

## CITY OF SOLANA BEACH

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

# MINUTES

## JOINT **REGULAR** MEETING

**Wednesday, October 8, 2014**

**06:00 P.M.**

City Hall / Council Chambers

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

**Present:** Nichols, Campbell, Heebner, Zito, and Zahn.

**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.  
Marie Berkuti, Finance Manager  
Dan King, Sr. Management Analyst

### **FLAG SALUTE:**

Johanna Canlas, City Attorney, led the flag salute.

### **APPROVAL OF AGENDA:**

**MOTION:** Moved by Heebner and seconded by Zahn. **Motion carried unanimously.**

### **PRESENTATIONS:**

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

1. San Diego Foundation 2050 Report

Emily Young from the San Diego Foundation, presented a PowerPoint (on file). She stated that the San Diego Foundation was a regional community foundation, that their mission was to build charitable assets for the San Diego region and invest those back into the community to enhance quality of life. She stated that they looked at issues in the City where philanthropy could make a difference, that they reviewed climate change in the area, and that the county had to big fires since 2003 which were costly for the county. She reviewed the findings of a report on climate change created by the Climate Education Partners which was a consortium made up of 5 organizations led by the University of San Diego, Scripps Institute of Oceanography, Cal State San Marcos, the San Diego Foundation, and the Steve Alexander Group. She stated people in the county were that aware and concerned with the climate changing, that the group wanted to use science to inform decision makers about impacts of climate change, and she reviewed the latest projections of climate change. She stated that warming was occurring 4 times faster than in the past, that it was not cooling down at night as much as in the past, that up to 95% of the county's water was imported, and that the water demand was expected to increase by 45%. She stated that water sources were expected to decrease by 12% by 2050, that sea level was rising which meant more frequent flooding, that by 2050 there would be a big flood annually, that the region was prone to wildfires, and that 1,000 homes had been burned down since 2000. She stated that warming conditions meant more air pollution which was a health concern for those with respiratory issues, that 7/10 people believed that you could protect the environment and have a healthy economy, it was not a trade off, that many people cared about the climate for future generations, that the City was an inspiration for other cities in the county, and that there were a lot of leadership in the county working towards measures for climate change.

Council and speaker discussed that the most recent data available on the sea level figures for the City was available on the San Diego Foundation website.

## 2. Del Mar Shores Stairs

Mo Sammak, City Engineer / Dir of Public Works presented a PowerPoint (on file) reviewing the Del Mar Shores Stairs project.

### **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.

None

**COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY****A. CONSENT CALENDAR: (Action Items) (A.1. - A.4.)**

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. This item was pulled from the agenda.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held June 10, June 25, and August 27, 2014

This item was pulled from the agenda.

**A.2. Register Of Demands. (File 0300-30)**

Recommendation: That the City Council

1. Ratify the list of demands for September 13, 2014 through September 19, 2014.

**MOTION:** Moved by Zito and seconded by Nichols. **Motion carried unanimously.**

**A.3. 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 seconded by Nichols. **Motion carried unanimously.**

**A.4. Solana Beach Sewer Pump Station - Design Contract. (File 0400-10)**

Recommendation: That the City Council

1. Adopt Resolution 2014-127 authorizing the City Manager to execute a Professional Services Agreement with Dudek in the amount of \$277,810 to design and prepare construction documents for the Solana Beach Pump Station Phase 2 Upgrades.

**MOTION:** Moved by Zito and seconded by Nichols. **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.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. 611 Canyon Dr. Development Review Permit (DRP), Applicant: Adam and Marlo Foley, Case 17-13-40. (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. 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 2014-128 conditionally approving a

DRP to remodel and construct a 808 square foot one-story addition, a 92 square foot covered patio, and a 1,190 square foot uncovered deck to an existing 1,800 square foot, one-story, single-family residence at 611 Canyon Drive in Solana Beach.

David Ott, City Manager, introduced the item.

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

Mayor Campbell opened the public hearing.

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

The applicant waived their opportunity to make a presentation.

**MOTION:** Moved by Heebner and seconded by Nichols to close the public hearing. **Motion carried unanimously.**

**MOTION:** Moved by Heebner and seconded by Nichols. **Motion carried unanimously.**

Councilmember Nichols stated that there should be a correction to page 7 of 9 of the Staff Report which stated that, "residential additions or remodels were exempt from the landscape water efficiency ordinance," He stated that projects with more than 2,500 square feet of landscaping would be subject to the landscape ordinance and that this project was exempt due to having less than 2,500 square feet of landscaping. He stated that this sentence should be clarified for the public.

**B.2. 617 Ridgeline Place Development Review Permit (DRP) and Structure Development Permit (SDP), Applicant: Martin and Ruth Gilboa, Case 17-14-13. (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, 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 2014-124 conditionally approving a DRP and an administrative SDP for a 1,012 square foot addition and a 27 square foot covered entry located at 617 Ridgeline Place.

