yard, side yard, and buildable area. He stated that the policy allowed for structures to be built without the standard uniform rear yard set backs between neighboring lots in the same block, that the definition in the code for flag lots made it clear that the flag pole part was intended for use as access, that there was not any buildable area in the flag pole portion of the lot and therefore there could not be any front yard or interior side yard. He stated that the definition of a front yard in the code was based on the existence of a structural set back line, that there could not be a structural set back in the flag pole area of the lot because there was no buildable area, and expressed additional concerns regarding the City policy on flag pole lots.

Jill Morris stated that Council should direct the City Manager to correct the policy with regards to set backs for the flag lots by requiring that 1) the flag pole portion of a flag lot should not be designated as the front yard and should not have a front yard set back, and 2) the designation of the front yard and the front yard set back should be applied to the portion of the flag pole lot where the flag pole portion ended and met the remainder of the lot. She stated that the goal was to apply a front yard set back that was located along the common lot line with the front lots so that structures on the flag lot would be located the same distance from the common lot line as the rear yard set back, that this matter should be addressed promptly, and that they were aware of at least one pending permit application for construction of a flag lot which would violate the uniform rear yard set backs required for the block. She requested that the policy for flag lots be evaluated and revised.

Council and Staff discussed that the City did not have a policy for flag lots, that the code was not complete on flag lots since the flag lots in the City were pre-incorporation County codes, and that City currently did not allow flag lots, therefore, flag lots were largely based on a Staff interpretation, and that all flag lot applications were evaluated on a case by case basis. Discussion continued that the current interpretations used should be reviewed and evaluated, and that no ordinance changes would be required only administrative policy changes.

Johanna Canlas, City Attorney, stated that project applications were subject to the processes / interpretations that were in place when the applications were deemed complete.

Council came to consensus to direct the City Manager to review the policy and bring it back to Council for further discussion.

**COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

Council reported on upcoming community events.

**A. CONSENT CALENDAR:** (Action Items) (A.1. - A.2.)

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 February 14, 2015 through February 27, 2015.

**Motion:** Moved by Zito and second by Nichols. **Motion carried unanimously.**

**[A.1. Report \(click here\)](#)**

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**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 Zito and second by Nichols. **Motion carried unanimously.**

**[A.2. Report \(click here\)](#)**

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**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. 474 Palmitas - Development Review Permit (DRP) and Structural Development Permit (SDP), Applicant: Pettine, Case No. 17-14-25. (File 0600-40)**

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and administratively issue a SDP. Therefore, Staff recommends 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, which exempts limited numbers of new, small structures, such as single-family residences; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2015-032** conditionally approving a DRP and an administrative SDP to construct a 122 square foot addition to the main level and a 596 square foot addition to the upper level of an existing 2,538 square foot, single-family residence with attached 488 square foot, two-car garage at 474 Palmistas Street in Solana Beach.

David Ott, City Manager, introduced the item.

Patricia Bluman, Principal Planner, presented a PowerPoint (on file).

David Ott, City Manager, stated that flag lots were not exact in the code as discussed during oral communications, and that the policy would be reviewed and evaluated as directed by Council.

Applicant

John Berry, architect, stated was available to answer questions, and stated that the most of the development of the project was done on the inside, and that this project had very difficult circulation issues which they did their best to fix.

Council and speaker discussed the foot print expansion, that most of the square footage was on the inside of the building, that additions were made to the upstairs study to create a master suite, and that the building did not extend beyond the original foot print.

Council Disclosures: All Councilmembers presented that they had driven by the property and had not spoken with applicants.

**Motion:** Moved by Zito and second by Nichols to close the public hearing. **Motion carried unanimously.**

**Motion:** Moved by Zito and second by Zahn to approve. **Motion carried unanimously.**

[B.1. Report \(click here\)](#)

**B.2. 347, 355, and 357 Pacific Ave - Development Review Permit (DRP) Second Time Extension Request, Applicants: Mariani/WJK/Scism, Case No. 17-11-21. (File 0600-40)**

Staff recommends 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 2015-031**, approving the request for a nine month extension for DRP (Case No. 17-11-21) and setting the expiration date as October 11, 2015.

This item was pulled from the agenda to be moved to the April 8, 2015 agenda.

**C. STAFF REPORTS:** (C.1. – C.4.)  
*Submit speaker slips to the City Clerk.*

**C.1. This Item # was left blank**

**C.2. Reclaimed Water Line Extension Update.** (File 1050-30)

Recommendation: That the City Council

1. Accepts this report, consider the alignment alternatives, and provide direction to the City Manager as may be needed.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer / Public Works Dir., presented a PowerPoint (on file).

Council and Staff discussed reasoning for choosing Via De La Valle as placement for the pipe, which included costs, and adequate area for placement. Discussion continued regarding the City of Del Mar having an interest in the pipeline, that they would be using the pipeline as well, that Del Mar would work with the City on the installation of the pipeline since it would be in the City of Del Mar's right-of-way, and that Del Mar would not participate in the funding of the pipeline since it was more of a benefit to the City but they would be paying to use water pumped through the pipeline.

