

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting
Wednesday, April 13, 2022 * 6:00 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

Lesa Heebner, Mayor

Kelly Harless, Deputy Mayor

David A. Zito, Councilmember

Jewel Edson, Councilmember

Kristi Becker, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:49 p.m.

Present: Lesa Heebner, Kelly Harless, David A. Zito, Jewel Edson, Kristi Becker,

Absent: None

Also Greg Wade, City Manager

Present: Elizabeth Mitchell, Assistant City Attorney

Angela Ivey, City Clerk

Dan King, Assistant City Manager

Mo Sammak, City Engineer/Public Works Dir.

Ryan Smith, Finance Dir.

Joseph Lim, Community Development Dir.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Edson and second by Councilmember Becker to approve.

Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS: None

Comments relating to items on this evening's agenda are taken at the time the items are heard. 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.

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.7.)

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 heard immediately after approval of the Consent Calendar to hear the public speaker.

All speakers should refer to the public comment section at the beginning of the agenda for details. Please be aware of the timer light on the Council Dais.

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

Recommendation: That the City Council

1. Ratify the list of demands for March 05, 2022 – March 25, 2022.

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

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Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve.
Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.3. General Fund Adopted Budget for Fiscal Year 2021/2022 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2021/2022 General Fund Adopted Budget.

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

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Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve.
Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.4. Americans with Disability Act (ADA) Pedestrian Ramps. (File 0820-20)

Recommendation: That the City Council

1. Adopt **Resolution 2022-029:**
 - a. Awarding a construction contract to Miramar General Engineering in the amount of \$51,700 for the ADA Pedestrian Ramps, Bid No. 2022-04.
 - b. Approving an amount of \$8,000 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.

- d. Authorizing the City Manager to approve cumulative change orders up to the construction contingency amount.
- e. Appropriating \$59,700 to the Federal Grants revenue account and to the ADA Pedestrian Ramps CIP project, both in the CDBG fund.
- f. Authorizing the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.

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

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Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve.
Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.5. Economic Consulting Services – Keyser Marston Associates, Inc. (File 0150-85)

Recommendation: That the City Council

1. Adopt **Resolution 2022-034** authorizing the City Manager to execute an amendment to the Professional Services Agreement, in an amount not to exceed \$55,000, with Keyser Marston Associates, Inc. for economic consulting services.
2. Authorize an appropriation of \$30,000 from the Professional Services account in the City Manager's department.
3. Authorize the City Treasurer to amend the FY 2021/2022 and FY 2022/23 Adopted Budget accordingly.

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

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Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve.
Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.6. Temporary Staff Funding. (File 0560-40)

Recommendation: That the City Council

1. Approve **Resolution 2022-036** authorizing the City Manager to execute a Professional Services Agreement with Robert Half Inc for Temporary Staffing Services for a not-to-exceed amount of \$45,000.
2. Approve **Resolution 2022-033** authorizing the City Manager to execute a Professional Services Agreement with Kforce Staffing Inc for Temporary Staffing Services for a not-to-exceed amount of \$60,000.

[Item A.6. Report \(click here\)](#)

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Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve.
Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.7. Utility Box Wrapping Project. (File 0910-41)

Recommendation: That the City Council

1. Adopt **Resolution 2022-032** authorizing the locations and artist stipend for the Utility Box Wrapping Project.
2. Authorize the Finance Director to appropriate \$10,000 from the Public Arts Reserve in the TOT Coastal Visitors Fund.

[Item A.7. Report \(click here\)](#)

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Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve.
Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

A.1. AB 1690 Support. (File 0480-070)

Recommendation: That the City Council

1. Consider the adoption of **Resolution 2022-035** expressing support of AB 1690 and authorize the City Manager to send a letter to the appropriate legislative committee(s) in support of AB 1690.

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

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Peggy Walker spoke in support of the position.

Motion: Moved by Councilmember Edson and second by Deputy Mayor Harless to approve.
Approved 5/0. Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

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 designee(s) 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 should refer to the public comment section at the beginning of the agenda for time allotment.* Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: 525 Ford Ave., Applicant: Cove Capital Properties, Case: DRP20-006/SDP20-010 (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 DRP. Therefore, should the City Council be able to make the findings to approve the SDP, 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 2022-030** conditionally approving a DRP and SDP to demolish a single-family residence, construct a replacement 4,017 square-foot, two-story single-family residence with an attached two-car garage, and perform associated site improvements at 525 Ford Avenue, Solana Beach.

