

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting

Wednesday, June 8, 2016 \* 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.
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### CITY COUNCILMEMBERS

David A. Zito, Mayor

Peter Zahn, Deputy Mayor

Mike Nichols, Councilmember

Ginger Marshall, Councilmember

Lesa Heebner, Councilmember

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

### CALL TO ORDER AND ROLL CALL:

Councilmembers

Present:

David A. Zito, Peter Zahn, Mike Nichols, Ginger Marshall, Lesa Heebner

Absent:

Also Present:

Greg Wade, City Manager  
Johanna Canlas, City Attorney  
Angela Ivey, City Clerk,  
Mo Sammak, City Engineer/Public Works Dir.  
Marie Berkuti, Finance Manager  
Bill Chopyk, Community Development Dir.  
Dan King, Assistant City Manager

**CLOSED SESSION REPORT:** (when applicable)

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**Motion:** Moved by Councilmember Heebner and second by Deputy Mayor Zahn.  
Approved 5/0. **Motion carried unanimously.**

**PRESENTATIONS:**

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

State of the Beach Annual Report

Greg Hearon, Coastal Frontiers, presented a PowerPoint (on file).

**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.8.)

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 May 7, 2016 through May 20, 2016.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner. Approved 5/0. **Motion carried unanimously.**

**A.2. General Fund Adopted Budget for Fiscal Year 2015-2016 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2015-2016 General Fund Adopted Budget.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner. Approved 5/0. **Motion carried unanimously.**

**A.3. Community Development Department.** (File 0610-12)

Recommendation: That the City Council

1. Adopt **Resolution 2016-048** authorizing the City Manager to execute a Professional Services Agreement with Warwick Group Consultants.
2. Adopt **Resolution 2016-078** authorizing the City Manager to execute a Professional Services Agreement with Summit Environmental Group.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner. Approved 5/0. **Motion carried unanimously.**

**A.4. City Investment Policy.** (File 0350-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-075** approving the City's Investment Policy for FY 2016-17.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner. Approved 5/0. **Motion carried unanimously.**

**A.5. Appropriation Limit.** (File 0330-60)

Recommendation: That the City Council

1. Adopt **Resolution 2016-073**, establishing the FY 2016-17 Appropriations Limit in accordance with Article XIII B of the California Constitution and Government Code Section 7910 and choosing the County of San Diego's change in population growth to calculate the Appropriations Limit.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner. Approved 5/0. **Motion carried unanimously.**

**A.6. Seascape Sur Stairs.** (File 0740-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-072**:
  - a. Appropriating \$40,000 to the Seascape Sur Staircase Repair project in the TOT Sand Replenishment fund from the City CIP Fund.
  - b. Authorizing the City Treasurer to amend the Fiscal Year 2015/16 Adopted Budget accordingly.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner. Approved 5/0. **Motion carried unanimously.**

**A.7. Work Plan Adoption.** (File 0410-08)

Recommendation: That the City Council

1. Consider and adopt the final Fiscal Year 2016-2017 Work Plan.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner. Approved 5/0. **Motion carried unanimously.**

**A.8. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council Meetings held May 11, 2016.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Heebner. Approved 5/0. **Motion carried unanimously.**

**B. PUBLIC HEARINGS:** (B.1. – B.3.)

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 designees 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. Annual Budget Adoption.** (File 0330-30)

Recommendation: That the City Council

1. Adopt **Resolution 2016-080** approving a budget for Fiscal Year 2016-17.

Greg Wade, City Manager, introduced

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

Mayor Zito opened the public hearing.

**Motion:** Moved by Councilmember Heebner and second by Councilmember Nichols to close the public hearing. Approved 5/0. **Motion carried unanimously.**

**Motion:** Moved by Councilmember Heebner and second by Deputy Mayor Zahn. Approved 5/0. **Motion carried unanimously.**

**B.2. Public Hearing: 536 Glenmont Dr., Applicants: Soderberg, Case No: 17-16-02.**  
(File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, could be found to be consistent with the General Plan and could 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 2016-079** conditionally approving a DRP to construct a first-floor remodel and addition and a basement-level garage and storage addition to an

existing, single-story, single-family residence and perform associated site improvements at 536 Glenmont Drive, Solana Beach.

Greg Wade, City Manager, introduced the item.

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

Johanna Canlas, City Attorney, mentioned that the deed restriction mentioned?? Was between two private parties that the City was not a party to

#### Applicant

Dane Soderberg, applicant, passed out a letter from a neighbor. And said that it was important for he and his wife to respect the structure of the Glenmont home and the neighborhood, they knew it was a single-story home when they bought the house which was desirable for them and they planned on keeping it that way. He said that they originally planned on a roof deck but decided against it after speaking with the neighbors on the East side who felt that it would infringe on their privacy, that they would not be building above the ridgeline and not on or past any set-backs, and asked Council to approve their project.

