

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting

Wednesday, October 23, 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 6:13 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 Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Motion carried unanimously.

**PROCLAMATIONS/CERTIFICATES:** *Ceremonial*

Red Ribbon Week

Mayor Zito presented proclamations to twelve schools for Red Ribbon Week.

**ORAL COMMUNICATIONS: None**

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.

**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. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held May 22, 2019 and July 10, 2019.

See Approved Minutes [http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B\\_BASIC](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 Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

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

Recommendation: That the City Council

1. Ratify the list of demands for September 21– October 04, 2019.

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

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

**A.3. General Fund Adopted Budget for Fiscal Year 2019-2020 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2019-2020 General Fund Adopted Budget.

[Item A.3. 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 Councilmember Hegenauer to approve. **Approved 5/0.** Motion carried unanimously.

**A.4. Emergency Storm Drainpipe Repairs in the Solana Beach Towne Centre Notice of Completion** (File 0850-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-142:**
  - a. Accepting as complete the Emergency Storm Drainpipe Repairs in the Solana Beach Towne Centre Project, performed by Crest Equipment, Inc.
  - b. Authorizing the City Clerk to file a Notice of Completion for this project.

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

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

**A.5. 2019 City Streets Concrete Repairs Project – Notice of Completion.** (File 0820-35)

Recommendation: That the City Council

2. Adopt **Resolution 2019-037:**
  - a. Accepting as complete the 2019 City Streets Concrete Repairs Project, Bid 2019-02, performed by Dick Miller, Inc.
  - b. Authorizing the City Clerk to file a Notice of Completion for this project.

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

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**Motion:** Moved by Councilmember Edson and second by Councilmember Hegenauer to approve. **Approved 5/0.** 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 have three minutes each. Please be aware of the timer light on the Council Dais.

**B.1. Public Hearing: Introduce (1<sup>st</sup> Reading) Ordinance 506 – Building and Fire Code Updates.** (File 0250-70)

Recommendation: 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 categorically exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines.
3. Introduce **Ordinance 506** (1<sup>st</sup> Reading).

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

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Joseph Lim, Community Development Dir., spoke about the 2019 Building and Fire code updates with certain local amendments being conducted approximately every three years, the amendments would take effect January 1, 2020, the City's local amendments related to either topographic, climactic, or geologic conditions that may exist in the community, the one significant change was a statewide amendment related to the requirement for new single-family dwelling construction to include a photovoltaic system, and that the Climate Action Commission was currently reviewing additional potential local building amendments for consistency with the City's Climate Action Plan that would be brought to Council at a another time.

Mayor Zito opened the public hearing.

Council disclosures.

Council and Staff discussed that the photovoltaic requirement would be for all new single-family construction and for significant remodels that were greater than 50% of the building.

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

**B.2. Public Hearing: 731 Avocado, Applicant: Harris, Case 17-18-15.** (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 DRP and administratively issue a SDP. 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 2019-138** conditionally approving a Development Review Permit (DRP) and Structure Development Permit (SDP) to demolish the existing single-family residence and construct a replacement two-story, single-family residence with an attached garage and perform associated site improvements at 731 Avocado Place, Solana Beach.
4. Adopt **Resolution 2019-141** ordering the vacation of excess public street right-of-way at 731 Avocado Pl.

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

[Item B.2. Staff Report Update #1 \(click here\)](#)

[Item B.2. Supplemental Document \(updated 10-23 at 4:20pm\)](#)

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Greg Wade, City Manager, introduced the item.

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

Mayor Zito opened the public hearing.

Alex Harris, Applicant, reviewed slides of the City's presentation and spoke about their moving off of the property due to the lack of safety for his family, that a claim was stated it was due to his property being run down rather than a view claim, discussions with the neighbor who wanted the property lowered, his offering to trim a large Torrey Pine tree to provide the neighbor more view which was rejected by the claimant, his offering to agree to not allow 25 ft. trees on the front of his property which was rejected by the claimant, the grading cut into the front pad as the View Assessment toolkit guided, explored other building placements that were not better solutions, that lowering the pad would create an 8 ft. retaining wall and remove all of their ocean view, and grading that was intended to create a flat landscape for plantings.

Ron Magnaghi, View Assessment Claimant, presented a PowerPoint of pictures (on file) and spoke about the first story poles appearing to be very large, the second set of story poles were larger and blocking their view, his efforts to make contact with the applicant resulting in no returned calls, text or emails, and he pointed out specific views that would be blocked.

Yvette Magnaghi, View Assessment claimant, spoke about her primary viewing area being the living room, the layout on the lot and effect of their expansive view, the proposed project would not give them additional view but remove her view, the tree that the applicant offered to cut down did not remove the structure obstructing the view, and that the applicant had other options.

David Levine spoke about the property being stripped which allowed drainage of rain and mud to reach his property clogging drains and ruining garage doors, a drain that the applicant installed but did not maintain and therefore failed, the mass amount of fill, no communication of plan to resolve drainage issue, and that there had been no support provided from any of the neighbors.

Michael Tang spoke about the project being out of character with the neighborhood, impacts on views, his inability to participate in the View Assessment process since he was not an owner of the property yet, and the greatest concern about the mass on the south side of his property.

