

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, May 23, 2018 * 6:00 P. M.

Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

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

- City Council meetings are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Deputy Mayor Zito called the meeting to order at 6:13 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Lesa Heebner, Peter Zahn

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Dan King, Assistant City Manager
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT:

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

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zahn and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Public Works Week

Deputy Mayor Zito presented a proclamation to the Public Works Department.

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.

Pat Tirona, Solana Beach Library Branch Manager, announced their change in hours for school sessions and non-school sessions and that the Sheriff's Department would be holding a community outreach event on June 12th to discuss crime related topics and answer questions.

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.

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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for April 21 – May 4, 2018.

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

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

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

A.2. General Fund Adopted Budget for Fiscal Year 2017-2018 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2017-2018 General Fund Adopted Budget.

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

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

A.3. Solana Beach Coastal Rail Trail Maintenance District Engineer's Report, Annual Levy, and Collection of Assessments. (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2018-050**, initiating the proceedings for the annual levy of assessments within the Coastal Rail Trail Maintenance District.
2. Adopt **Resolution 2018-051**, approving the Engineer's Report for proceedings of the annual levy of assessments within Coastal Rail Trail Maintenance District.
3. Adopt **Resolution 2018-052**, declaring intention to provide for the annual levy and collection of assessments in Coastal Rail Trail Maintenance District and setting a time and date for a public hearing for June 27, 2018.

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

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

A.5. City-Wide Landscape Maintenance Services Agreement. (File 0750-25)

Recommendation: That the City Council

1. Adopt **Resolution 2018-058**:
 - a. Authorizing the City Manager to execute a one year agreement with Nissho of California, Inc., in an amount not to exceed \$334,711, for Citywide Landscape Maintenance Services effective July 1, 2018.
 - b. Authorizing the City Manager to extend the agreement for four additional years at the City's option.

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

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

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: Five-Year Regional Transportation Improvement Program (RTIP) for Fiscal Years 2019 through 2023. (File 0840-30)

Recommendation: 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. Adopt **Resolution 2018-059**, approving the *TransNet* Local Street Improvement Program list of projects for Fiscal Years 2019 through 2023.

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

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Greg Wade, City Manager, introduced the item.

Deputy Mayor Zito opened the public hearing.

Motion: Moved by Councilmember Edson and second by Councilmember Hegenauer to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Hegenauer and second by Councilmember Zahn to approve. **Approved 5/0.** Motion carried unanimously.

B.2. Public Hearing: 325 S. Sierra, Applicant: Vince Amela, Seascape Shores Condominiums HOA, Case 17-17-39. (File 0600-40)

Recommendation: 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 Proposed Project exempt from the requirements of CEQA pursuant to 2018 State California CEQA Guidelines §15301 (existing structures) and §15302 (replacement and reconstruction).
3. Adopt **Resolution 2018-048** conditionally approving a Development Review Permit to replace less than 50% of the existing private beach access stairway below 325 South Sierra Avenue, Solana Beach.

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

[Item B.2. Supplemental Docs \(updated 5-23 at 1:00pm\)](#)

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Leslea Meyerhoff, Staff Consultant, presented a PowerPoint (on file).

Council disclosures.

Council and Staff discussed the 50% new construction threshold for the beach access stairway and the proposed project's 40% cumulative, the proposed change in landings from wood to concrete, repair and maintenance clause, and the last improvements to the staircase.

Vince Amela, Seascape Shores Homeowners Association (HOA) President, said that the representative Walt Crampton was here as well as their Attorney, and asked for approval.

Walt Crampton, applicant representative, presented pictures of past and present bluff conditions and reviewed the history of the stairs past failures and repairs.

Public Speakers

Several speakers passed up their opportunity to speak when called.

Ron Peck said he bought his first home at Seascape Shores in the 1970's and that they cherished the stairway that provided private access to the beach, that it did not impair anyone outside of the complex for the right to use the beach, the stairs had been repaired over the years, the proposed structure was not larger but the same, and it would be a nicer looking structure than before from the beach.

Jim Jaffee (time donated by Kristin Brinner, Tracy Richmond), co-chair of the Beach Preservation Committee, said that the City was in litigation with this organization, that he was not allowed to put anything on an easement in his back yard but this easement was used by a private stairway, and reviewed its history of repairs and failures. He said that the Coastal Act prohibited development that relied on a seawall, that 80% of it was new development, it could be rebuilt not far away from this existing stairway to provide public access, was not sure that it could be exempt from CEQA, it conflicts with existing shoreline ordinance rules, and that a past Coastal permit had stated the stairway was removed and reinstalled in 1981.

