

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

MINUTES

JOINT **REGULAR** MEETING
Wednesday, February 25, 2015
06:00 P.M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California
Teleconference Location (Zahn) Grand Hyatt Hotel, 1000 H Street NW,
Washington, DC 20001

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 6:42 p.m.

Present: Heebner, Zito, Zahn, Nichols, and 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.
Marie Berkuti, Finance Manager
Dan King, Sr. Management Analyst

APPROVAL OF AGENDA:

MOTION: Moved by Zito and seconded by Marshall. **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.

Kristin Brinner stated that she and Jim Jaffee had submitted a letter to the Council on August 24, 2014 regarding a development review permit at 249-341 Pacific Ave. for the maintenance repair of the existing sea wall, that they had requested that the city assess a land lease recreation fee and oppose a lease on the associated \$1,000 per linear foot deposit, and that Michelle Jaffee had attended the meeting to reiterate their points before the Council. She that it was unclear whether there were extensions on the leases for those properties which had expired in 2010, that Walt Crampton stated that the leases went into hold over, that he had contacted the State Lands Commission who had told him that even though the leases had expired they were in hold over and still in effect. Ms. Brinner stated that the Council approved to repair the seawalls, that she had contacted State Lands to inquire on what hold over meant, that she was told that the leases had expired in 2010 and that they were not held over. She stated that there was a discrepancy in the information that was conveyed to Council at the August 24, 2014 meeting and that according to the State Lands Commission there were no valid leases for properties of 249-341 Pacific Ave.

Jim Jaffee stated that he was Co-Chair of the Beach Preservation Committee of the San Diego County Chapter of Surfrider Foundation, that he attended the meeting when the seawall was approved in 1999-2000, and that there were leases associated with the properties and sand mitigation fees which would expire in 2019. He stated that he had contacted the Coastal Commission and State Lands Commission, that no one wanted to take responsibility for the situation, and that there was public property being occupied rent free since 2010. Mr. Jaffee stated that in the LUP there was now a provision for charging fees for the seawalls, that the Coastal Commission could assess the fees, and that the Coastal Commission would hold a hearing on the matter on March 11th which was the same date as the next City Council meeting. He stated that Council should adopt a resolution supporting the Coastal Commission to impose Land Lease recreation fees, that if the adoption of a resolution was not feasible due to time constraints the City Council could sign the support letter being prepared by Surfrider.

Mayor Heebner stated that no action could be taken at this meeting since the item was not noticed on the agenda, that the resolution, video, and minutes from the August meeting were available which reflected Council's view on the matter.

Johanna Canlas, City Attorney, stated that no action could be taken on this item at this time, that Council had a lengthy discussion on this issue at the August 2014 meeting, and that the discussion would be sufficient information for the proponents to take to the Coastal Commission.

Council and City Attorney discussed that since now the LUPA was adopted which contained fees future projects would be subject to the conditions of the LUPA if applicable.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

Mayor Heebner stated that a torrey pine tree on the south end of the Coastal Rail Trail was dead and would be removed for public safety reasons, that efforts were taken to revive the tree, and that smaller trees would be planted in the vicinity.

David Ott, City Manager, stated that this tree had fallen over several years ago and the current tree was the growth of a remaining branch.

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. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held October 8, 2014, October 22, 2014, December 10, 2014, January 28, 2015

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

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

Recommendation: That the City Council

1. Ratify the list of demands for January 24, 2015 through January 30, 2015.

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

A.4. Solana Beach Fire Station Lease area for American Medical Response Ambulance Service Agreement Amendment. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2015-027 authorizing the City Manager to execute an amendment to the agreement with American Medical Response Ambulance Service, Inc. to lease space at the Solana Beach Fire Station to increase the leased area to 1594 square feet and lease price to \$4,573 per month.

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

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk

C.1 2014 Annual Sheriff Report.

Recommendation: That the City Council

1. Receive report.

Theresa Adams-Hydar, Sheriff Captain, San Diego County Sheriff's Department, presented a powerpoint presentation (on file) reviewing the annual sheriff's activity and police staffing provided in the City. She reviewed the calls for service in the city, stated that calls for service had decreased, that crime was decreasing in the county, reviewed the summer statistics, and stated that crime in the city went down 34.6%. She reviewed several crime cases in the City and reviewed the Sheriff's department goals for 2015.

