

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 8, 2017 * 6:00 P. M.

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

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CITY COUNCILMEMBERS

Mike Nichols, Mayor

Ginger Marshall, Deputy Mayor

David A. Zito, Councilmember

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

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

Present: Mike Nichols, Ginger Marshall, David A. Zito, Jewel Edson, Judy Hegenauer

Absent: None

Also Present: Greg Wade, City Manager

Johanna Canlas, City Attorney
Vaida Pavolas, Deputy City Clerk
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Bill Chopyk, Community Development Dir.
Danny King, Assistant City Manager

CLOSED SESSION REPORT: (when applicable)

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Marshall and second by Councilmember Edson.
Approved 5/0. 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.

Cindi Clemons stated that she was the Board member of the Civic and Historical Society and that the addition of QR Codes to all Historical Buildings in Solana Beach was completed, that a bar code called a "QR code" could be accessed via QR Application on a smart phone or a tablet, and that it would contain all the historical information on these buildings.

David Rolland stated that he the Communication Director from Senator Toni Atkin's office as a liaison to the City of Solana Beach. He said that a brief update on what was happening in Sacramento included the Governor release of his proposed conservative budget in January with a deficit of around \$2 billion which would provide \$1 billion to the rainy day fund, that funding should continue for schools and higher education, that the Legislative Analyst Office showed a rosier view of the budget but the May revisions would clarify a more accurate view. He stated that Senator Atkins' priorities were the Rules Committee, Transportation and Housing Committee, Natural Resources and Water, Health and Labor committees, and that other priorities included affordable housing, protecting access to healthcare, expanding civil rights, access to affordable higher education, and fighting human trafficking. He said that Senator Atkins was currently working on Senate Bill 2 which would create permanent funding for affordable housing and 3 bills on human trafficking.

Irene de Watteville stated that she was a resident and had been following the call-for-art at the fire station, which was a prominent site, that this art project had a budget for art and landscaping of \$70,000, and that she had spoken with other public artists around San Diego and many did not submit because it was not enough funding. She said that Public Arts Commission had selected two choices for the art project at the fire station, but that she was disappointed with the choices and that her vision of the art project was to be a dramatic and dynamic sculpture, that encouraged people to walk, that most proposals were landscaping and only one that had a serious proposal which was not safe for children and did not include landscaping. She asked Council to consider re-addressing the proposal for a landscaping project for pedestrians or a gorgeous sculpture.

Naomi Nussbaum said that she had lived on Barbara Avenue for 25 years and was a pioneering arts commissioner and public art consultant in the field for a long time, that she was concerned over the Fire House art project and that the RFP (Request for Proposal) was too vague and did not specify a budget for landscaping and art. She said that the two selections were disappointing, that it needed to be clear if it was a public art project or a landscaping project, that the RFP should be re-organized and re-opened and establish a clearer way for proceedings, and submitted an example (on file).

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

Council reported community announcements and events.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.5.)

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 January 25, 2017.

See Approved Minutes http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC

Motion: Moved by Deputy Mayor Marshall and second by Councilmember Zito. **Approved 5/0** Motion carried unanimously.

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

Recommendation: That the City Council

1. Ratify the list of demands for February 4, 2017 through February 17, 2017.

Motion: Moved by Deputy Mayor Marshall and second by Councilmember Zito. **Approved 5/0** Motion carried unanimously.

A.3. General Fund Adopted Budget for Fiscal Year 2016-2017 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2016-2017 General Fund Adopted Budget.

Motion: Moved by Deputy Mayor Marshall and second by Councilmember Zito. **Approved 5/0** Motion carried unanimously.

A.4. Claims Procedure Update - Administrative Policy No. 27 – (File 0100-90)

This Item was continued to a future meeting.

A.5. Temporary Staffing Funding. (File 0560-40)

Recommendation: That the City Council

1. Adopt **Resolution 2017-037** ratifying total expenditures with Apple One for temporary staffing coverage in the amount of \$45,000.

Motion: Moved by Deputy Mayor Marshall and second by Councilmember Zito. **Approved 5/0** Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1. – B.4.)

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: 2016 Annual Housing Element Progress Report. (File 0630-10)

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. Find the project exempt from the California Environmental Quality Act pursuant to Section 21065 of the State CEQA Guidelines; and
3. Adopt **Resolution 2017-033** approving the 2016 Housing Element Annual Progress Report as submitted and directing City Staff to file the report with the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

Greg Wade, City Manager, introduced the item and stated that each year the Housing Element Update report was a requirement by the Government Code on the Housing Element cycle.