#### Public Speaker

Debra Shade (time donated by Bart Shade) stated that she lived directly west of the Soderberg property and wanted to discuss the deed restriction, a declaration of covenant, document 77066795, recorded in San Diego on February 24<sup>th</sup>, 1977 that she had provided to Staff, that the burden property in this document was the Soderberg home and the benefit property was the Shade home. She said that the deed restriction governed the height of the structure of the Soderberg property, that there were several different measurements on the site survey, and the remodel plans were currently correct under the maximum height measurement, with a height increase in the garage area. She requested an independent verification of the existing height of the Soderberg property and a final height verification including roofing materials of the new construction.

Bill Chopyk, Community Development Dir., said that there was a survey by a licensed survey on file in the application package that did confirm the height of the roof, that the story poles were not required because it did not extend beyond 16 ft.

Johanna Canlas, City Attorney, stated that a deed restriction benefited two private parties of which the City was not a part of, that Staff was copying the deed restriction (on file) and providing since it was mentioned for reference, but that it was between two private individuals.

#### Applicant rebuttal

Steve Dalton, applicant's architect, stated that the easement in question referenced the highest existing residential structure on the site, that there was an existing ridge and they were not reframing the roof so it would remain intact as a visual indicator of what the height would be, and that any new ridge would be below it, the applicant had worked within the

easement and with the neighbors as far as removing a roof deck that they would have originally proposed, and they have had every intention to gain a neighborly relationship.

Council discussed the speakers request for height verification and costs involved, that it was not story poled since it was not required, that it would require an official surveyor, whether it should be required, that the applicant expected it could cost approximately \$1,000-3,000, to consider having the neighbors pay for it if they wanted to do it, and that the applicant would allow them to facilitate a height certification at their own cost.

**Motion:** Moved by Councilmember Nichols and second by Deputy Mayor Zahn to close the public hearing. Approved 5/0. **Motion carried unanimously.**

**Motion:** Moved by Councilmember Nichols and second by Councilmember Marshall. Approved 5/0. **Motion carried unanimously.**

**B.3. Public Hearing: 412 E. Cliff St., Applicant: Korniczky, Case No: 17-14-22.** (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is 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 2016-076** conditionally approving a DRP and an administrative SDP to demolish the existing structure and construct a new 4,624 square foot single-family residence and a 534 square foot attached garage on property at 412 E. Cliff Street.

Councilmember Heebner recused due to her residence residing within 500 ft. of the proposed project.

Councilmember Heebner left meeting at 6:50p.m.

Greg Wade, City Manager, introduced the item.

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

Council discussed the area used in the calculation for allowable FAR (Floor Area Ratio), that the easement affected the area calculated as the gross lot area, that the fill to elevate the back western part of the property at the rear setback, a guardrail on top of a retaining wall for

a portion and then they separate, and the area that exceeded the wall height area for an additional 24 inches would have to be open enough allowing 50% light and air.

Mayor Zito opened public hearing.

Council disclosures.

### Applicant

Steve Korniczky, applicant, said he had been working on this project for a few years and worked with neighbors who were concerned with the building being too high so they lowered it, they their architect and builder were present for questions.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Marshall to close the public hearing. Approved 4/0/1 (Recused-Heebner) **Motion carried.**

Deputy Mayor Zahn stated that he was bothered by the project regarding findings of compatibility with adjacent land use as well as placement and building structure, that the massing so far in the west side and the placement and differed significantly from the adjacent homes, that hit was the largest square footage in the area, the way it was massed on Marview side was significantly out of character with that neighborhood, that it could set a precedent with further building of mass in the area, that he did not support the project and would ask the applicant to return with a more appropriate sized project.

He said that other properties without an easement did not benefit with an increase of a FAR (Floor area ration) not having an easement and that it did not have an equal application to the surrounding properties.

Greg Wade, City Manager, stated that if the roadway was not included in the calculation of the gross site area of acreage, it would be about a 13,000 sq. ft. site instead of a 17,000 sq. ft. site, and that it was probably a dedicated easement for roadway purposes in perpetuity for road improvement, unless all parties of that roadway were in agreement to something else with it.

Mayor Zito said that the easement included party of the current road, that even if they used the entire easement as a road, it would not change this calculation because it was still just an easement, that the easement was not being included in our calculation.

Councilmember Nichols said that he had concerns about the large amount of fill in the west side of the yard, that the house presented itself to the west but it was called the side since it was a triangle lot, the deck was adding a lot sticking out and coming within 8 ft. of the property line looking down backyards of other properties, and there were some issues.

