



CITY OF SOLANA BEACH

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

MINUTES

Joint REGULAR Meeting

Wednesday, August 24, 2022 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California. This meeting was conducted in accordance with California Government Code sections 54953(e) and 54954.3 and other applicable law.

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

- 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
District 1

Jewel Edson
Councilmember
District 3

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 6:15 p.m.

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

Absent: None

Also Greg Wade, City Manager

Present: Johanna Canlas, 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.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Deputy Mayor Harless and second by Councilmember Becker to approve.

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

ORAL COMMUNICATIONS: None

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 joining the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. No written correspondence may be submitted in lieu of public speaking. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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.13.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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 written correspondence for the record to be filed with the record or by joining the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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 following City Council meetings held May 4, 2022, May 11, 2022, May 23, 2022, June 7, 2022, and June 8, 2022.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for July 1, 2022 – August 05, 2022.

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

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

A.3. General Fund Budget Adjustments for Fiscal Year 2022/2023. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2022/2023 General Fund Adopted Budget.

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

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

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

A.4. League of California Cities' 2022 Annual Business Meeting Voting Delegates Designees. (File 0140-10)

Recommendation: That the City Council

1. Appoint Councilmember Becker, primary voting delegate, Deputy Mayor Harless, 1st alternate, and City Manager Gregory Wade, 2nd alternate, as the voting delegates for the 2022 Annual Business Meeting of the League of California Cities Annual Conference.
2. Authorize the City Clerk to attest to the appointments and submit the Official Voting Form to the League of California Cities.

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

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

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

A.5. Planning, Communications, and Engagement Services. (File 0600-90)

Recommendation: That the City Council

1. Adopt **Resolution 2022-106** authorizing the City Manager to execute an amendment to the Professional Services Agreement with The Lew Edwards Group, extending the contract through November 2022.
2. Authorize an appropriation of \$36,000 from the Legal Professional Services account.
3. Authorize the City Treasurer to amend the FY 2022/23 Adopted Budget accordingly.

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

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

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

A.6. City's Housing and Safety Element Update. (File 0610-10)

Recommendation: That the City Council

1. Adopt **Resolution 2022-98** authorizing the City Manager to execute Amendment #3 to the Professional Services Agreement with Kimley-Horn and Associates Inc. extending the contract through September 30, 2023.

[Item A.6. 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 Becker and second by Councilmember Edson to approve.

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

A.7. This Item has been left blank.

A.8. Special Counsel Services for Municipal Election. (File 0400-08)

Recommendation: That the City Council

1. Adopt **Resolution 2022-103** approving and ratifying the City Manager's execution of a Professional Services Agreement for Special Counsel Services for Municipal Elections between the City of Solana Beach and Best Best & Krieger LLP.

[Item A.8. Report \(click here\)](#)

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

A.9. Fire Apparatus Maintenance and As-Needed Repair Agreement. (File 0370-26)

Recommendation: That the City Council

1. Adopt **Resolution 2022-107:**
 - a. Authorizing the City Manager to execute an amendment to the FY 2021/22 Agreement with North County Emergency Vehicle Services (NCEVS) to increase the not to exceed amount by \$15,000 to provide for total on-call, as-needed maintenance and repair services not to exceed \$75,000 for Fiscal Year 2021/22.
 - b. Awarding a new on-call, as-needed maintenance and repair services agreement to NCEVS not to exceed \$60,000 per fiscal year for FY 2022/23, with four additional one-year extensions exercisable at the City's option.
 - c. Authorizing the City Manager to execute such an agreement and extend the agreement for up to four additional one-year terms, at the City's option and to be exercised in the City Manager's discretion.

[Item A.9. Report \(click here\)](#)

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

A.10. Grand Jury Response. (File 0480-75)

Recommendation: That the City Council

1. Adopt **Resolution 2022-104**, approving the response to the Grand Jury report and authorize the Mayor and the City Manager to sign the response.

[Item A.10. Report \(click here\)](#)

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Clerk's Office.

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

A.11. SANDAG Beach Sand Mitigation Fund Request. (File 0740-20)

Recommendation: That the City Council

1. Adopt **Resolution 2022-108** authorizing submittal of the Resolution to SANDAG to request a full allocation of the Beach Sand Mitigation Funds held in trust for the City and authorize the City Manager to act on behalf of the City of Solana Beach, in consultation with the City Attorney, to negotiate and execute all agreements and amendments necessary to obtain the requested funds from SANDAG as soon as possible and prior to the end of the 2022 calendar year.

[Item A.11. Report \(click here\)](#)

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

A.12. Continued Emergency Teleconferencing. (File 0240-28)

Recommendation: That the City Council

1. Adopt **Resolution 2022-110** authorizing remote teleconference meetings of the legislative bodies of the City for the period of August 25, 2022 through September 24, 2022 pursuant to the provisions of the Brown Act.

[Item A.12. Report \(click here\)](#)

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

A.13. Clean Energy Alliance (CEA) Joint Powers Agreement Amendment.

(File 1010-40)

Recommendation: That the City Council

1. Adopt **Resolution 2022-109** approving and ratifying the City Manager's execution of the Amendment.

[Item A.13. 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 Becker and second by Councilmember Edson to approve.
Approved 5/0. Ayes: Heebner, Harless, Zito, Edson, Becker. Noes: None. Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1. – B.3.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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 have three minutes each.

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.

