

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, March 13, 2019 * 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

David A. Zito, Mayor

Jewel Edson, Deputy Mayor

Judy Hegenauer, Councilmember

Kristi Becker, Councilmember

Kelly Harless, 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 6:07 p.m.

Present: David A. Zito, Jewel Edson, Judy Hegenauer, Kristi Becker, Kelly Harless

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: None

FLAG SALUTE:

APPROVAL OF AGENDA:

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

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.

Dave Rolland said he was representing California State Senator Leader Tony Atkins' who is the local representative in the state senate. He spoke about her invitation to those interested in the state budget to a community forum on Thursday, March 28th to discuss the draft state budget. He said that she was celebrating Women's History month through March and would be posting about individuals or groups of women in her district on social media, and that one of her posts would be honoring a the City of Solana Beach City Council made up of 80% women.

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 February 09 – February 22, 2019.

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

A.2. General Fund Adopted Budget for Fiscal Year 2018-2019 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2018-2019 General Fund Adopted Budget.

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

A.3. Special Legal Counsel Services. (File 0400-05)

Recommendation: That the City Council

1. Adopt **Resolution 2019-029** approving the First Amendment to the agreement with Nossaman LLP for special legal counsel services and to authorize the City Manager to execute the amendment.

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

A.4. Award Sewer Pipeline Replacement Contract (File 1040-26)

Recommendation: That the City Council

1. Adopt **Resolution 2019-028:**
 - a. Awarding the construction contract to DB Pipeline, in the amount of \$409,494, for the 2019 Sewer Pipeline Replacements, Bid 2019-01.
 - b. Approving an amount of \$60,000 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.

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

A.5. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held December 12, 2018 and January 9, 2019.

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

C.3. EDCO Presentation – Solid Waste Legislation and Facility Expansion

(File 1030-50)

Recommendation: That the City Council

1. Receive a presentation from EDCO on their facility upgrades and to discuss current and upcoming legislation that will have an impact on future rates.

Steve South, EDCO, provided a handout (on file) and presented a PowerPoint (on file) reviewing Comingling Organics Collection.

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 have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: 208 Pacific Avenue, Applicant - Adams, Case 17-18-04, APN: 263-322-01. (File 0600-40)

The proposed project meets the minimum objective 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 Development Review Permit (DRP), Variance (VAR) and administratively issue a Structure Development Permit (SDP). 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 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 2019-025** conditionally approving a DRP, SDP and VAR to construct a replacement, two-story, single-family residence with an attached garage and a subterranean basement and perform associated site improvements including a pool within the front yard setback at 208 Pacific Avenue, Solana Beach

Councilmember Harless recused herself due to the project proximity of her property.

Mayor Zito opened the public hearing.

Council disclosures.

Greg Wade, City Manager, introduced the item.

Regina Ochoa, Assistant Planner presented a PowerPoint (on file).

Council and Staff discussed prior variance requests, fence heights, setbacks, lot lay out, and topography.

Christian Rice, Applicant's Architect, presented a PowerPoint (on file). He spoke about the triangular shaped property making it difficult to fit a pool in the rear or side yard so they were proposing it in the front yard setback, required pool setbacks, felt they met the variance findings, if variance for the pool was granted all applicable building codes would be followed.

Council, Architect, and Applicant discussed the space of the basement extending beyond the first floor, retention basin locations for storm water, the level of the pool being same/level with the rear yard grade, a planter and retaining wall and lower entry area appearing lower than the rest of the property, the applicant's intent was to have the most amount of outdoor area possible, solar panels were planned, and that electric vehicle wiring was planned since the applicant owned one.

Council discussion ensued regarding variances, that a different design may have allowed the pool within the required buildable setback, the lot was oddly shaped but large, a variance for this purpose could set a precedent, more exploration would provide for alternative options, the house was compatible, the appearance that the design aimed to fill all of the buildable area and then add a pool, considering a smaller pool in another area.

Council discussion continued regarding the scale, bulk, and massing, that 25 ft. height of the house lacked articulation due to the stacked appearance with the volume of the ceiling, it appears higher than it was, the placement of the house on a prominent corner made it appear higher than it actually was, the basement extending 328 ft. beyond the house instead of being under the house, consideration of conditioning solar panels options, and approving the house without the variance of the pool.

Councilmember Edson said that she would be interested in approving the house without the variance for the pool and adding conditions to reduce the height of the structure 2 ft., restrict the vegetation to the maximum height of fences or walls at 3 ½ ft.

Ms. Rice said that the homeowners were fine with proceeding without the pool.

Ms. Adams asked to be clear about the vegetation, that the entire yard was along the street so they wanted to use some vegetation as privacy, they had no backyard, and the entire yard ran along two streets.

Council discussed that in the past vegetation had been restricted to the allowed height of fences or walls, that the bend where the two streets meet should be restricted due to safety for drivers on both streets, that the 5 ft. 6 in. fence was surrounded by vegetation around the bend, without the pool the area could be developed into a larger yard area.

Motion: Moved by Councilmember Hegenauer and second by Deputy Mayor Edson to close the public hearing. **Approved 4/0/1** (Recused: Harless). Motion carried.

Motion: Moved by Mayor Zito and second by Councilmember Edson to approve, without the variance for the pool in the front yard setback, submitting an updated landscape plan for area that would be replacing the pool area for review by the City's 3rd party landscape architect and Engineering for storm water runoff requirements, that the landscape height on the perimeter of the fence to the midway point of the proposed pool be limited to the fence height restriction for a front yard and restricting vegetation around the project except southwest of the propose pool to the property line fence. **Approved 4/0/1** (Recused: Harless). Motion carried.

C. STAFF REPORTS: (C.1. - C.3.)
Submit speaker slips to the City Clerk.

C.1. Adopt (2nd Reading) Ordinance 500 – Affordable Housing (File 0630-10)

Recommendation: That the City Council

1. Adopt **Ordinance 500** amending Chapter 17.70 (Affordable Housing) of the Solana Beach Municipal Code (SBMC).

Johanna Canlas, City Attorney, introduced the item.

Peggy Walker passed out handout (on file) and said that the San Dieguito Alliance requested that facilities be smoke free to reduce citizens' exposure to second hand smoke and regulate tobacco retailers to reduce sales of tobacco and vaping products to those under 21 years of age.

Council and Staff discussed that adding restrictions for smoke-free area could be added on a project by project basis or add to the agreements with the project, bring it back to address in the future, concern about construction of offsite affordable housing, concerns about conversion of rental units to for-sale and that Staff could return to amend that portion in the future,

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

33C.2. Adopt (2nd Reading) Ordinance 501 – Skateboarding in Skate Park at La Colonia Park (File 0740-20)

Recommendation: That the City Council

1. Adopt **Ordinance 501** amending Solana Beach Municipal Code (SBMC) section 11.12.020(AA) to allow skateboarding with protective gear in the designated area of La Colonia Park where a skate park is being constructed.

Johanna Canlas, City Attorney, introduced the item.

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

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 and Deputy Mayor Edson reported they attended SANDAG and it was paid for by the City.

COUNCIL COMMITTEE REPORTS: [Council Committees](#)

REGIONAL COMMITTEES: (outside agencies, appointed by this Council)
STANDING COMMITTEES: (All Primary Members) (*Permanent Committees*)

Councilmembers reported Committee activities.

ADJOURN:

Mayor Zito adjourned the meeting at 7:57 p.m.

Angela Ivey, City Clerk

Approved: April 24, 2019