Councilmember Zahn stated that he recused himself from the item.

David Ott, City Manager, introduced the item.

Christina Rios, Assistant Planner, presented a Powerpoint (on file) reviewing the project.

Mayor Campbell opened the public hearing.

Council Disclosures: Mayor Campbell and Councilmembers Zito and Nichols stated that they were familiar with the project and had not spoken to anyone regarding the project. Deputy Mayor Heebner stated that she visited the site and that the applicants were her neighbors and her dermatologist and that she consulted with the City Attorney who concluded that she did not have conflict of interest and was able to view this project without bias.

#### Applicant

Richard Haeger, architect, stated that the Gilboa's had lived on the property 27 years, and raise two children who now lived out of state so this project allowed space for visits from children and grandchildren. He described the topography, some measurements, and footprint, and stated that these were the reason for the second story, since it was possible to add space at the ground level. He described an adaption of the roof's ridgeline to diminish the appearance, that only 8.4 ft. in height was added to the existing line of the roof and as the roof sloped down so it was only 4 ft. above the existing roof line, that the overall width of the second story project was only 22 1/2 ft., and that the projection of the footprint to the west was only 9 inches.

#### Public Speakers

Randy Willis stated that he was here with his wife to voice their concerns, that it was a view assessment issue but that they needed \$600 in order to file a view assessment case. He stated that the height of the project was a concern, that the project was not compatible with the surrounding neighborhood, and that the project had a dominating presence unlike the other homes in the area.

Joann Voight stated that she lived directly below the property on Ridgeline and that she had lived there for 55 years. She stated that she was concerned with the height of the project, that the structure would block her sky view, that the project was not compatible with the neighborhood, and requested that the plans be reviewed.

Council and speaker discussed that the speakers main concerns were privacy

and views.

Richard Haeger, architect, stated that there was a shallow, limited building pad to work with, that if the building were pushed back it would only decrease the neighbors view by 5 feet, that when the property was viewed from below there was only about 16 feet of view or sky view that was blocked, and that any proposed addition would have to be denied in order to preserve the neighbors view. He stated he had attempted to mitigate the size of the structure, and that he could not design project without some sky view blockage.

Council and applicant discussed that the lower deck did not extend further than the existing first floor deck, that the new deck that would be on the ground floor would be lower than the existing deck, and that the height of the two story was 8.5 feet higher at the highest point than the current structure.

**MOTION:** Moved by Heebner and seconded by Zito to close the public hearing. **Motion carried 4/0/1** (Recuse: Zahn.)

Council discussed that view concerns should have gone through the view assessment process, that the cost to file a view assessment case was needed to subsidize costs of the program, and that there were no code allowing the Council to address privacy issues.

**MOTION:** Moved by Heebner and seconded by Zito. **Motion carried 4/0/1** (Recuse: Zahn.)

**B.3. Conditional Use Permit Modification and Time Extension Request for 523-525 Pacific Avenue, Applicant: Bannash, Case 17-11-13. (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. The original project was found exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15269. The project may now be found exempt pursuant to Sections 15301(d) and 15304 (c).
3. Adopt Resolution 2014-129, approving the request for a modification and time extension for a CUP for Case No. 17-11-13, and setting the expiration date as October 12, 2015.

David Ott, City Manager, introduced the item.

Christina Rios, Assistant Planner, presented a Powerpoint (on file) reviewing the project.

Mayor Campbell opened the public hearing.

Council Disclosures: All Councilmembers reported that they were familiar with the project.

**MOTION:** Moved by Zahn and seconded by Nichols to closed the public hearing. **Motion carried unanimously.**

**MOTION:** Moved by Nichols and seconded by Zahn. **Motion carried unanimously.**

**B.4. 986 Avocado Place Development Review Permit and Structure Development Permit, Applicant: Fleet, Case 17-13-36. (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, 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 2014-120 conditionally approving a DRP and an administrative SDP for a single story, single family residence and detached accessory structure located at 986 Avocado Place.

David Ott, City Manager, introduced the item.

Christina Rios, Assistant Planner, presented a Powerpoint (on file) reviewing the proposed project.

Mayor Campbell opened the public hearing.

Council Disclosures: Councilmembers Campbell, Zito, Zahn, and Nichols all stated that they were all familiar with the project site and had not spoken with



anyone regarding the project. Deputy Mayor Heebner stated that she was familiar with the project site and had spoken with the applicant and architect.

Robert Fleet, Applicant, stated that the project site was adjacent to Feather Acre Farms, that the project was an opportunity to do something amazing with an undeveloped piece of land in the City, and that there were not many vacant parcels left in the City. He stated that the project was more about the site than the house, that the max allowable Floor Area Ratio (FAR) for the property was 9300 square feet, and that the proposed project was well below max FAR. He stated that he had met with neighbors individually then had a group meeting at the site with the neighbors, that it was important to embrace neighbors input, and that he had a sense of responsibility for a beautiful project for the neighborhood.