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

[Item B.1. Supplemental Docs \(updated 4-13-22 at 3:00pm\)](#)

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.

Katie Benson, Senior Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed the bioretention swells being open, vegetated, and approximately 6 inches below the surface of the pool deck.

Troy Foss, Applicant, said that he purchased the property about two years ago with the intent of building a home that was desirable and fit in with the neighborhood, that he met with the Edwards and told them that he would design a home that did not impact their view, that he made concessions to shrink it down by lining up the second story where an existing second story to the west was located, and removed all the landscape.

Marco Gonzalez, Coast Law Group, presented a PowerPoint (on file), and reviewed the VAC findings, noted that the applicant made reasonable attempts to resolve view impairment issues, there were no impacts to public views, and that the structure was compatible with immediate neighborhood characteristics. He said that none of the claimant's view was impacted and that he had removed vegetation which opened more of the claimant's view, and that there was no significant cumulative view impairment, even with a hypothetical fully built out second story on the King's property.

Council and Applicant discussed the proposal made by Applicant to draft a covenant to ensure height limitation of potential vegetation on the back end of the property, limiting the vegetation height to 12 ft. so that it would not block the claimant's view, and that the Applicant could agree to a 10 ft. height limit.

Melissa Fischel, Ford Avenue, said that she opposed the project, that neighbors preferred a decreased size and scale of the second floor, that the project was on the west side of the street and would be a larger home than her home on the east side of the street that had a larger lot size than the proposed project's lot, that they would request future vegetation plans to respect the existing views and view corridor, that neighbors on both sides of the project

had raised concerns at prior meetings on this property, that it was a bad precedent to build an opposing wall next to a resident who had lived in their home for 68 years, and asked that the request be declined as it's currently proposed.

Jim King said that he was a neighbor, that he strongly opposed the project, and that it was overkill for the neighborhood.

Walt Edwards said that he was a neighbor next to the subject property, that he opposed the project, that the Applicant refused to shift the bulk of the second story or the side of the building which is closer to his property than the other neighbor's property, that the proposal was not designed in a manner consistent with the neighboring properties based on square footage and view impacts, that there were other homes in the area that were two story but built below street level utilizing the basement for some of the home, that he opposed the Applicant's proposed RV parking on the side of the property which may explain the asymmetry of the design, that there were no changes in the building design for existing views, and some new views they have opened would be contingent on vegetation height.

Bruce Applegate said that he was speaking on behalf of the neighbors on Ford Ave, that the character of the street was unusual, that both houses on either side of him had been redeveloped and the homeowners came to them to go over the plans and all issues were collaboratively resolved, and that he hoped that this development would be adjusted for everybody's sake.

Mr. Gonzalez (rebuttal time) said that one way to mitigate views was by taking out the vegetation, so they did so, that the Applicant had pushed the second story towards the street giving a 19 ½ ft. separation between structures on the second story, that both sides had a 5 ft. first floor set back separation, that the structure was designed to not impact the neighbor's views, that it was not true that Mr. Foss had not tried to work with the neighbors, that the project meets all of the requirements, that they were well within the square footage, that they met most of the VAC requirements and showed that two of the VAC issues were incorrect, and that they would entertain a covenant of vegetation height limits.

Council and Mr. Gonzalez discussed softening the structure with some trees in the front yard that could be seen through, confirmed the header heights and roof pitch, to consider reducing the first floor from 10 ft. to 9 ft. 1 in. and reducing the roof pitch from 2 ½ and 12 to 2 and 12, that the purpose of the 70 cubic yards of fill was to balance the site for drainage to the biofiltration basin, concern from neighbors about the crowding to the east and possibly shifting it to the south, that the 20 ft. setback was twice what is required by code, that the Applicant had shifted a portion of the second story to avoid the neighbor's primary viewing areas which squeezed the project on the other side, that the larger setback was to accommodate the additional parking space, that the bioretention has a gradual slope and not a drop so there was no need for a step, and considered higher windows in the bedroom rather than sight view.

Mayor Heebner recessed the meeting at 7:50 p.m. for a break and reconvened at 8:00 p.m.

Mr. Gonzalez showed the slide of the west side elevation, said the width of the terrace could be reduced by 2 ft. from 9 ft. 8 in. to 7 ft. 8 in., that the terrace has already been reduced by

50 percent, that they would reduce the downstairs height to 9 ft. 6 in., and that the roof pitch would be reduced from almost 3 and 12 down to 2 ½ and 12 which would give another 6 inches in total height reduction.

