

# CITY OF SOLANA BEACH

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



## MINUTES

### Joint REGULAR Meeting

Wednesday, September 23, 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.
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#### CITY COUNCILMEMBERS

**Lesa Heebner, Mayor**

**David A. Zito, Deputy Mayor**

**Peter Zahn, Councilmember**

**Mike Nichols, Councilmember**

**Ginger Marshall, Councilmember**

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

#### CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:00 p.m.

Present: Mayor Lesa Heebner, Deputy Mayor David A. Zito,  
Councilmembers Peter Zahn, Mike Nichols, Ginger Marshall

Absent: None

Also Present: Gregory Wade, City Manager  
Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Bill Chopyk, Community Development Dir.  
Mo Sammak, City Engineer/Public Works Dir.  
Dan King, Asst to City Manager

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

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

#### FLAG SALUTE:

#### APPROVAL OF AGENDA:

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

#### PROCLAMATIONS/CERTIFICATES:

1. Bocce Ball
2. Men's Health

**PRESENTATIONS:**

(Ceremonial items that do not contain in-depth discussion and no action/direction.)

One Paseo Project

Jamas Gwilliam, Vice President of Kilroy Realty, said that the a plan would be show tomorrow evening publically, that an agreement with three community groups and an adjacent shopping center owner was reached resulting in a smaller project reducing bulk and scale, traffic, and setbacks, a collaborate approach working with the community to address mitigation measures, and a reduction of retail of about 61% and 41% to the offices, and maintained the same number of residential units of which 10% would remain as affordable housing. He continued stating that reliance of the certified EIR (environmental impact report) remained with an addendum that would be prepared to determine if any new significant impacts would arise from the changes in the project. He said that they brought on a new team including community outreach, that they had held two community workshops with the most recent one in October with 190 attendees, that they would be attending the Carmel Valley Planning Board meeting tomorrow evening, and that they recognized that not everyone would be satisfied with impacts and varying interests that they would weigh and balance as best as possible. He said that ongoing website posts with updates of the project's progress would be posted.

**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.

Tracy Weiss announced the La Colonia Dia de los Muertos event co-sponsored by the Parks and Recreation Commission and La Colonia de Eden Gardens Foundation that would take place November 1<sup>st</sup>.

Mel Millstein said that he was Chief of Staff for County Supervisor Dave Roberts and was speaking for him to thank Council for its support in the recent Special Olympics.

Maria McEneany stated her thanks for the City's support, along with Encinitas and Del Mar, for hosting three Special Olympic delegations, consisting of 63 VIP Olympians and their coaches, Ghana, Swaziland, and Thailand July 21 – 24<sup>th</sup>. She thanked Kirk Wenger, Recreation Supervisor, and Dan King, Assistant to the City Manager, for helping coordinating a wonderful warm welcome with volunteers of Solana Beach Presbyterian. She said that the international audience heard music and danced together and it was a memorable event, and thanked many other organizations and restaurants for their contributions.

**COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

**A. CONSENT CALENDAR:** (Action Items) (A.1. - A.6.)

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 August 15, 2015 through August 28, 2015.

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

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

**A.2. General Fund Adopted Budget for Fiscal Year 2015-16 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2015-2016 General Fund Adopted Budget.

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

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

**A.3. Community Grant Program Fiscal Year 2015-16.** (File 0330-25)

Recommendation: That the City Council

1. Adopt **Resolution 2015-110** approving and authorizing the Fiscal Year 2015-16 Community Grant Program.

[Item A.3. Report \(click here\)](#)

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

**A.5. Stormwater Program Management Services and NPDES Regional MOU (Memorandum of Understanding).** (File 0850-30)

Recommendation: That the City Council

1. Adopt **Resolution 2015-109** authorizing the City Manager to execute a Professional Services Agreement with Mikhail Ogawa Engineering for Stormwater Program Management Services.
2. Adopt **Resolution 2015-112** authorizing the City Manager to execute the Third Amendment to the National Pollutant Discharge Elimination System (NPDES) Regional Memorandum of Understanding with the San Diego Regional Stormwater Coopermittees.

