



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, April 14, 2021 * 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting will be conducted in accordance with Governor Newsom's Executive Order N-29-20 related to the COVID-19 virus.

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

Kristi Becker
Deputy Mayor

Kelly Harless
Councilmember

David A. Zito
Councilmember
District 1

Jewel Edson
Councilmember
District 3

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 7:43 p.m.

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

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 Councilmember Zito and second by Councilmember Edson to approve and move Item C.1. to Consent. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

ORAL COMMUNICATIONS:

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 having

submitted written comments 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. 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 speaker is THREE MINUTES (SBMC 2.04.190).

Julie Van de Auwera, Parks & Recreation Commission, spoke about many events being cancelled during COVID and being able to coordinate Santa's Sleigh ride at the holiday. She shared some stories from citizens eager to share how the parks have played a part in significant moments in their lives. She said that the Parks & Recreation Commission would like to collect these stories and memories and post on the Parks & Recreation Commission webpage.

Keith McCormick spoke about being a long-term volunteer for the American Cancer Society, his support for adding a smoke free housing policy on a future agenda, his request to help protect the public from the dangers of smoking and second-hand smoke, lower insurance rates for landlords, that the City of Carlsbad had implemented a smoke-free policy recently, and science and society support this action.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendaized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.6.)

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 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).

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 March 10, 2021 City Council Meetings.

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 Councilmember 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 March 6, 2021 – March 26, 2021.

Motion: Moved by Councilmember Edson and second by Councilmember

Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito,

Edson. Noes: None. Motion carried unanimously.

A.3. General Fund Budget Adjustments for Fiscal Year 2020/21. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2020-2021 General Fund Adopted Budget.

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

A.4. 2020 Street Maintenance & Repair Project – Notice of Completion.

(File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2021-042:**
 - a. Authorizing the City Council to accept, as complete, the 2020 Street Maintenance & Repair Project, Bid No. 2020-03, performed by TC Construction.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

A.5. Safe Routes to School Master Plan. (File 0860-35)

Recommendation: That the City Council

1. Adopt **Resolution 2021-037:**
 - a. Authorizing the City Manager to execute a Professional Services Agreement, in an amount not to exceed \$220,000, with Chen Ryan Associates, Inc. for preparation of a Safe Routes to School Master Plan.
 - b. Appropriating \$165,000 to the State Grants revenue account and to the Safe Routes to School Master Plan project account.
 - c. Appropriating \$55,000 in TransNet funds to the Safe Routes to School Master Plan project account.
 - d. Authorizing the City Treasurer to amend the FY 2020/21 Adopted Budget accordingly.

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

This item was moved to Consent per the Agenda Approval.

C.1. Railroad Pedestrian Undercrossing Agreements. (File 0820-48)

Recommendation: That the City Council

1. Adopt **Resolution 2021-044** authorizing the City Manager to execute a Memorandum of Understanding and License Agreement between NCTD, Nature Collective and the City of Solana Beach for the use of the NCTD right of way and the undercrossing for pedestrian trail purposes.
2. Adopt **Resolution 2021-045** authorizing the City Manager to execute the Harbaugh Trails Maintenance and Indemnity Agreement between Nature Collective and the City of Solana Beach for the operation and maintenance of the pedestrian trail system within NCTD right of way.

Motion: Moved by Councilmember Edson and second by Councilmember Harless to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. 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. 6th Cycle Housing Element Adoption. (File 0610-10)

Recommendation: That the City Council

1. Adopt **Resolution 2021-041** adopting the 6th Cycle Housing Element and submitting the document to the California Department of Housing and Community Development for certification.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council, Nick Chen, Kimley-Horn, and Staff discussed that the final census records were not yet released, that the 13% vacancy factor would be based on the 2017 5-year estimate which is benchmarked from the 2010 census and that no comments had been received from Housing and Community Development (HCD) yet.

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

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

B.2. Public Hearing: 475 Marview Lane, Applicant: Anderson, Case No: 17-18-17.
(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, 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 2021-043** conditionally approving a DRP to demolish a single-family residence, construct a replacement, two-story, single-family residence with an attached two-car garage and a partially subterranean lower level, and perform associated site improvements at 475 Marview Lane, Solana Beach.