Alex Harris, Applicant, responded that they pitched all water away from the easement onto their own property and had a retention pit to take in the water which resolved the drainage issues, that the neighbor experiencing damage to his property had drains that were not up to code, that the neighbor who recently purchased a nearby property bought it when the story poles were already erected and has never contacted by him regarding any issues, and that

two of the four adjacent properties were in favor of their project. He showed a picture of the tree they offered to cut down that would provide more view, he had a call log of a 10-minute phone conversation with the neighbor that resulted in no solution other than dropping the house down, they had no intention of selling the house but had been met with hostility, and that they were building on the main pad. He said that they followed the guidelines of the toolkit, the neighbor already had drain problems on his own property, they selected approved trees by the City, and reviewed the alternative layouts that would have either removed his view or blocked others' views.

Council and Staff discussed Feather Acres grading, drainage and retention basin, the subdivision had 8,000 cubic yards of cut, 9,400 cubic yards of fill, and 1,400 cubic yards of import.

Council expressed that the issues to consider addressing were height, the landscape plan, the bulk and scale of the structure, and Council's need to review the changes once the redesign was presented.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Harless to continue the item to return to a future Council meeting. **Approved 5/0.** Motion carried unanimously.

Mayor Zito recessed the meeting for a break at 8:30 p.m. and reconvened at 8:35 p.m.

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

**C.3. Citizen Commission Appointment.** (File 0120-06)

Recommendation: That the City Council

1. Consider the applications submitted and appoint (by Council-at-large) one member to the position on the Public Arts Commission with a term expiration date of January 2020.

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

[Item C.3. Staff Report Update #1 \(updated 10-23 at 1pm\)](#)

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Sandra Hutton stated that she served on the Parks and Recreation Commission and wanted to recommend Mark Mennie for the Public Arts due to his photography skills, and that he provided a work address on his application but that he did live with her and her husband when he was in town.

Council and Staff discussed whether he would be able to attend meetings and a letter submitted by Mark Mennie where he addressed living in Solana Beach part time and his ability to attend meetings.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Harless to appoint Maggie Brown and Mark Mennie. **Approved 5/0.** Motion carried unanimously.

### **C.1. View Assessment Ordinance Discussion.** (File 0600-45)

Recommendation: That the City Council

1. Provide direction to staff.

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

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Greg Wade, City Manager, introduced the item.

Ramona Maiman spoke about her concerns of a house at Granados and Corto that has been being built for 30 years, story poles north of that at Brookdale and Granados, and paying a \$700 filing fee every time a new project built higher on a building pad heightening structures and affecting views. She said that she would like to use an auxiliary room for living purposes for her family, which she was required to restrict the use of in the past.

Tracy Richmond spoke about suggested revisions including public views from parks, the trigger height for structures, jurisdiction of the View Assessment Commission, the reference to anything below 7 ft. was not within the jurisdiction of the View Assessment Commission, project reviews including the entire structure and all elements being built or existing down to the ground, addressing filing fees and waiver procedures for people with low incomes, removing the mediation provision for appeals, claimants and applicant's duty to allow inspection of property for all View Assessment Commission members and City Council, story pole requirements for decks at second and third floors, specifying what was allowed on these decks, cleaning up the View Assessment findings, and clarity on casualty destruction when an applicant wants to rebuild the same structure and add to it. .

Council discussed addressing trigger heights from 16 ft. to a lower height consideration, dense or high vegetation that blocked story poles, story pole waivers, deck parameters, radius for mailing notices, waiving or deferring filing fees, structures under 7 ft., responsibilities of the View Assessment Commission members, the appeal process, story poles policies, marking and spacing flags, maintenance of poles, installing new poles after plans are modified, length of time to leave poles up, and the policy on the number of hearing continuances allowed based on the number of claimants,

Council and Staff discussed that the definition of structure in the View Assessment ordinance included reference to it exceeding 7 ft. in height, to consider asking that the flags used on story poles not be plastic and made of biodegradable material, that Deputy Mayor Edson and Councilmember Harless would like to work on this and bring something to Staff to discuss, the primary viewing area was not always clear, consider a way to reuse the flag material regardless of what it would be made of, SDP/DRP process at Council meetings, and story poles remaining for Council review.

### **C.2. Year-End Budget Adjustments for Fiscal Year 2018/19** (File 0330-30)

Recommendation: That the City Council

1. Accept and file the General Fund Update for Fiscal Year 2018/19.
2. Provide direction to Staff regarding whether to use an amount of the projected General Fund surplus to fund the PARS Irrevocable Trust for Pensions as part of a budget appropriation to the General Fund and other funds as determined by the Finance Department for Fiscal Year 2018/19.
3. Provide direction to Staff regarding whether to use an amount of the projected General Fund surplus to fund the City CIP fund.
4. Approve **Resolution 2019-145** revising appropriations in the Fiscal Year 2018/19 Budget.

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

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Marie Berkuti, Finance Manager, presented a PowerPoint (on file).

Council and Staff discussed allocating surplus funds to the PARS pension fund, CIP projects, Marine Safety Center project, reserves for a 'rainy day,' professional services for affordable housing, working with the Santa Fe Irrigation District on a possible pocket park,

**Motion:** Moved by Mayor Zito and second by Councilmember Becker to approve and allocate \$540,000 to the pension fund, \$940,000 to the CIP fund, and \$100,000 reserved for professional services. Approved 5/0. Motion carried unanimously.

**WORK PLAN COMMENTS:**

*Adopted June 12, 2019*

**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)**

**ADJOURN:**

Mayor Zito adjourned the meeting at 9:48 p.m.

Angela Ivey, City Clerk

Approved: \_\_\_\_\_