

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 11, 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 6:00 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 Edson to approve.

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

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Mental Health Awareness Month

Mayor Heebner read the proclamation.

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction.

“One Safe Place” North County Family Justice Center

Chief Deputy District Attorney Tracy Prior presented a PowerPoint reviewing the opening of a north county family justice Center called One Safe Place. She said that it was a collective place for residents of north county victims and survivors of abuse and trauma. She said that the purpose was to centralize the needs of the victim in one place including court visits, obtaining restraining orders, therapy, and other services.

Council and Ms. Prior discussed that the project was being funded by Prop 172 public safety funding, and that one of their partners was CRC

ORAL COMMUNICATIONS:

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. 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. No donations of time are permitted (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

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.4)

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.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held February 23, 2022.

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

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.

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

Recommendation: That the City Council

1. Ratify the list of demands for April 16, 2022 – April 29, 2022.

[Item A.2. 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 Edson and second by Deputy Mayor Harless 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 Deputy Mayor Harless to approve.

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

A.4. Sewer and Storm Drain Maintenance and Video Inspection. (File 1040-48)

Recommendation: That the City Council

1. Adopt **Resolution 2022-040:**
 - a. Waiving the formal construction bid process because the Request for Proposals (RFP) process provides a more efficient, effective, and convenient method for hiring a sewer maintenance contractor that would provide the higher level of service required pursuant to Solana Beach Municipal Code section 3.08.140.
 - b. Approving a Professional Services Agreement with Affordable Pipeline Service, Inc. in an amount not to exceed \$501,710, in Fiscal Year (FY) 2022/2023, for the Sewer and Storm Drain Maintenance and Video Inspection services.
 - c. Authorizing the City Manager to execute the Professional Services Agreement on behalf of the City.
 - d. Authorizing the City Manager to extend the Agreement for up to four additional one-year terms, at the City's option, at an amount not to exceed the amount identified and budgeted for in each subsequent year.

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

[Item A.4. Updated Report #1 \(added 5-11-22 at 2:45pm\)](#)

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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. – 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 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: 506 Pacific Ave., Applicant: Boyd, Application: 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, 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 2022-049** conditionally approving a DRP, SDP, and SDP Waiver to demolish a single-family residence, construct a replacement 2,986 square-foot, two-story single-family residence built above a 1,274 square-foot basement with an attached 448 square-foot two-car garage, and perform associated site improvements at 506 Pacific Avenue, Solana Beach.

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

[Item B.1. Updated Report #1 \(added 5-10-22 at 4:30pm\)](#)

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) reviewing the proposed project.

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed the considering the use of privacy glass on the south side of the deck of the primary bedroom and it being greater than 42 inches in height which, combined with the roof, would create an enclosure patio on the third side, that the code stated that any patio enclosed on three sides is counted as floor area which would make it over the maximum allowable floor area for the lot, that if the patio was not enclosed by privacy glass it would not count as floor area, that the roof over the patio extends to about

six feet over a seven-foot deck, adding a condition that the garage must be used for parking two cars, steps or gradual slopes using vegetation, soils, or stones incorporated into the bioretention plans so that little animals could get out and not get stuck in them.

Jim Boyd, applicant, spoke about wanting to turn the 70-year-old bungalow into a nice two-story home, presented a PowerPoint (on file), and said that everyone was using their footprint as best they could for the value of the properties, that houses were going to be close together and everyone understands the rules of privacy including putting up window coverings and opening or closing windows at certain times of the day, that the neighbor's second story was 35 feet away from their second story with plenty of room for rooftop decks, that in response to the claimant they have offered to remove the tower, move the deck to the north side, reduce the roof slope and living room ceiling by one foot, frost the windows, and put up a trellis as well as chop off part of the master bathroom. He said that they had gone to the View Assessment Commission (VAC) twice but were told they still hadn't done enough to minimize private view impairment, that they would be replacing a large tree with a palm tree which would open the claimant's view to the northeast, that he was requesting acceptance of plans as submitted with changes to remove the large shade tree to replace it with a palm, and return to the initial design of the rooftop deck layout and master bedroom plan except for moving the southern wall one foot to the north.

Council and Mr. Boyd discussed the height of the ceiling with the deck that would be dropped to 9 feet, the applicant agreeing to remove the front box structure that encloses the stairs going up to the rooftop deck, and that other homeowners have voluntarily frosted their own glass windows for privacy from their neighbors.

Kathleen de Paolo, Claimant, presented a PowerPoint (on file), and said that VAC findings two and three could not be made, that the second story height, bulk, daylight planes and other adverse impacts needed to be addressed before the project was approved, that she lived south of the subject property, that finding three could not be made since it was blocking most of the view, that the VAC proposed restoring 50% of the view corridor by reducing the height of the third-level deck, that finding two could not be made because it did not follow Solana Beach code guidelines regarding daylight planes and privacy, that her main living space, kitchen, and master bedroom would be adversely affected, that the second story was too massive because it utilized nearly the entire buildable area, and that the third level deck created massing and bulk at a maximum height of 25 ft.