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.3.)

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. 533 S. Rios Ave. - Development Review Permit (DRP) and Structural Development Permit (SDP), Applicant: Knowlton/Dunn, Case No. 17-14-07. (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; and
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2015-021 conditionally approving a DRP and an administrative SDP to allow for the construction of a new two-story, 4,123 square foot single-family residence with an attached 542 square foot two-car garage, a detached 590 square foot guest house, and an additional 281 square foot one-car garage at 533 South Rios Avenue.

David Ott, Interim City Manager, introduced the item.

Patricia Bluman, consultant, presented a Powerpoint (on file).

Council and Staff discussed the 3 driveway cuts on the project, that typically no more than 40% of the property frontage was allowed to be allocated for a driveway and no more than one driveway curb cut was allowed due to pedestrian safety, and that an exception was made for this project since the property to allow 3 driveway cuts since it was located at the far end of Rios where there was no through traffic and limited pedestrian activity. Discussion continued that the horse shoe driveway allowed for a private turn around area for the residents and that all 3 driveways were still below the 40% allowance.

Council and Staff discussion continued regarding turn area and entry for public safety vehicles, that there were not much concern with the amount of area due to the limited number of homes in the area, that a full size cul de sac was not requested and it would not be suitable for this location, and that if the applicant

wished to place gates in front of the driveway in the future a permit would be required.

Council Disclosures: All Councilmembers stated that they had been to the property.

Applicant

The applicant thanked staff for their assistance with the project.

Jennifer Bolyn, Eos Architecture, stated that this was a difficult site due to slopes, and that the highest portion of the structure was on the back side and would only be 1-17 feet tall.

Council and Ms. Boyln discussed the grading for the project, that in order for the residents to have convenient access to the home, it required pulling the project forward, and that the pad was difficult to design due to the slopes.

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

Councilmember Zito made a motion to adopt the Staff recommendation.

Councilmember Nichols stated that he supported the project, that the staff report stated that the project had been submitted prior to the adoption of Ordinance 455, however, that it still would have been a Development Review Permit (DRP) after the adoption of the ordinance. He stated that moving forward if any projects in the queue were subject to ordinance 455 provisions and were triggered to the lesser requirements of DRP that they should not go through the Council process so they are not penalized by waiting.

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

B.2. 239, 241 N. Rios - Minor Subdivision (SUB), Applicant: Sheres, Case No. 17-14-35. (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 SUB. 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 15332 of the State CEQA Guidelines; and

3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2015-023 conditionally approving a SUB for the purposes of establishing condominium ownership for two detached single-family residential units.

Mayor Heebner opened the public hearing.

David Ott, City Manager, introduced the item.

Christine Rios, Associate Planner, presented a powerpoint (on file).

Applicant

Doug Sheres, applicant, stated that the utilities and water were separated, that the only common areas would be the driveway, and that the split lots would be similarly sized to other lots on the street.

Council Disclosures:

Mayor Heebner, Deputy Mayor Zito and Councilmembers Zahn and Marshall all presented that they were familiar with the property and had not spoken with the applicant. Councilmember Nichols stated that he had viewed the property and had spoken to the applicant.

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

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

Mayor Heebner recessed the meeting for a break at 7:49 p.m. and reconvened at 7:53 p.m.

B.3. 636 Valley Ave. - Development Review Permit (DRP), Structure Development Permit (SDP) and Minor Subdivision (SUB), Applicant: 636 Valley, LLC, Case No. 17-14-14 (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, 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.

If the City Council makes the requisite findings and approves the project, adopt Resolution 2015-010 conditionally approving a DRP, SUB and SDP for the project for a Mixed Use Development containing one structure with retail/office and a residential unit and two individual detached dwelling units on the property at 636 Valley Avenue, Solana Beach.

Mayor Heebner opened the public hearing.

David Ott, Interim City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a powerpoint (on file).