**MOTION:** Moved by Heebner and seconded by Zito to close the public hearing. **Motion carried unanimously.**

Council discussed the DG area adjacent to Avocado Place, that the neighborhood had a rural character and did not require 130 ft of DG in front of residences, and that the area should be kept looking natural rather than engineered.

**MOTION:** Moved by Heebner and seconded by Zito. **Motion carried unanimously.**

**B.5. Community Block Grant Funds (CDBG) - ADA Pedestrian Ramp Improvements, Fiscal Year 2015-2016. (File 0400-10)**

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 2014-126:
  - 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 the list of public street ADA ramp locations.
  - c. Requesting Fiscal Year 2015-16 Community Development Block Grant Funds for ADA pedestrian ramp improvements at various public street intersections listed in Attachment 1, Exhibit A.
  - d. Finding that all of Fiscal Year 2015-16 CDBG funds, presently estimated at a total of \$40,000, are designated to be used for ADA pedestrian ramp improvements.

- e. Authorizing the City Manager to execute the County contract for management and implementation of the CDBG project

David Ott, City Manager, introduced the item.

Mayor Campbell opened the public hearing.

**MOTION:** Moved by Nichols and seconded by Zahn to close the public hearing. **Motion carried unanimously.**

Council and Staff discussed sensitivity to any appearance of bias to west/east side of town but that the list included both west and east areas for improvement, like in past years.

**MOTION:** Moved by Nichols and seconded by Zahn. **Motion carried unanimously.**

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

**C.1. Year End Budget Adjustments Fiscal Year 2013-14 (File 0650-90)**

1. Adopt Resolution 2014-131 revising appropriations for FY Budget 2013-14

David Ott, City Manager, introduced the item.

Marie Berkuti, Finance Manager, presented a Powerpoint (on file).

Council and Staff discussed the proceeds from long-term debt and drawdown and how that number was derived, that the City borrowed funds from SANDAG to finance the Highway 101 development, but that the City must complete the work before the funds can be drawn down, so some of the final work was done in this Fiscal Year as well, so the draw down was the principal on the bond.

**MOTION:** Moved by Zahn and seconded by Heebner. **Motion carried unanimously.**

**COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

**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.

Councilmember Zahn stated that he received two tickets to the Belly Up when he attended the Solana Beach Chamber's Business Showcase.

### **COUNCIL COMMITTEE REPORTS:**

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

- a. City Selection Committee (meets twice a year) - Nichols, Heebner (alternate).
- b. County Service Area 17 - Zahn, Campbell (alternate).
- c. Escondido Creek Watershed Authority - Zito.
- d. League of Ca. Cities' San Diego County Executive Committee - Nichols, Heebner (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee - Nichols, Heebner (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 (1st alternate)
- i. Regional Solid Waste Association (RSWA) - Nichols, Zahn (alternate).
- j. SANDAG - Heebner (Primary), Nichols (1st alternate), Zito (2nd 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 - Campbell, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Heebner, Campbell.

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

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

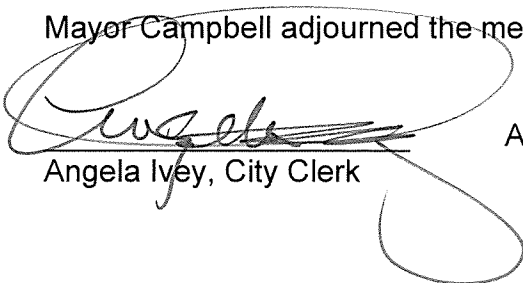
#### **Ad Hoc Committees: (All Primary Members) (Temporary Committees)**

- a. Army Corps of Engineers & Regional Beach Nourishment - Campbell, Nichols. Expires December 10, 2014.
- b. Development Review - Nichols, Heebner. Expires October 22, 2014.
- c. Environmental Sustainability - Heebner, Zahn. Expires December 10, 2014.

- d. Fire Department Management Governance - Zito, Zahn. Expires July 8, 2015.
- e. Fiscal Sustainability - Campbell, Zito. Expires June 10, 2015.
- f. Gateway Property - Campbell, Heebner. Expires April 8, 2015.
- g. General Plan - Nichols, Zito. Expires July 8, 2015.
- h. La Colonia Park - Nichols, Heebner. Expires June 10, 2015.
- i. Local Coastal Plan Ad-Hoc Committee - Campbell, Nichols. Expires January 21, 2015 or at the California Coastal Commission adoption.
- j. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 21, 2015.
- k. View Assessment - Heebner, Zito. Expires June 10, 2015.

**ADJOURN:**

Mayer Campbell adjourned the meeting at 7:54 p.m.



Angela Ivey, City Clerk

Approved: February 25, 2015