Rich Waters, neighbor, said they lived right below the property and thought it was a beautiful project and hoped it would pass, that he was concerned with the retaining wall in the back since the applicant was removing trees and putting in a basement, and that he would like an assurance from the applicant or contractor in case there was damage to the retaining wall so it would be repaired or replaced to its original condition.

Council and Staff discussed concerns about the mass and bulk of the project and privacy issues, eliminating the third-level roof deck, reducing the west facing master bedroom deck, moving the south wall of the second story and west-facing master bedroom deck so they are 11 ft. to the north of the south setback line, removing the master bedroom deck on the east side, considering obscure glass up to 6 ft. on the south side of the west-facing master bedroom deck and on the south-facing walls, that the rooftop gave an impression of not

being in scale with the rest of the homes, reducing the roof eaves, removing the back balcony off the bathroom, reducing the covered front patio to a 2 ft. overhang as opposed to a fully covered patio, removal of the large tree without a replacement tree, that the story poles be revised to provide a clear impact of the changes, and requiring that the garage be used for parking cars.

Council and Mr. Boyd discussed either approving the plan with modifications discussed by Council or if preferred redesigning some of the plans, and that the applicant preferred to come back to Council with redesigned plans.

Motion: Moved by Councilmember Edson and second by Councilmember Zito to continue this item to a Council Meeting date certain of June 22, 2022. **Approved 5/0.** Ayes: Heebner, Harless, Zito, Edson, Becker. Noes: None. Motion carried unanimously.

B.2. Public Hearing: 325 & 327 Pacific Ave., Applicant: Laughlin and Greenberg, Case: CUP/DRP 17-18-28. (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. If Council can make the required findings, adopt **Resolution 2022-048**, approving the request for an 18 month Time Extension for approvals and entitlements in Case No. 17-18-28 and setting the expiration date on October 22, 2023.

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

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Greg Wade, City Manager, introduced the item.

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

Council opened the public hearing

Council disclosures

Applicant had no presentation.

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.

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

C. STAFF REPORTS: (C.1. – C.3.)

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. Santa Helena Neighborhood Trail Update. (File 0820-46)

Recommendation: That the City Council

1. Receive the report and provide input and direction on the Santa Helena Neighborhood Trail Project.

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

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Greg Wade, City Manager, introduced the item and stated it was in the City's Work Plan.

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

Michael Pells, Landscape architect, provided input on landscaping.

Lawrence Alessio said that he disapproved of the project due to unnecessary bike lanes because there are no bicycles in that area because it was too steep, not an appropriate area for benches and meeting tables, that the cons outweigh the pros, that cars would fill the area, and that the lot was being donated by the Homeowner's Association with the criteria of the City considering the adjacent residents for any plans for the area.

Carolyn Davis said that she had concerns about the project, that many people party at the end of the street at night across from where they live, drunk drivers blow through the barricades, that they were never notified that this plan was in place, that the street was extremely steep so the use of bike lanes did not seem to be necessary, that this project would bring traffic and encourage congregation and promote certain behavior late at night and disturb the neighborhood.

Council, Consultants, and Staff acknowledged the speaker's concerns and discussed the impacts of creating the trail, that the area was meant to be a moving area with a bench to rest and not meant for congregation, narrowing of the street would calm traffic, the possibility of a dog park in the vacant lot, how noticing was conducted about this project for workshops through Council meeting announcements, e-blasts, and outreach to those parties who have spoken to the City about this area, and Homeowners Associations, that the project was intended for beautification of the area and access to trails.

C.2. Adopt (2nd Reading) Ordinance 523 - Regulating the Use, Sale and Distribution of Balloons filled with Gas Lighter than Air. (File 0220-70)

Recommendation: That the City Council

1. Adopt **Ordinance 523** amending Title 5 and adding Chapter 5.07 to the Solana Beach Municipal Code to address the Use, Sale and Distribution of Balloons Filled with Gas Lighter than Air.

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

[Item C.2. Supplemental Docs \(Updated 5-11-22 at 4:45pm\)](#)

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

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

C.3. Adopt (2nd Reading) Ordinance 516 – Electronic Filing of Campaign Statements.
(File 0430-50)

Recommendation: That the City Council

1. Adopt **Ordinance 516** related to electronic campaign statements, adding Section 2.24.085 Electronic Filing of Campaign Statements to the Solana Beach Municipal Code.

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

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

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

WORK PLAN COMMENTS:

Adopted June 23, 2021

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:

Angela Ivey, City Clerk,

Council Approved: August 24, 2022