Bill Chopyk, Community Development Dir., presented a PowerPoint (on file).

Council and Staff discussed that the income levels for affordable housing came from the state, which was passed from the U.S. Department of Housing and Urban Development, that each county had an established affordable housing income level which was updated each year. Discussion continued regarding the fact that 3 affordable housing projects were proposed on S. Sierra (a 10 unit project, City parking lot, and Distillery Parking lot) and that it seemed highly concentrated in one area and whether it could be spread out in other areas of the City, that the City parking lot and Distillery Parking lot projects were not approved at the time but were identified as sites in the Housing Element, that RFPs (Request for Proposals) would be out sometime this or next year.

Discussion continued that the S. Sierra 10 unit project was approved when the Housing Element was put together, and they reviewed sites all throughout the City, that favorable sites were City owned sites and private projects, that developers responding to an RFP could provide proposals that are mixed income projects with varying income levels, and confirmed that the Train Station did not submit a formal proposal regarding affordable housing, but that

they did present a project that included housing, and that it could be an affordable housing project but was not confirmed at this time.

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

Motion: Moved by Councilmember Zito and second by Councilmember Edson. **Approved 4/1.** (Noes: Marshall) Motion carried.

B.2. Public Hearing: 826 Seabright Lane, Applicant: Wilkinson, Case 17-16-31. (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 Development Review Permit (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; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2017-031** conditionally approving a DRP and administrative SDP to construct a new multi-level, single-family residence with a subterranean basement and an attached two-car garage at 826 Seabright Lane.

Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) and stated that the letters from the neighbor were received today and distributed to Council as a supplemental item.

Council and Staff discussed that the neighbor, who submitted a supplemental item, lived on Seabright Ln. which was within the 500 feet radius and received the required notice.

Council disclosures.

Craig Friehauf, architect, stated that they did not reach out to the neighbors, and that the drainage would not flow to the neighboring property on the north.

Mo Sammak, City Engineer/Public Works Dir., stated that the property owner agreed to pump the water towards the street and that it would be done mechanically.

Craig Friehauf, architect, said that the height of the first floor plate was 9.6 feet and the second floor plate was 9 feet, and that the steps near the fire place helped to establish a view corridor.

Public Speaker

Matthew Poiset said he was a resident on Seabright Lane and had lived there for 10 years, that he had a good relationship with all the neighbors, that the height of the proposed project was a wall that would block sunlight to his backyard, and that the neighborhood was moving to massive mansions. He said that he understood that this was a flip home, that he was not contacted by the architect or the neighbor, and asked for the opportunity to discuss this further. He stated that he was not familiar with the View Assessment process and did not have a chance to proceed further on time.

Mayor Nichols clarified that the proposed project was not requesting a variance because it was less than 25 feet.

Craig Frieauf, architect, said that the setbacks were 30 feet from the neighbor's property and did not exceed the setback requirements.

Philip Wilkinson, applicant, stated that he purchased the house in March of 2016, that he intended to build a beautiful home to improve the neighborhood, that the drainage issue would be addressed, that the other homes were much larger than the one they were proposing, that it was not a big mansion, and that he was not clear what view the speaker was referring to.

Councilmembers Zito and Edson inquired about roof peak and pad elevation heights and the Applicants responded that the roof peak at the north end was 19 feet 5 inches and that the applicant felt that it was necessary to have 18 inches of height in order to allow more view of the ocean.

Motion: Moved by Deputy Mayor Marshall and second by Councilmember Hegenauer to close the public hearing. 2/3 (Noes: Nichols, Zito, Edson). Motion failed.

Council discussed that the house fit with the neighborhood, that it would be ideal if the public speaker had followed the View process, that when properties had more variations in height elements in front and back that surrounding properties proposing changes may have limitations on gaining a chance of a view in the future, that the 19 ft. height may prohibit this change for surrounding areas.

Councilmember Edson stated that she did not favor the project as it was submitted due to the surrounding properties difficulty to gaining any view corridor and asked the public speaker if he would feel better if the height was lowered by 3 ft.

Matthew Poiset stated that he would feel better if it was lowered by 3 feet and confirmed that the pictures submitted for views were taken from his roof.

Councilmember Zito asked the applicant's architect if there would be some consideration to lower the project by 3 feet.