Mayor Heebner recused due to her owning property within 500 ft. of the project.

Greg Wade, City Manager, introduced the item.

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

Deputy Mayor Becker opened the public hearing.

Council disclosures.

Bob Scott, Applicant, and Rich Bokal, Architect, presented a PowerPoint (on file).

Council and Applicant representative discussed the electrical vehicle charging units being added to the garage and that they have catch basins that are 12x12 inches without water but with a dry towel underneath.

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

Motion: Moved by Councilmember Zito and second by Deputy Mayor Becker to approve Staff recommendation and stating that landscaping was subject to conditions of landscape details in both email communications of the applicant and the neighbor regarding an updated landscape plan. **Approved 4/0/1** (Recused: Heebner). Ayes: Becker, Harless, Zito, Edson. Noes: None. Absent: Heebner (Recused). Motion carried.

B.3. Public Hearing: 457 Dell Court, Applicant: Ohman and Claxton, Case No.: DRP20-013. (File 0600-40)

The proposed project could be found to be consistent with the General Plan and the underlying SBMC 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2021-040** conditionally approving a DRP to allow for the construction of a first-story addition and remodel to an existing two-story, single-family residence with an attached garage at 457 Dell Court.

Councilmember Harless recused herself from the project due to a personal relationship with the applicant.

Greg Wade, City Manager, introduced the item.

Tiffany Wade, Assistant Planner, presented a PowerPoint (on file).

Mark Ohman, Applicant, spoke about their project and its unchanged footprint since its original construction, their intent to remodel to make a first floor primary bedroom and modernize and enlarge the kitchen and family room, the structural changes barely being noticeable from the street, meeting with 17 neighbors, their agreement to maintain their privacy screening of vegetation, the non-conformity that would be grandfathered in, water discharge and no need for detention basins but they had added an increase in the amount of pervious surface, and installing a desilting basin.

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

Motion: Moved by Councilmember Edson and second by Councilmember Zito to approve Staff recommendation. **Approved 4/0/1** (Recused: Harless). Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Absent: Harless (Recused). Motion carried.

C. STAFF REPORTS: (C.1. – C.2.)

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).

C.2. Firearm-Related Legislation SB-264 and AB-452. (File 0480-70)

Recommendation: That the City Council

1. Consider adopting **Resolution 2021-046** expressing support of SB 264 and AB 452.

Greg Wade, City Manager, introduced the item.

Kathy Murphy said she was a Solana Beach resident and spoke about the residents' involvement in the passage of restricting gun and ammunition sales at the Del Mar Fairgrounds, and her support of this resolution further expanding continuing efforts to make the City and State free from gun violence.

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

A.6. Granados Avenue Partners, LLC – Draft Covenants, Conditions and Restrictions (CC&Rs). (File 0600-40)

Recommendation: That the City Council

1. Adopt **Resolution 2021-052** approving the CC&Rs for the development at 127-129 N. Granados Avenue, Solana Beach, CA.

Greg Wade, City Manager, introduced the item stating that on June 10, 2020 the City Council approved the DRP and SDP and minor subdivision permit to approve a detached condominium project with a condition that Council would review the approved CC&Rs to ensure that they clearly restricted the garage space to vehicle parking only and not be converted for any other use.

Council and Staff discussed at the original approval of the project requiring that the trash cans be moved to inside the garage to facilitate the planters that would be in the front of the parking garage area, that trash can location were not specified in the CC&R, that no additional conditions on the project could be approved at this meeting since it was not noticed for that purpose, and that this request could be given to the applicant to update the CC&Rs with this specification.

Motion: Moved by Councilmember Edson and second by Mayor Heebner to approve Staff recommendation and direct Staff to work with the applicant to include in the CC&Rs that the trash cans would be stored in the garage and the planters would be placed in the front of the garage area. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

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:

Mayor Heebner adjourned the meeting at 9:31 p.m.

Angela Ivey, City Clerk

Council Approved: May 12, 2021