Councilmember Marshall stated that based on the chart that this lot was the second largest in the neighborhood, that it fell within the allowable FAR, that an anti-masionization ordinance in 2006 was met with this proposal, and that she had no problem with the project.

Councilmember Nichols said that the FAR is one thing and that bulk and scale was different

in terms of the appearance of mass and it was a different way to look at it.

Councilmember Marshall said that she thought it was subjective.

Mayor Zito stated that it was a discretionary finding.

Deputy Mayor Zahn said that mansionization was maximum FARs and this project was close to 40 ft. of the max and that every project was not meant to meet the maximum.

Council and Staff discussed that 8 properties that had Marview calculation in their site area.

Mayor Zito said that he had similar concerns about bulk and scale in this area, that there was not a majority to pass the project, and that Council could either approve or reject the project or ask applicant if they would like to continue the hearing.

**Motion:** Moved by Deputy Mayor Zahn and second by Councilmember Nichols to reopen the public hearing. Approved 4/0/1 (Recused-Heebner. **Motion carried.**

Mayor Zito stated that Council did not have the ability to pass the project at this point and asked if the applicant wanted to consider some changes and ask for a continuance and take the feedback to apply some modifications to consider at a future meeting.

Steve Murko, designer of the project, said that they had addressed mansionization already, that the county and multiple agencies calculated differently than Solana Beach, that they had a larger home planned but scaled it back, that the massing was not as great as if it were a two story structure but they instead pulled it back to keep it to the north side and largest area without creating obstacle for neighbors.

Steve Korniczky, applicant, said that they complied with all the rules, that the lot was weird and triangular, that they had to measure their home by shrinking rather than using the full size of the lot, that a significant portion of the house was a terrace, that the house across the house was huge as well as one on Cliff with a sun parlor on it and on the side of his house was a water tower, they addressed a neighbor who had a huge home who said they were losing 18 inches of their view when sitting down, and that it was their dream house so they were not going to build something that looked out of place.

Deputy Mayor Zahn stated that he appreciated all the effort the applicant made, that the rules also dealt with development review and among them was compatibility with adjacent uses, that some other homes referenced had more space around them rather than pushed up against the next home or property line affecting the look of the bulk and scale, and would ask that something come back with more compatibility.

Councilmember Nichols said that his issue was only with the elevation of soil artificially pushing it up and out to build the deck and that if the deck was pulled back it would not create the issue.

Mayor Zito said that he had no issue with the property against the water tank and that his concerns were with the west elevation.



Councilmember Marshall said that she appreciated the applicant working with their neighbor and that there was no other opposition and that she would support the project.

Mayor Zito stated that he was struggling with the proposal bulk and mass on the on the west side elevation. He said that it did not look like Council would reach consensus to approve the project and asked if the applicant would be interested in taking some time to address the west side.

Johanna Canlas, City Attorney, stated that Council options would be to allow the applicant to ask for a continuance to a date certain in order to have time to address some issues or that Council would vote on whatever what presented at this time which would be final.

Council and the Applicant discussed that the applicant did not understand the rule in question, that the issue was about bringing in a lot of the dirt elevation that protruded out to the property line which gave it an unnatural look, that the designed would have to explore ways to do it, that changes done within the current design footprint would not require story poles, that plans would need to be in place within a certain period of time.

Greg Wade, City Manager, said that July 13<sup>th</sup> should work and Staff would work with the applicant to assist them to understand some of Council's concerns.

Mayor Zito recessed the meeting at 7:36 p.m. for a break and reconvened at 7:40 p.m.

Steve Korniczky, applicant, requested a continuance to July 13<sup>th</sup> to address Council's feedback even though they felt that they had complied with the rules.

Mayor Zito stated that there were black and white rules and there were also discretionary rules.

Deputy Mayor Zahn said that his concerns had to do with overwhelming massing on the west side of the site, looking at the compatibility with surrounding structures as it related to the project, so the close set back issue and the overall massing as it related to the vicinity.

**Motion:** Moved by Councilmember Nichols and second by Deputy Mayor Zahn. Approved 4/0/1 (Recused-Heebner) to continue the hearing to a date certain of July 13, 2016.  
**Motion carried.**

### **C. STAFF REPORTS:**

*Submit speaker slips to the City Clerk.*

#### **C.1. Council Discussion on Becoming a "Welcoming Community".**

This item was removed from the agenda.

### **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.

Deputy Mayor Zahn said that that City reimbursed him for the cost for his attending the San Diego Housing Federation dinner last Thursday.

**ADJOURN:**

Mayor Zito adjourned the meeting at 7:42 p.m.

Angela Ivey, City Clerk

Approved: July 13, 2016