B.1. Public Hearing: 418 Glencrest Dr., Applicant: Jeanna & John Peterson, Case: DRP21-014. (File 0600-40)

The proposed project could be found to be consistent with the General Plan and the SBMC and could 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, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2022-097** conditionally approving a DRP for a first-story addition and to conduct grading in excess of 100 cubic yards on a lot with an existing single-family residence with an attached garage at 418 Glencrest Drive, Solana Beach.

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

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Greg Wade, City Manager, introduced the item.

John Delmer, Jr. Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

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

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

B.2. Public Hearing: 506 Pacific Ave., Applicant: Jim and Kathleen Boyd, Case: DRP20-014/SDP20-020. (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, 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 2022-049** conditionally approving a DRP, SDP, and SDP Waiver to demolish a single-family residence, construct a replacement 3,021 square-foot, two-story single-family residence built above a 1,179 square-foot basement with an attached 377 square-foot two-car garage, and perform associated site improvements at 506 Pacific Avenue, Solana Beach.

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

[Item B.2. Updated Report #1 \(added 8-23-22 at 3:45pm\)](#)

[Item B.2. Supplemental Docs \(updated 8-22-22 at 12:45pm\)](#)

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, Sr. Planner, presented a PowerPoint (on file).

Council disclosures.

Mark Morris, Applicant Architect, presented a PowerPoint (on file) of the proposed project.

James Boyd, Applicant, presented a PowerPoint (on file).

Kathy de Paolo (time donated by Debbie Stranton and Dennis Stryker) presented a PowerPoint (on file) and said that there were still concerns about the building structure view blockage, privacy, and landscaping.

James Boyd, Applicant, utilizing rebuttal time, said that the pictures presented by the speaker were not accurate since the Abraham Lincoln displayed on the slides were spaces where a deep stairwell and roof exists so there would not be anyone standing there. He said that his presentation was a clear representation of what would be built, that they had been working with Kathy for many years and she had presented new issues at each meeting, that it was difficult to determine exactly what she wanted, and that they had designed the project to be cohesive with bulk and scale of the rest of the neighborhood.

Council discussed that not all the recommendations by Council were incorporated, removing the roof deck above the second story, reducing the height of the peak of the structure, removing

the master bathroom deck, reducing the south wall of the second floor, replacing palms with landscaping not to exceed 12 ft. height at maturity, the courtesy and respectful deliberations, that there were few alternative placement options without unintended consequences, that surrounding homes had partial second stories and flat roofs versus this project having a second story spanning 90% of the first floor and a pitched roof, that removing the notch would provide some relief and open up the view area, reducing the overall structure height by removing the second story deck, and requiring the garage to be used for parking only.

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

Councilmember Zito stated that he would not be supporting the motion because he did not agree with the requirement to remove the roof deck.

Motion: Moved by Councilmember Edson and second by Mayor Heebner to approve with additional conditions 1) remove the roof deck above the second story and reduce the height peak to a maximum of 22.87 feet, 2) remove the master bathroom deck on the east side, 3) reduce the length of the south wall of the second floor to 29 ft. 9 1/2 in. as previously presented on May 11th, 4) reincorporate the 5 ft. 11 1/2 inch by 3 ft. 6 in. notch 5) replace the palms, including the Queen Palm in the southwest and northeast portions of the yard with plant materials that would not exceed 12 ft. at maturity, and 6) utilize the garage for parking only. **Approved 3/2:** Ayes: Heebner, Edson, Becker. Noes: Harless, Zito. Motion carried.

Mayor Heebner recessed the meeting at 7:31 p.m. for a break and reconvened at 7:36 p.m.

B.3. Public Hearing: 237 N. Acacia Ave., Applicant: Shirly Hart Chwalowski, Case: DRP21-022/SDP21-022. (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, 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 2022-099** conditionally approving a DRP and SDP to demolish a single-family residence, construct a replacement multi-level single-family residence with a subterranean basement, an attached main floor garage, an attached ADU, and perform associated site improvements at 237 N. Acacia Avenue, Solana Beach.

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

[Item B.3. Supplemental Docs \(updated 8-24-22 at 4:40pm\)](#)

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,

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

Mayor Heebner opened the public hearing.

Council disclosures.

Bart Smith, DZN Partners, Applicant representative, said that they had no presentation.

Council and Applicant discussed using the garage for parking and a deed restricting the ADU for low income residents.

Council and Staff discussed impacted parking in this area and that state law preempts the ability to require more parking than is being provided at this point.

Motion: Moved by Councilmember Becker and second by Councilmember Edson to close the public hearing. **Approved 4/0/1.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Absent: Harless-Recused. Motion carried.

Motion: Moved by Mayor Heebner and second by Councilmember Edson to approve with an additional condition of requiring the garage be used for parking only. **Approved 4/0/1.** Ayes: Heebner, Zito, Edson, Becker. Noes: None. Absent: Harless-Recused. Motion carried.

C. STAFF REPORTS: (C.1.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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C.1. Public Arts Commission Appointment. (File 0120-06)

Recommendation: That the City Council

1. Appoint one (1) member to the Public Arts Commission nominated/appointed by Council-at-large for a term ending January 2023.

[Item C.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 Mayor Heebner and second by Councilmember Edson to appoint Vicki Cypherd. **Approved 5/0.** Ayes: Heebner, Harless, Zito, Edson, Becker. Noes: None. Motion carried unanimously.

WORK PLAN COMMENTS:

Adopted June 22, 2022

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 "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 8:05 p.m.

Angela Ivey, City Clerk

Council Approved: September 28, 2022