[Item A.5. Report \(click here\)](#)

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

**A.6. San Dieguito County Park Frontage, Landscaping and Parking Improvements.** (File 0820-45)

Recommendation: That the City Council

1. Adopt **Resolution 2015-104**:
  - a. Authorizing the City Council to accept, as complete, the San Dieguito County Park Parking Improvements Project, Bid No. 2015-01, constructed by Blue Pacific Engineering & Construction.
  - b. Authorizing the City Clerk to file a Notice of Completion.

[Item A.6. Report \(click here\)](#)

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

**A.4. Emergency Repair of Sewer Pipe Conflict at the Intersection of Patty Hill Drive and Granados Avenue.** (File 1040-36)

Recommendation: That the City Council

1. Adopt **Resolution 2015-105**:
  - a. Authorizing the City Council to accept as complete the Emergency Repair of the Sewer Pipe Conflict at the Intersection of Patty Hill Drive and Granados Avenue by Blue Pacific Engineering and Construction.
  - b. Authorizing the City Clerk to file a Notice of Completion.

[Item A.4. Report \(click here\)](#)

*This item was pulled from the Consent Calendar by the public for discussion.*

Gregory Wade, City Manager, introduced the item.

Tracy Weiss said that she lived west of the project, they asked to access our property complete the end of the pipeline project, that she had asked that once they were done to return the fence and plants back to their original place, but that the fence was still missing 7-8 ft. ripped out and not replaced, that it did not look as though the project was complete, and that they expected them to return the land to what it was before.

Mo Sammak, Director of Engineering/Public Works, said that this item was regarding the work with the contractor, that Ms. Weiss was referring to the portion of the project that was completed by Gordon Jones, which was a private arrangement between two private property owners, and that Staff could talk with them further to see how they could assist.

Johanna Canlas, City Attorney, stated that in this case there was a private contract with that neighbor, and that the item was asking for a Notice of Completion to be filed once all of the work was completed.

**Motion:** Moved by Nichols and second by Zahn contingent on the approval of the City Manager. **Motion carried unanimously.**

**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. Public Hearing: 716 Rawl Place - Development Review Permit (DRP) and Structure Development Permit (SDP) - Applicant: Heidmann, Case# 17-14-36.** (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, could be found to be 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; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2015-103** conditionally approving a DRP and an administrative SDP for a 210 square foot first floor addition, a 1,284 square foot second floor addition and a 36 square foot addition to the attached garage and an enclosed front patio of 60 square feet to an existing two story residence at 716 Rawl Place.

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

Gregory Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) reviewing the proposed project.

Councilmember Nichols asked if the condition of the landscape as stated in the Staff Report regarding native species for any modifications of landscaping being performed, that the condition seemed lighter than the resolution so if compatibility is subjective then it should probably state it as native in the resolution.

Council and Staff discussed the fire pit location was approved with its proposal.

Greg Wade, City Manager, said that the plans submitted were acceptable with the Fire representative examiner, and that sometimes when it would be reviewed in the field there might be an adjustment to correct any inconsistencies.

Councilmember Nichols stated that he would like more specific City guidelines and that California Fire Code had exemption for fire pits for single family residences.

Corey Andrews, Principal Planner, said that this project may lie within the wildland urban interface area which had specific requirements for fire prevention and that may be the reason for different requirements in different areas of the city.

Council and Staff reviewed two references to drawings referencing the maximum height of the drawings vs. Staff Report of 22 ft. and 25 ft. and confirmed that it was 22 ft.

Mayor Heebner opened the public hearing.

Council disclosures.

#### Applicant

Paul Heideman said that he lived in Solana Beach since 2000, had two young children, and was available to answer questions.