Walt Crampton, rebuttal, said that the seawall was permitted by Coastal and Solana Beach to fill a cave.

Council, Staff, and Mr. Crampton discussed any potential future repairs needed, that if the entire stairway was removed by a storm it could be considered for replacement due to a natural occurrence, that the cumulative repair would bring it up to the 30 percentile and once it hit 50% it would trigger a different process, that the project was being looked at as repair/maintenance as well as new for the areas that were damaged in past storms, the 50% threshold was for new development, and that the Del Mar Shores stairway relied on the same CEQA exemption,

Jim Knowlton, City's geotechnical consultant, said that the review was that the stairway did not rely on the wall and that caissons or pylons could be replaced without reliance on the seawall.

Council and Arie Spingler, HOA's attorney, discussed that the current stairway was entirely on private property and only accessible from private property and they would not be open to considering any public access at this time due to the proximity of the entrance within the

gated complex.

Johanna Canlas, City Attorney, stated that a DRP was before Council and its relative findings, that the criteria of the certified LCP was being met, and the LUP section regarding shoreline protective devices did not apply because this was not a retention device.

Council shared their commentary and all stated they could support the project.

Motion: Moved by Councilmember Heebner and second by Councilmember Hegenauer to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Zahn and second by Councilmember Heebner to approve. **Approved 5/0.** Motion carried unanimously.

Deputy Mayor Zito recessed the meeting for a break at 7:41 p.m.
and reconvened the meeting at 7:49 p.m.

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

Submit speaker slips to the City Clerk.

C.1. Adopt (2nd Reading) of Ordinance 486 Making Necessary Changes to Solana Beach Municipal Code Chapter 8.04 Animal Control. (File 0200-10)

Recommendation: That the City Council

1. Adopt **Ordinance 486** making necessary changes to SBMC Chapter 8.04 Animal Control.

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

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Johanna Canlas, City Attorney, read the title of the Ordinance.

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

C.2. Fire Governance Subcommittee Members Regarding Changes to Fire Cooperative Agreement Language, Cost Allocation Methodology & Positions.
(File 0260-10)

Recommendation: That the City Council

1. Discuss and provide direction to the Fire Governance Standing Committee Members and City Manager on the proposed cost allocation methodology, position reclassification, and updated language change in the Third Amendment to the Agreement for Cooperative Management Services.

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

[Item C.2. Supplemental Docs \(updated 5-23 at 11:00am\)](#)

Greg Wade, City Manager, introduced the item.

Fire Chief Mike Stein and Deputy Chief Jon Blumeyer presented a PowerPoint (on file) reviewing staffing levels and the need for an additional Battalion Chief position. He said that they were asking Council to consider the information for direction to the appointed Councilmembers serving on the Fire Governance for its meeting next week.

Council and Staff discussion included details on the Administrative Battalion Chief position, which included PERS costs, re-analysis of shared costs including field work, training, vehicles, and uniforms, that office space was calculated by a consultant every two years, the administrative fee was recalculated annually, that the position was needed to fill in for administration but within the rank of the job, so that they could attend meetings at the same rank as well as fill in for other Battalion Chief shifts as needed.

No alternative direction provided.

C.3. Highway 101 Corridor Specific Plan Discussion. (File 0600-70)

Recommendation: That the City Council

1. Discuss possible amendments to the Highway 101 Corridor Specific Plan and provide direction to Staff as needed.

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

[Item C.3. Supplemental Docs \(updated 5-23 at 3:00pm\)](#)

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Greg Wade, City Manager, introduced the item.

Cindi Clemons said that she supported two-story maximum height on the Highway 101 corridor to keep the plan consistent with commercial in similar areas, to prohibit rooftop decks that would give a structure a 3rd story, and to define the term architectural projection or eliminate it.

Marco Gonzales, Coast Law Group, said that for over 20 years community character had changed, that zoning now allowed for mixed-use housing opportunities, the state preempted the City allowing developers to do a mixed-use project without following its height or other restrictions, that cities that use community character to restrict development drive the public to develop density bonus projects so they have no restrictions, that modern zoning was up-zoning areas around transit stations, and that the City should plan for what character would evolve over the next 20 years differently than it was today.