Applicant

Joshua Lichtman stated that he and his partners Scott Moss and Rob Morgan would be presenting changes made to the project. He presented a powerpoint (on file) reviewing the changes made since the last Council meeting. Mr. Lichtman stated that it was financially unfeasible to move the power pole so to address the issue of creating more walkable area for pedestrians they pulled the building back from the street, and that they had also pulled back the second story which reduced the bulk and mass of the retail structure. He stated that the plans also demonstrated additional changes made to address Council's comments at the previous meeting.

Adam Daniels stated that he was a resident of the city, that he was familiar with the project, and that he hoped the project would be approved.

Brooke Klein stated that she was a resident of the city, that she thought the project was a great addition to the community, and that it would provide an opportunity for people to purchase a home in the city.

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

Councilmember Zito that he appreciated the persistence of the applicants, that they had done a good job of addressing concerns with the projects and made suitable adjustments, and that he supported the project.

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

- C. **STAFF REPORTS: (C.2. - C.3.)**
Submit speaker slips to the City Clerk

C.2. Smart Growth Incentive and Active Transportation Grant Programs. (File 0150-55)

Recommendation: That the City Council

1. Adopt Resolution 2015-017:
 - a. Authorizing the City Manager to submit an application to SANDAG for the TransNet Smart Growth Incentive Program funding in the amount of \$1,900,000 for design and construction of roadway improvements along North Cedros Avenue and the surrounding area of a parking lot at the NCTD train station site.
 - b. Agreeing that, if a grant award is made by SANDAG to fund the design and construction of roadway improvements along North Cedros Avenue and the surrounding area of parking lot at the NCTD train station site, the City of Solana Beach commits to providing \$200,000 and authorizes the City Manager to accept the grant funds, execute the grant agreement with no exceptions in substantially the same form as attached, and complete the Project.
 - c. Agreeing, on behalf of the City of Solana Beach, to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to the City of Solana Beach's TransNet funded projects.

2. Adopt Resolution 2015-018:
 - a. Authorizing the City Manager to submit an application to SANDAG for the TransNet Active Transportation Grant Program funding in the amount of \$500,000 for design and construction of the Stevens Avenue Corridor - Bicycle and Pedestrian Improvement Project.
 - b. Agreeing that, if a grant award is made by SANDAG to fund design and construction of the Stevens Avenue Corridor - Bicycle and Pedestrian Improvement Project, the City of Solana Beach commits to providing \$100,000 and authorizes the City Manager to accept the grant funds, execute the grant agreement with no exceptions in substantially the same form as attached, and complete the Project.
 - c. Agreeing, on behalf of the City of Solana Beach, to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to the City of Solana Beach's TransNet funded projects.

David Ott, City Manager, introduced the item.

Mo Sammak, Director of Public Works and Engineering, presented a powerpoint (on file).

Council and Staff discussed that funds in the smart growth program were for planning and construction, that the City was applying for construction funds, that active transportation also had two funds, and discussed how the use of funds would be used for various projects on Cedros. Discussion continued regarding North County Transit District (NCTD) potentially partnering with the City on the Cedros improvements, that feedback from CATS was used in the design of the project.

Douglas Alden stated that he was representing Bike Walk Solana, that he was hopeful funding for the City could come through, that these projects were number one priority for the group, and that the City should adopt the resolution to support the item.

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

C.3. Introduction (1st Reading) Ordinance 457 Amending Solana Beach Municipal Code Relating to Appeal Procedures. (File 0480-10)

Recommendation: That the City Council

1. Introduce Ordinance 457 Amending Section 2.04.220(C)(2) of Chapter 2.04, Amending Section 2.32.090, Section 2.32.110 and 2.32.120, and Adding Section 2.32.150 of Chapter 2.32 of the Solana Beach Municipal Code.

David Ott, City Manager, introduced the item.

Johanna Canlas, City Attorney, stated that this was a clean up item regarding public hearing provisions, that the order of speakers was being clarified, that amount of time to submit information for appeal hearings was being extended from 6 to 15 days to allow to the documents to be included in the agenda packet, and that other changes included allowing the public to voice opinions as part of the appeal, and also to allow any material presented during the hearing to be considered during the appeal hearing.

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

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:

No reports made.

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 (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 - Marshall, Zito (both primary members) (no alternates).
- n. 22nd 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 8:36 p.m.

Angela Ivey, City Clerk

Approved: May 13, 2015