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

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

#### **B.2. Public Hearing: 259 Hill St. - Development Review Permit (DRP) and Structure Development Permit (SDP) - Applicants: Pfeiffer, Case# 17-15-11. (File 0600-40)**

The proposed project meets the minimum objective requirements under the SBMC, could be found to be 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; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2015-108** conditionally approving a DRP and an administrative SDP to allow for the construction of a new 2,923.5 square-foot, two-story, single-family residence with a basement and subterranean garage located at 259 Hill Street.

[Item B.2. Report \(click here\)](#)

Gregory Wade, City Manager, introduced the item.

Katie Benson, Associate Planner, presented a PowerPoint (on file).

Council and Staff discussed grading permitting requirements, discharge of runoff, landscaping allowed to percolate, the goal would be to ensure that downstream runoff is not impacted as a result of the development, that the plans stated the fire pit was 9 ft. from the house and that there was not a fixed distance regulated and the fire department did not restrict and approved its proposed placement, and that many other cities stated a specific distance of a fire pit from a dwelling.

Council disclosures.

### Applicant

Jennifer Bolan, architect, stated that the applicants had lived in the neighborhood for six years, that they were under the FAR, that the story poles showed the scale, they were below the average height limit, and would utilize high quality design materials.

Council, Applicant, and Staff discussed an unattractive trash enclosure area that looked commercial and could be incorporated better within the site plan, that they were balancing the functionality and aesthetic by screening with landscaping, that alternative locations were considered but the applicant preferred the proposed location due to access and concealment, that the driveway sloped down to the garage which was underground, which was accessible in the basement, that the slope began at 15% so they would have to go up a driveway with the trash, it was placed so that the trash did not have to be hauled through the house or in the elevator to get to the trash area, and that they would not use a commercial type of trash enclosure.

Council and applicant's landscape architect representative, Kristin, stated that some of the wall would be screened with mother-in-law's tongue planting to soften the first few feet of the wall covering the trash bin area.

**Motion:** Moved by Zito and second by Marshall to close the public hearing. 5/0 **Motion carried unanimously.**

Councilmember Nichols stated that he thought the trash location issue was not the best design but that he did not oppose the project, that some alternative options might be considered so that a precedent not be set, that the City did not have any guidelines but he would like to see a better way to address it, but it would not keep him from approving the project.

**Motion:** Moved by Zito and second by Nichols. 5/0 **Motion carried unanimously.**

**C. STAFF REPORTS:** (C.1. - C.4.)

*Submit speaker slips to the City Clerk.*

**C.4. View Assessment Commission Appointment** (File 0120-05)

Recommendation: That the City Council

1. Make one appointment (nomination by Councilmember Marshall, approved by majority vote) to the vacant position on the View Assessment Commission (VAC) with a term expiration date of January 2016.

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

[C.4. Updated Report #1](#)

Gregory Wade, City Manager, introduced the item and stated that the City Clerk extended the appointment recruitment period and that there were three applicants for consideration, including the applicants from the prior meeting.

Deputy Mayor Zahn stated that he was concerned about Gary Garber's application submitted at the last meeting because it seemed inadequate with missing information, that this updated application was more filled in and completeness, and asked Councilmember Marshall to take that into account including that the recommendations submitted were identical, even though an additional dissimilar recommendation was added with this new submittal, and that he was concerned that there appeared to be a lack of commitment to the process due to the content and effort in the applications and issues with the recommendations.

Councilmember Marshall stated that she would like to recommend Gary Garber, that he had resubmitted an updated and complete application, and that perhaps Mr. Garber could address some of Councilmember Zahn's concerns.

Gary Garber said that he apologized for his initial application since it was done on the spur of the moment because he was called out of town, that he asked each recommendation to be filled out, that he was under the impression that it was Councilmember Marshall's appointment, he did not realize it had to be filled out in full, and that he did not talk to either of the initial recommendations about what they were going to write.