Jim McMenamain (time donated by Ryan Herrell), Zephyr Partners, spoke about his approaching project coming to Council for review and that it was the only one in the area being constructed in a very long time, that they had met with many residents to obtain input and no one mentioned interests in changes the Highway 101 Specific Plan, that he had not heard about this issue and wondered about its intent and timing, why it was

beginning 30-60 days preceding their approaching project, whether design standards could be changed without CEQA processing, that their proposed project had been in process for over a year located at Dalia and Highway 101, that it was 27 ft. in height on 75% of the site and another 15% of architectural features up to 33 ft. that they were currently in the View Assessment Commission process, that changes at this time would hinder growth and development in the City, these discussions were concerning and posed challenges and impediments to smart growth and the original vision in the City General Plan and the Highway 101 Specific Plan, that the alternative option would be high density housing, and asked Council to consider the balance of implementing allowed land uses in the Highway 101 Specific Plan v. alternative options that would not be preferred.

Gary Martin (time donated by Dave Clemons) presented some pictures (on file) in Encinitas showing buildings existing and under construction along Highway 101, that this may not be what Solana Beach wanted on Highway 101, that Cedros District had restricted height in response to the Leaping Lotus building in order to preserve the character, the Highway 101 improvement project had enhanced the corridor, that some opportunities could change the character of 101 and lose the City's differentiation as well as affect the financial outlook, that he supported a maximum height of 26 ft., with the exception of Zephyr project which was underway, that hotels be restricted to 35 ft., restrict 3rd story roof decks, and conserve what already exists by carefully considering scale.

Richard Hendlin said that the proposal to maintain height on the corridor was appropriate to do now before projects too large could occur, that the City could respond accordingly if the state preempted, to set the standard now to prevent any undesirable building, and prohibit 3rd story decks.

Brad Jacobs spoke of his support of what this Council had done to retain character, there was stress on the community with increase in property values, developers understandably wanting to maximize density and options, that residents of the City wanted to maintain some character and charm, that the character was what drew people to Solana Beach, to keep the building heights at 26 ft. max., and that the City would deal with any new laws or preemptions from the legislature.

Bert Nielson said he supported the amendment of a maximum height limit of 26 ft., that three story buildings did not go with the seaside character of the community, and asked that Council approve the changes.

Tracy Richmond spoke of his support of a 2-story height limit of 26 ft., its consistency with Cedros guidelines, that it was too late to stop a Leaping Lotus building, that even two-story buildings would be a dramatic change, and to prevent occurrences like mass building across from Encinitas' lumberyard district.

Council discussed the intent to help developers with consistency in direction and guidance, that the local tax base was based on the City's character and charm, that the City was zoned properly, two stories already existed, the state mandates could be met with two-stories, the interest in attaining retail and new residences at an affordable rate, a diverse economic community that made the fabric of the City more interesting, supporting a two-

story maximum, and favoring the definition of architectural accoutrements or protrusions that provided an architectural element rather than just giving additional structure height.

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

C.4. National Demographics Corporation Agreement for Services Related to Transition To District-Based Council Member Elections. (File 0430-60)

Recommendation: That the City Council

1. Adopt **Resolution 2018-067**, approving and ratifying agreement with National Demographics Corporation.

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

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Johanna Canlas, City Attorney, introduced the item and reviewed the history leading to the need for a consultant to take necessary steps on the matter, that 30 maps were submitted, following two public meetings, and posted on the City's website for public review, and that the consultant to analyze them for the required criteria.

Council and Staff discussed the maps and that some submitted maps were already appropriately balanced by the criteria.

Motion: Moved by Councilmember Heebner and second by Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

A.4. Solana Beach Lighting District Engineer's Report, Annual Levy and Collection of Assessments. (File 0495-20)

Recommendation: That the City Council

1. Adopt **Resolution 2018-053** approving the Engineer's Report for proceedings of the annual levy of assessments within a special maintenance district.
2. Adopt **Resolution 2018-054** declaring intention to provide for an annual levy and collection of assessment in a special maintenance district and setting a time and date for a public hearing; and scheduling the public hearing for June 27, 2018.

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

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Councilmember Heebner pulled the item from consent for discussion.

Greg Wade, City Manager, introduced the item.

Council and Staff discussed potentially purchasing certain lights from SDG&E and retrofitting them to save funds, whether the healthy reserve could be moved to another reserve, that districts were determined by a vote so the reserves were specific to those districts, the assessment had not been increased in ten years, it was just enough to cover the costs, and that reserves were tapped into for the purposes of retrofitting or purchasing some SDG&E lights, and analysis of citywide lights by a professional, and to review whether it was prudent to pay off the outstanding loan for the City's Chevron project and the streetlight retrofit.

Motion: Moved by Councilmember Heebner and second by Councilmember Zahn to approve. **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:

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)

STANDING COMMITTEES: (All Primary Members) (Permanent Committees)

ADJOURN:

Deputy Mayor Zito adjourned the meeting at 9:50 p.m.

Angela Ivey, City Clerk

Approved: November 28, 2018