Council, Mr. Gonzalez, and Architect, discussed the height and corrected the current roof pitch height to currently sit at 2.98 and that they could reduce it to 2 and 12, and that eliminating the parking space would require redoing the entire design and a cascading shift of pool and structure and would put more mass on the King's side of the project.

Council discussed the primary viewing area being the primary bedroom and off the balcony, the community compatibility finding that the Council has to make, concerns about the future vegetation, that the removal of some vegetation did increase some views, that the Applicant was willing to implement a deed restriction to limit the vegetation, concerns about mass and scale of project, making a third party agreement for a covenant or recorded deed restriction, reducing the height of the ceiling and the roof pitch to reduce the overall mass and scale, and reducing the size of the terrace from 9 ft. 8 in. to 7 ft. 8 in.

Mr. Foss said they would be willing to change the roof pitch to get 6 inches and reduce the first story to 9 ft. 6 in., that bringing it down to 9 ft. would make a big difference in the look and feel of the interior design that includes soffits, crown molding, and wood beams.

Motion: Moved by Councilmember Zito and second by Councilmember Edson to close the public heard. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson, Noes: None. Motion carried unanimously.

Motion: Moved by Mayor Heebner and second by Councilmember Edson to approve with conditions that a covenant and view easement be recorded limiting vegetation to 10 ft. high in the rear yard prior to issuing the building permit, that the height be reduced by a total of 13 inches by reducing the first-floor ceiling to 9 ft. 6 in., reducing the roof pitch to 2 in. 12 in., and reducing the terrace to 7 ft. 8 in. **Approved 4/1.** Ayes: Heebner, Becker, Zito, Edson. Noes: Harless. Motion carried.

C. STAFF REPORTS: (C.1. – C.2.)

Submit speaker slips to the City Clerk.

All speakers should refer to the public comment section at the beginning of the agenda for time allotments. Please be aware of the timer light on the Council Dais.

C.1. Introduce (1st Reading) Ordinance 522 Regulating Non-Serialized Untraceable Ghost Guns. (File 0250-70)

Recommendation: That the City Council

1. Introduce Ordinance 522 amending Chapter 7.20 and adding Chapter 7.20.040 to the Solana Beach Municipal Code to address non-serialized untraceable ghost guns.

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

[Item C.1. Supplemental Docs \(updated 4-13-22 at 3:35pm\)](#)

Elizabeth Mitchell, Assistant City Attorney, introduced the time, read the title, and cited federal and state laws that included allowing the right to bear arms, requiring licensed importers and manufacturers to identify each firearm with a serial number engraved or cast on the receiver or frame of the weapon, making it illegal to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm that is not detectable by walk through metal detection as a security exemplar or does not generate an accurate image before standard airport imaging technology, prohibited any assault weapon or 50 BMG rifle, prohibiting firearm precursor parts to be owned or possessed by certain persons, requiring licensing for any person owning firearms, making it illegal to change, alter, remove, or obliterate identification of the manufacturer or serial number, requiring the age of ownership for types of firearms, requiring dealers to obtain certain identifying information from purchasers and perform background checks to ensure they are not prohibited from owning a firearm, and providing multiple definitions of terms. She said that a new federal law was underway modernizing the definition of a firearm, frame, or receiver, addressing the proliferation of un-serialized firearms, prohibiting guns being sold to convicted felons and other prohibited purchasers, requiring retailers to run background checks before selling kits that contain the parts necessary for someone to readily make a gun, aiding law enforcement to trace guns used in a crime, reducing the number of unmarked and hard to trace ghost guns, establishing requirements for serial numbers to be added to 3D printed guns or other un-serialized guns, and expanding the time of records retention of information obtained from purchasers.

C.2. Climate Action Commission Appointment. (File 0120-06)

Recommendation: That the City Council

1. Consider the applications submitted for appointments to two vacancies on the Climate Action Commission with a term ending January 2023.

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

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Greg Wade, City Manager, introduced the item.

Motion: Moved by Councilmember Edson and second by Councilmember Zito to appoint John Kellogg and Mike Nagamine. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. 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 "City" at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

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

**STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)
CITIZEN COMMISSION(S)**

ADJOURN:

Mayor Heebner adjourned the meeting at 8:47 p.m.

Angela Ivey, City Clerk

Council Approved: July 13, 2022