Craig Frieauf, architect, stated that Council wanted him to design for a potential view that the speaker did not have but may have, that it was difficult to adjust at this point, that the second story could have moved to the other side with a better view for the applicant but they

did not because they assumed the people behind the project would want a view, that they raise it a bit to get a view but kept it single story to allow others some view area, and that asking to design for future views was opening for designed for future projects.

Council and Mr. Friehauf discussed that a 19 ft. story building was not really a single story building, that it would be difficult for him to reduce the height by 3 ft. but would have to talk with the applicant, and what other amount might he be able to lower the height if not the full 3 ft.

Mayor Nichols recessed the meeting at 7:10 p.m.
for a break and reconvened at 7:15 p.m.

Craig Friehauf, architect, stated that the applicant agreed to lower the height by 1.5 feet and the height would be 18 feet.

Motion: Moved by Deputy Mayor Marshall and second by Mayor Nichols to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Council discussed that 18 feet was acceptable, that the potential views were not considered primary views, and that the applicant met the guidelines.

Councilmember made a motion with the proposed modification to limit the height to 18 feet height.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to approve with modifications to limit the height to 18 feet. **Approved 5/0.** Motion carried unanimously.

B.3. Public Hearing: 635 N. Granados, Applicants: Carlborg, Case 17-16-29. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may 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 Development Review Permit (DRP) and administratively issue a Structure Development Permit (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 2017-032** conditionally approving a DRP and an SDP to demolish an existing single family residence, construct a new two-story, single-family residence with an attached two-car garage, and perform associated site improvements at 635 North Granados Avenue, Solana Beach.

Greg Wade introduced the item.

Katie Benson presented a PowerPoint (on file).

Council Disclosures.

Eric and Michelle Carlborg, applicants, presented a PowerPoint (on file) and said that they planned to move into the property, that they focused on working with the existing topography's slope, that they posted story poles, that based on meetings with their neighbors they lowered their originally proposed roofline addressing a view preservation for a neighbor, moved the project 5 ft. and removed an encroaching deck due to privacy concerns of the neighbor to the west as well addressing a view enhancement for another neighbor, and signed a view preservation agreement with the County limiting landscaping heights for all plants and tree heights on their property, as well as other issues to address design concerns, and passed the 30 day period without any opposition.

Jennifer Bolyn, architect, continued the PowerPoint (on file), summarized the work on the property, that the applicants were focused on working with the neighbors to minimize impacts of views, changed the driveway to lessen the grade, that there were many façade variations, the project was purposely expanded towards Granados which made the home appear to be single story due to the grade differential and to accommodate a better garage design, that green building components were being introduced such as solar panels, LED lights, some reclaimed wood and enhanced insulation, and reduced the irrigated landscape area by 1,400 sq. ft., that they believed they had meet the DRP criteria, and that there was support from many neighbors in the area.

Gordon Johns stated that he lived on N. Granados Ave., that he bought his home in 1980, that most of Solana Beach was built on a slope like his house, that they added to their home by building down and that he wanted to keep his property as a single story house and not build a second story, and that the concept of a second story did not fit since it was at the main primary level, and that he supported the Carlborg's as neighbors and they had demonstrated communication with the neighbors.

John Vinson stated that he lived on N. Granados, that he bought his house in 1999 and demolished and re-built the house in 2005, that his primary view was right over the Carlborg's house and that the Carlborg's worked above and beyond to work at building consensus with the neighbors and their wishes and identified every concern that they, that this project would enhance the area and Solana Beach, that views would be enhanced by the removal of the palm trees, and the value of the surrounding properties would be enhanced.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Marshall to closed the public hearing. **Approved 5/0.** Motion carried unanimously.

Council stated that they appreciated the outreach to working with neighbors, welcomed the Carlborgs to Solana Beach, that their efforts were a great example on how to work and collaborate a be a good neighbor, that this was one of the best cases of an applicant

reaching out to their neighbors by their communication and sending out letter to reach a collaborative work.

Motion: Moved by Deputy Mayor Marshall and second by Councilmember Zito. **Approved 5/0.** Motion carried unanimously.

B.4. Public Hearing: SANDAG'S 2016 Regional Transportation Improvement Program Amendment. (File 0840-30)

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 2017-034** approving an amendment to the SANDAG 2016 Regional Transportation Improvement Program (RTIP) of projects for Fiscal Years 2017 through 2021 to increase programmed funding for the Pavement Resurfacing Project (SB16).

Greg Wade, City Manager, introduced the item.

