



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, September 28, 2022 * 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 California Government Code sections 54953(e) and 54954.3 and other applicable law.

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

Kelly Harless
Deputy Mayor

David A. Zito
Councilmember
District 1

Jewel Edson
Councilmember
District 3

Kristi Becker
Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

SPEAKERS:

See Public Participation on the first page of the Agenda for publication participation options.

READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:04 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 Councilmember Becker and second by Deputy Mayor Harless to approve. **Approved 5/0.** Ayes: Heebner, Harless, Zito, Edson, Becker. 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 joining the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. No written correspondence may be submitted in lieu of public speaking. 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).

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.3.)

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 joining 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 City Council meetings held on July 13, 2022, August 9, 2022 and August 24, 2022.

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

Motion: Moved by Deputy Mayor Harless and second by Councilmember Zito to approve. **Approved 5/0.** Ayes: Heebner, Harless, Zito, Edson, Becker. 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 August 27, 2022 – September 9, 2022.

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

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

A.3. General Fund Budget Adjustments for Fiscal Year 2022/2023. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2022/2023 General Fund Adopted Budget.

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

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

B. PUBLIC HEARINGS: (B.1.)

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. 406 N. Rios Avenue, Applicants: Petr and Kate Pacas; Application: DRP22-001; APN: 263-072-19. (File 0600-10)

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, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2022-117** conditionally approving a DRP for a replacement split-level, single family residence with an attached partially subterranean garage and a detached ADU at 406 N. Rios Avenue, Solana Beach.

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

[Item B.1. Updated Report \(added 9-28-22 at 4:00pm\)](#)

[Item B.1. Supplemental Docs \(updated 9-28-22 at 1:50pm\)](#)

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.

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

Council disclosures.

Jennifer Bolyn, Applicant's Architect, presented a PowerPoint (on file).

Mimi Miller spoke about her concerns, reading the public comment she submitted to Council, and how the project would affect her including occlusion of her small ocean view, impact of air flow, and the ADU (accessory dwelling unit) looming over her property at a close proximity. She said that the project applicants did offer to lower the ceiling height to 9 ft. from 10 ft. and lower the fascia by a foot and that the City's DRP should be designed to minimize adverse impacts and asked that the roof deck be removed, that no plants, heaters, umbrellas would be permitted on that portion of the roof, prohibit future building of a bedroom, bathroom or any room on the current roof deck area without submission of new plans, reduce height of the ADU by 2 ft., reduce the fascia from 2 ft. to 1 ft., make landscape plans final rather than conceptual, and to not use Grasscrete on Cliff Street and the right-of-way parking.

Joe Ford said they lived across the street and would be the most impacted by the development, that he did not get a chance to meet with the owners before this meeting, that he saw the drawings for the first time at this meeting, that it was a beautiful house, that the project ran edge to edge from the lot lines, that his house was not in the homes displayed in the surrounding area and that his home was much smaller, the visual mass, that the combination of the upstairs and the roof deck makes it a two-story tall structure, and suggested that the project change the edge to edge use of the lot or at least remove the roof deck and the overhang over the upper balcony.

Jennifer Bolyn, Architect, (rebuttal time) said that a two-story home could not fit in a 16 ft. envelope, that they elected to go underground with a 1,500 sq. ft. to reduce the bulk and scale, that the project was 9 ft. under the height limit, that they were using a glass rail for the easterly neighbor's concerns, and that they reduced the thickness of the parapet on the ADU and the house.

Petr (Pete) Pacas, Applicant, said that he cared about and worked with his neighbors and made concessions to address their concerns and that their primary use of the ADU was for family visitors but would use it for rental sometime in the future when family would not be visiting for a while.

Council and the Applicant representative discussed changing the Grasscrete to decomposed granite, the less than 500 sq. ft. one-time exemption being used later as a piece meal to a larger remodel, whether to story pole the entire area now including the additional unused 303 sq. ft., condition any future addition in that location to be returned to Council, that they had no intention to add a bedroom to this area so a condition would be agreeable, landscaping height, and putting in a ramp leading out of the water detention basin.

Jason Santa, Applicant's Engineer, and Staff discussed the impervious surface, specs on decomposed granite and how it bonds and compacts, and its long term maintenance.

Pete Pacas, Applicant, said that the purpose of ADU was for family visits and future rental, when it is available, and agreed to move the roof deck 5 ft. from the south side.

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

Motion: Moved by Councilmember Zito and second by Councilmember Becker to approve with additional conditions using decomposed granite instead of Grasscrete on Cliff, restricting the height of the Podocarpus planting not to exceed six feet and to reside inside the fence, the detention basin containing a ramp for an animal escape route, the deck railing glass be moved from the south by five feet, and that any future proposal for any additional square footage be brought to council for a DRP and SDP.

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

C. STAFF REPORTS: (C.1. - C.3.)

Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.

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C.1. Tot Lots at La Colonia Park and Fletcher Cove Park Design Options. (File 0700-25)

Recommendation: That the City Council

1. Receive this report and provide direction on the design options for the new Tot Lots at La Colonia Park and Fletcher Cove Park.

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

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Greg Wade, City Manager, introduced the item.

Kaitlyn Porter, Denise Armijo, and KJ LeCesne, Van Dyke Landscape Architects (VDLA), presented a PowerPoint (on file).

Council, Staff, and Consultants, discussed benches at La Colonia, color palettes, materials, areas shaded by trees, shade sails, optional umbrellas, and artificial versus regular mulch.

Motion: Moved by Deputy Mayor Harless and second by Councilmember Becker to approve including moving forward with 4-sail canopies at La Colonia, bonded mulch at Fletcher Cove, and pursue a storytelling area with the historical benches at La Colonia.

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

C.2. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accepts and files the attached Cash and Investment Report for the quarter ended June 30, 2022.

[Item C.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.

Genny Lynkiewicz, Chandler Asset Management, presented a PowerPoint (on file).

Ryan Smith, Finance Director, presented the PARS PowerPoint (on file).

C.3. City Manager's Employment Agreement Seventh Amendment. (File 0400-05)

Recommendation: That the City Council

1. Consider and adopt **Resolution 2022-118** authorizing the Mayor to execute the Seventh Amendment to the Employment Agreement between the City of Solana Beach and Gregory Wade to reflect a base salary increase of 3.5% to \$245,823.00 effective July 1, 2022 and adjust the leave accrual to be commensurate to that of other City employees.

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

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Johanna Canlas, City Attorney, introduced the item.

Motion: Moved by Deputy Mayor Harless and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Heebner, Harless, Zito, Edson, Becker. 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 8:57 p.m.

Angela Ivey, City Clerk

Council Approved: October 26, 2022