Anders Egans, Infrastructure Engineering Corporation (IEC), stated that if a pump was placed on the pipeline it would create a closed system which would pose more issues with operations of the pipeline, that Via De La Valle was the more viable option due to not having to trench the entire length of the pipeline as would be the case if the pipe was installed at Lomas Santa Fe, that it was more cost efficient to have the pipeline at Via De La Valle due to installation and also there were more immediate customers along that corridor.

Council, Staff, and speaker discussed various areas of the line that could work without a pump, the installation of the pump, that the Fairgrounds were already using the pipe, discussed the timeline of the project, and that the installation schedule could be aggressive due to work Del Mar would also be doing in the area.

**Motion:** Moved by Heebner and second by Zito to approve. **Motion carried unanimously.**

[C.2. Report \(click here\)](#)

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**C.3. Fiscal Year 2014-15 Community Development Block Grant ADA Pedestrian Ramp List Amendment. (File 0390-30)**

Recommendation: That the City Council

1. Adopt **Resolution 2015-033:**

- a. Finding that the funding request and project implementation are exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines.
- b. Approving an amended list of public street ADA ramp locations for FY 2014-15.
- c. Authorizing the City Manager to execute an amendment to the FY 2014-15 County contract for management and implementation of the CDBG project.

David Ott, City Manager, introduced the item.

Mo Sammak, City Engineer / Public Works Dir., presented a PowerPoint (on file).

Council and Staff discussed that the funding could only be used for building of ADA ramps and curb extensions, that striping would be done under the pavement management project since it had to taken from a different funding source, and that the City would utilize these funds to complete as many curbs in the City that did not currently meet ADA requirements. Discussion continued that the City had to have a plan to meet ADA requirements and show efforts to complete those plans.

**Motion:** Moved by Zahn and second by Zito to approve. **Motion carried unanimously.**

[C.3. Report \(click here\)](#)

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**C.4. Cost Sharing Agreement between the City of Del Mar, the City of Solana Beach, and the 22nd District Agricultural Association for an Economic Impact Study of the Del Mar Fairgrounds. (File 0150-85)**

Recommendation: That the City Council

1. Adopt **Resolution 2015-034** authorizing the City Manager to execute the Cost Sharing Agreement between the City of Del Mar, the City of Solana Beach, and the 22nd District Agricultural Association for an Economic Impact Study of the Del Mar Fairgrounds by Economic & Planning Systems.

David Ott, City Manager, introduced the item. He stated that in 2010 the City, Del Mar, and the 22nd District Agricultural Association had initiated legal action against the fairgrounds for the master plan, that included in the settlement was to conduct an economic impact study that would specifically focus on the impacts, both positive and negative, that the fairgrounds had on the Cities of Solana Beach and Del Mar. He stated that it had been shown that the fairgrounds were valuable financially to the area, however, there had never been a study of how the fairgrounds impacted the neighboring cities, such as the impacts of emergency response services provided to the fairgrounds, or infrastructure impacts, and that the study would be funded by the 3 agencies. Mr. Ott stated that after reviewing the proposals the 3 agencies collectively decided that EPS was the most qualified to conduct the study, that the City of Del Mar would take the lead on administering the contract, and that the City would provide the funding to the City of Del Mar who would then pay the invoices.

Council and Staff discussed that the results of the study could be used for future discussions and would provide a better understanding between communities of the impacts of the fairgrounds, and that the agreement between the agencies and EPS would be available for public viewing. Discussion continued that funds for the study would be taken from the general fund, and that TOT funds could not be used for funding of the study.

**Motion:** Moved by Heebner and second by Nichols to approve. **Motion carried unanimously.**

[C.4. Report \(click here\)](#)

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**WORKPLAN COMMENTS:**

*Adopted June 25, 2014*

**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:**

Councilmembers reported Committee Reports.

**Regional Committees: (outside agencies, appointed by this Council)**

- a. City Selection Committee (meets twice a year) – Nichols, Zahn (alternate).
- b. County Service Area 17 – Zahn, Marshall (alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee – Nichols, Zahn (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee – Nichols, Zahn (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) – Nichols, Heebner (alternate).
- g. North County Dispatch JPA – Zahn, Nichols (alternate).
- h. North County Transit District – Nichols, Heebner (1<sup>st</sup> alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols, Zahn (alternate).
- j. SANDAG – Heebner (Primary), Nichols (1<sup>st</sup> alternate), Zito (2<sup>nd</sup> alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee – Nichols, Heebner (alternate).
- l. San Dieguito River Valley JPA – Zito, Zahn (alternate).
- m. San Elijo JPA – Marshall, Zito (both primary members) (no alternates).
- n. 22<sup>nd</sup> Agricultural District Association Community Relations Committee – Heebner, Nichols.

**Standing Committees: (All Primary Members) (Permanent Committees)**

- a. Business Liaison Committee – Zito, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee – Heebner, Nichols.
- c. I-5 Construction Committee – Heebner, Zito.
- d. Parks and Recreation Committee – Heebner, Nichols.
- e. Public Arts Committee – Nichols, Zito.
- f. School Relations Committee – Marshall, Zahn.

**ADJOURN:**

Mayor Heebner adjourned the meeting at 9:04 p.m.

Angela Ivey, City Clerk

Approved: June 10, 2015