Council and Staff discussed whether the recent controversy of SANDAG's long term planning algorithm forecasting a shortfall in their projection of about 20 percent and that the City Manager confirmed with Jose Nucio, SANDAG's TransNet coordinator, to confirm that the submitted revenues were not related to the forecast models, but instead to actual Fiscal Year 2016 and current Fiscal Year to-date receipts of TransNet, so it was real projection based on actual receipts.

Motion: Moved by Councilmember Zito and second by Councilmember Edson. **Approved 5/0.** Motion carried unanimously.

C. STAFF REPORTS: (C.1. - C.2.)

Submit speaker slips to the City Clerk.

C.1. North County Transit District (NCTD) Potential Public Financing of the Solana Beach Transit Center. (File 0150-75)

Recommendation: That the City Council

1. Consider the information provided and adopt **Resolution 2017-035** authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the North County Transit District regarding potential Public Financing of the Solana Beach Transit Center.

Greg Wade, City Manager, introduced the item and stated it was a second MOU (Memorandum of Understanding) that would provide participation between the City and North County Transit District to work on options for public financing and infrastructure

improvements, for example, parking facilities, and obtaining grant funding and other options.

Council and Staff discussed that the next step would be to work on a study to identify the development and financing options, to explore other ways to obtain financing through application fees that could be waived resulting in a financial contribution for the project, utilize permit fees, look at TOT (Transient Occupancy Tax) revenue sources that would go back into the project, sales tax sharing agreements, consider a shared agreement with NCTD and/or hire a lobbyist to work at the Federal level, that there may be some reluctance to contribute City funds to the transit portion of the project which should be NCTD's responsibility and rather assist in pursuing grants and acquiring other funds to provide the City more parking.

Motion: Moved by Councilmember Zito and second by Councilmember Edson. **Approved 5/0.** Motion carried unanimously.

C.2. Introduction (1st Reading) Ordinance 473 - Citywide Traffic Speed Survey Validation and Speed Limit Changes. (File 0860-20)

Recommendation: That the City Council

1. Introduce **Ordinance 473** amending Chapter 10.36, Articles I and II, allowing speed limits to be declared by Council resolution and repealing sections related to individual street segment speed limit changes.
2. Adopt **Resolution 2017-020**:
 - a. Validating the 2016 City Wide Engineering and Traffic Speed Surveys performed by Linscott Law & Greenspan.
 - b. Declaring upon the basis of the 2016 City Wide Engineering and Traffic Speed Surveys that the speed limits listed in Exhibit A shall be effective when appropriate signs giving notice thereof are erected upon the street.

Greg Wade, City Manager, introduced the item.

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

Greg Wade, City Manager, clarified that on the slide 12 the proposed speed limit increase should have read 35mph to 40mph on the northbound Highway 101 and South of Dahlia to Dahlia.

Shankar Ramakrishnan, consultant with Linscott, Law and Greenspan Engineers, stated that the segments could not be too short and that the procedures were based on the California Vehicle Code and the California Manual on Uniform Traffic Control Devices (MUTCD).

Mo Sammak, City Engineer/Public Works Dir., stated that the segments were selected by identifying a reasonable segment if the traffic pattern and behavior, such as traffic volume, changed over time.

Council, Staff, and Consultant discussed that the road characteristics dictated a reasonable speed even if there was no posted speed limit and that the City could impose the speed limits in construction zones as needed.

Council discussed suggestions of lowering the speed limits on segments 7, 15, and 31, transitioning from 40mph to 35mph at Ocean St., and temporary speed limit of 30mph near the school on Stevens in the construction zone;

Johanna Canlas, City Attorney, stated that speeding citations were not allowed if they were not supported by the speed survey.

Motion: Moved by Councilmember Zito and second by Deputy Mayor Marshall to approve recommendations as well as establish 25mph speed limit in segment 15, 25mph speed limit in segment 3, and to leave the existing speed limit at 30mph in segment 31.
Approved 5/0. 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:

Council reported on Committee activity.

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

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

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

- a. Business Liaison Committee – Zito, Edson.
- b. Highway 101 / Cedros Ave. Development Committee – Edson, Nichols.
- c. Fire Dept. Management Governance & Organizational Evaluation – Edson, Hegenauer
- d. I-5 Construction Committee – Zito, Edson.
- e. Parks and Recreation Committee – Nichols, Zito
- f. Public Arts Committee – Marshall, Hegenauer.

g. School Relations Committee – Nichols, Hegenauer.

ADJOURN:

Mayor Nichols adjourned the meeting at 9:07 p.m.

Vaida Pavolas, Deputy City Clerk

Approved: April 12, 2017