Deputy Mayor Zahn stated that the recommendations were not similar but instead identical and wondered how that came about.

Mr. Garber responded that one was filled out and that he showed the other person what was written in one recommendation and that since he was in a rush he did not catch that they had somehow replicated the recommendation.

Councilmember Zahn said that the View Assessment Commission demanded a lot of attention to detail with its work.

Mayor Heebner and Mr. Garber discussed what development experience he had and that he had purchased 17-19 homes and some commercial properties and had



remodeled them, that he had not yet attended a VAC meeting, that his neighbor had gone through the VAC process before but did not know the details, that his interest was in his neighborhood, that he was a member of the BBC (Beach Bluff Conservancy), had attended some meetings at the community center with Councilmember Nichols, that he had suggested to former City Manager David Ott that a speed sign be placed at the community center, and was now working with Engineering department to underground utilities in his neighborhood. Discussion continued regarding Mr. Garber's impartiality such as complying with the ordinance and recommending a redesign to an applicant that was a friend and he assured Council that he would be focused on reaching an agreement that complied with the rules, to mitigate the problem in order to work something out, and that if that was not possible that the ordinance and laws would have to be followed, and that he would have no problem with certain view issues since he would not want his view blocked.

Deputy Mayor Zito and Mr. Garber discussed a large upcoming project and the time that may be needed to work on assessing the project, that Mr. Garber was semi-retired, that not all views were protected, and that it was important to be fair and balanced, to try to work things out with both parties, and that the hard part of the job was being a negotiator.

Councilmember Marshall nominated Gary Garber to be appointed to the View Assessment Commission.

**Motion:** Moved by Marshall and second by Zito to appoint Gary Garber. **4/0/1 (Abstain: Zahn) Motion carried.**

**C.1. Adopt (2<sup>nd</sup> Reading) Ordinance 465 - Public Safety Commission.** (File 0120-35)

Recommendation: That the City Council

1. Adopt **Ordinance 465** repealing Chapter 2.62 (Public Safety Commission) of the Solana Beach Municipal Code.

[Item C.1. Report \(click here\)](#)

**Motion:** Moved by Zito and second by Marshall. **4/0/1 (Abstain: Nichols) Motion carried**

**C.2. Recycled Water Project Agreements.** (File 1030-40)

Recommendation: That the City Council

1. Adopt **Resolution 2015-102:**
  - a. Authorizing the City Manager to execute a reimbursement agreement with the City of Del Mar for construction of the recycled water line along Via de la Valle.
  - b. Authorizing the City Manager to execute an amendment to the Professional Services Agreement with Infrastructure Engineering Corporation to increase the compensation by \$50,000, for a new contract

total of \$315,000, for items not included in the original contract such as design of the fill station and preparation of traffic control plans.

- c. Authorizing the City Manager to execute reimbursement agreements with the SFID and the SEJPA in the amounts of \$50,000 and \$23,770, respectively, for design of the project.
- d. Appropriating \$73,770 in reimbursement agreement revenue and \$1,363,770 in project expenditures into the Reclaimed Water Line project in the Sanitation Fund.
- e. Authorizing the City Treasurer to amend the Fiscal Year 2015/16 Adopted Budget accordingly.

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

Gregory Wade, City Manager, introduced the item.

Mo Sammak, Director of Engineering/Public Works, presented a PowerPoint (on file).

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

**C.3. Adopt (2<sup>nd</sup> Reading) Ordinance 464 amending the Findings for the Issuance of a Development Review Permit. (File 0600-95)**

Recommendation: That the City Council

1. Adopt **Ordinance 464** amending the findings for the issuance of a development review permit where another agency must also approve or permit the same project.

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

Johanna Canlas, City Attorney, read title of Ordinance.

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

**COMPENSATION & REIMBURSEMENT DISCLOSURE: None**

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:**

**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 8:30 p.m.

Angela Ivey, City Clerk

Approved: May 11, 2016