

CITY OF SOLANA BEACH

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



MINUTES

Joint SPECIAL Meeting

Friday, December 9, 2016 * 5:30 P. M.

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, Mayor

Peter Zahn, Deputy Mayor

Mike Nichols, Councilmember

Ginger Marshall, Councilmember

Lesa Heebner, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 5:35 p.m.

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

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, 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:

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

FLAG SALUTE:

APPROVAL OF AGENDA:

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

ORAL COMMUNICATIONS: None

B. PUBLIC HEARINGS: (B.1.)

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: 330 S. Cedros Ave., Applicant: McLeod, Case 17-16-03. (File 0610-60)

Recommendation: 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 (Development Review Permit), CUP (Conditional Use Permit), SDP (Structure Development Permit) and MEC (Minor Exception). 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 2016-130** conditionally approving a DRP, SDP, CUP, MEC and comprehensive sign plan for the project for a mixed use development at 330 S. Cedros Avenue, Solana Beach.

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

[Attachment 1 - R](#)

[Attachments 2-11](#)

[B.1. Updated Report #1](#)

[B.1. Updated Report #2](#)

[B.1. Updated Report #3](#)

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.

Greg Wade, City Manager, introduced the item and continuation of this public hearing to this date certain.

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

Greg Wade, City Manager, said that the supplemental items in the blue folder were updates and corrections to the Staff Report for reference, including the alternative parking layout and Staff recommendation conditions for approval to include monitoring if the share parking agreement was used and requirement regarding office tenancy limiting employees per office space. He said that the City's 3rd party consultants were present who were Mike

Kenny, Chen Ryan, who evaluated the shared parking and parking demand analysis, and Pam Elliott, landscape architect, who evaluated the parking and landscape designs.

Sean McLeod, applicant, presented a PowerPoint (on file) and said that the comments provided from the last meeting helped them improve the project, that Staff had assisted with corrections and pointing out the technical and aesthetic corrections. He said that in order to comply with the requirements for planters in trees was to provide visual screening from the parking area from abutting or adjacent properties, that the finished grade of the parking area was well below all neighboring properties and thus not require the need for plantings and trees, that the City's 3rd party consultant said that this area was very challenging to plant with the narrowing planting area, the canopy of the tree, and the vehicle overhang, that they stated that it was not a good location for any tree or palm and recommended Tristani tree so they replaced all but the New Zealand Christmas tree. He said that they made the changes on the original site plan these changes and on the east side reviewed the need for 5.5 ft. planters instead of 3.5 but then the minimum area needed was 36 sq. ft., that they had eliminated too many parking spaces for the purpose of finding enough planting area, and the tree fingers which would be accommodated but it dropped 1 parking space which was made up in another area and maintain the single parking for a motorcycle space as required, and that they were open to how Council would like to approach the easterly side. He said that regarding the number of sq. ft. per employee per commercial office space, that their general understanding was that uniform building code required about 80 sq. ft. per employee, that they heard that there had been a trend to put 100 people in a 1000 sq. ft. for a call center which they would want to avoid, that Del Mar had used 125 sq. ft. which they could do instead of the 250 sq. ft.

Public speakers

Dave Dilday said that he lived close to the project and was in favor of it for many reasons including the restaurant and that it would transit oriented development being close to the train station, that far too much emphasis was being put on the parking for this project because of the use of current parking, there was a shared parking agreement, that the applicant could build up to 50,000 sq. ft. and he was building half of that, that Mr. McLeod had a good reputation in the area, and the project was a good fit and urged Council to approve the project.

Daniel Powell said that there was so much to love about his project, that he liked the 7 ft. sidewalks, extra bike parking, that 50% of the rooftop could be an architectural projection, and that it might be a good idea to change the zoning code to 28.75 ft. overall because that was needed to build a nice two story building with tenant like art galleries or residential or commercial space. He said that one concern was that 80% of his building to the north was right on the property line, that he did talk to the applicant's civil engineering firm and they advised that it be monitored daily while it was being pile driven, etc. and asked that it be added as a condition so that he could be assured that his properties were protected since they share a common wall between the properties.

Council and Staff discussed that the 250 sq. ft. calculation was based on past experience of type of use mentioned such as a call center which was some current issue in town, that it was at the discretion of the Council to consider, that it was a too restrictive for an office space, and that setbacks or step backs provided vertical relief.

Council, Staff, and Consultants discussed trip generation rates which were based on many studies over many years over many regions, definitions of turnover of types of establishments, that parking spaces were shared when there were more than one place to visit or purpose of the visitor, and that the study did not take into account proximity to other locations like the transit station.

Councilmember Heebner said that she appreciated the changes that were made including enlarging windows, more articulation on the south wall, that she was inclined to be in favor of the project, the setbacks were appropriate, that she wanted to be sure there was justification for shared parking, that peak demand was during lunch, that she would be comfortable with knowing there were 5 spaces, that perhaps landscaping would be changed to accommodate the one lost parking space, that the project would be an asset to the street.

Councilmember Marshall said that she was very supportive of the project, that 25 signatures of merchants on Cedros supported it, that the area need some revitalization, that more housing closer to transit centers was smart growth for the region, that the vines on back area for screening seemed adequate and was not sure why trees were needed, and that she was happy with the extra parking space and putting up vines in place of landscaping that took parking spaces.

Councilmember Nichols said that it was a nice looking project and that they had worked hard on the design, that monitoring by professionals would help assess what worked, that the 250 sq. ft. was too much and that 125 sq. ft. was appropriate.

Council, Staff, and Applicant discussion continued regarding signage for the parking spaces that would be posted and that is the monitoring did not work then there would be further communications between the City and consultants, that it was understood that the shared parking was for duration of that shared use, and that is the use changed that the parking would need to be reassessed, the need for some screening between residential properties and the project to soften that back façade, that a 5.5 grate would work better, and that if the trees were maintained but did not perform that they could be replaced.

Deputy Mayor Zahn said that there were a lot of good changes and appreciated them, that he would not use parking study and instead use Staff recommendation, that 125 sq. ft. per person was on the low side but he could agree with it, that his concerns were the same as his comments from the last meeting regarding the adjacent uses and compatibility, that this project would be the largest in the immediate area, the tower was unparalleled to anything in the area of the City, there was a lack of breakup on the south face where nothing had been modified, that was no attention to articulation structurally, and for these reasons he could not support the project, and that the applicant was creative and did great things for the City on that block.

Mayor Zito stated that from a visual it appeared that the tree did not work out, that the restaurant was not expected to be open in the morning,

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

Deputy Mayor Zahn stated that he did appreciate all the work that had gone into this project, that he supported everything except the articulate aspect, that he did not want to reject the project but instead would have rather sent it to the next incoming Council to keep it active and make a few more modifications.

Motion: Moved by Councilmember Heebner and second by Councilmember Marshall to reject the parking demand study as the method to justify the share parking, to perform ongoing monitoring of the project, to change the 250 sq. ft. requirement to 125 sq. ft., approve the minor exception for the shared parking with the loading zone, the landscaping would proceed with grates of 5.5 ft. and use of trees. And that to add to the record to accept the monument sign as public art because it was unique now but that no other location use their address as a monument sign for art since it would no longer be unique. **Approved 4/0/1 (Noes: Zahn) Motion carried.**

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.

Mayor Zito reported that he made a trip to Washington D.C. and he was reimbursed by the City. He said that the purpose of the trip was to speak with all the representatives on the Army Corps project for sand on the beach.

ADJOURN:

Mayor Zito adjourned the meeting at 6:59 p.m.

Angela Ivey, City Clerk

Approved: December 14, 2016