

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, February 27, 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.
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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 6:00 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 Harless to approve. **Approved 5/0.** Motion carried unanimously.

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

Earl Warren Stormwater Project

Thirty-nine 7th and 8th grade students of Earl Warren School spoke about their 4-week internship program to study storm water pollution on their campus as SWPPP (Storm Water Pollution Prevention Program) interns which created solution ideas as well as awareness.

Mayor Zito stated it was a great program, acknowledged the maturity of the students' knowledge, reviewed the City's efforts in banning single-use plastic bags, plastic takeout containers from restaurants, interest in their further related initiatives, and the City utilizing the group's findings.

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.

David Rolland, local representative for California State Senator Leader Tony Atkins' office, spoke about developments in the State Senate. He stated that Governor Newsom's draft budget for Fiscal Year 2019-20 was released which aligned with Senator Atkins priorities of fiscal responsibility, adding \$1.8 billion to the State's rainy day fund bringing it up to the \$15 billion to guard against the next downturn, \$700 million to the safety net reserve protecting vulnerable programs, \$4.4 billion to pay down past debts, and \$5.3 billion to pay unfunded employee pension liability. He said that the budget continued to reinvest to support Californians who were struggling, to expand healthcare coverage to all Californians and lower the cost of prescription drugs, address the State's housing crisis, respond to the increasing threat of new fire danger, funding for public schools and higher education. He said that the budget could be viewed at www.lao.ca.gov.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve moving Item C.1. up before public hearings. **Approved 5/0.** Motion carried unanimously.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.7.)

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 November 28, 2018 and December 19, 2018.

See Approved Minutes http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC

Motion: Moved by Deputy Mayor 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 January 26 – February 8, 2019.

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

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

A.4. Transnet Funds Transfer. (File 0390-35)

Recommendation: That the City Council

1. Adopt **Resolution 2019-021** approving the transfer of \$6,250 of TransNet funds from the Pavement Resurfacing Project (SANDAG MPO ID SB16) to the Stevens-Valley Corridor Improvement Project (SANDAG MPO ID SB17).

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

A.5. Junior Lifeguard Program Surf Class. (File 0270-30)

Recommendation: That the City Council

1. Adopt **Resolution 2019-024** to add the Surf Class Junior Lifeguard sessions to the Junior Lifeguard program.

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

A.6. Junior Lifeguard Uniform Purchase. (File 0270-30)

Recommendation: That the City Council

1. Adopt **Resolution 2019-026:**
 - a. Approving the \$35,500 purchase from the vendor, QS Wholesale, to add uniform items to the Junior Lifeguard Program store.
 - b. Authorizing the City Manager to execute an agreement for the uniform purchase through QS Wholesale.

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

A.7. Assessment District Improvement Funds Closeout. (File 1010-90)

Recommendation: That the City Council

1. Adopt **Resolution 2019-006:**
 - a. Closing the Cedros Improvement District Redemption Fund.
 - b. Declaring a surplus of funds in the District's Redemption Fund and directing Staff to distribute the surplus funds as provided by Section 10427.1 of the California Streets and Highways Code.
2. Adopt **Resolution 2019-007:**
 - a. Closing the Barbara-Granados Undergrounding District Improvement Fund.
 - b. Declaring a surplus of funds in the District's Improvement Fund and directing Staff to distribute the surplus funds as provided by Section 10427.1 of the California Streets and Highways Code.
3. Adopt **Resolution 2019-008:**
 - a. Closing the Pacific Undergrounding District Improvement Fund.
 - b. Declaring a surplus of funds in the District's Improvement Fund and directing Staff to distribute the surplus funds as provided by Section 10427.1 of the California Streets and Highways Code.
4. Adopt **Resolution 2019-009:**
 - a. Closing the South Solana Sewer District Improvement Fund.
 - b. Declaring a surplus of funds in the District's Improvement Fund and directing Staff to distribute the surplus funds as provided by Section 10427.1 of the California Streets and Highways Code.

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

C.1. Quarterly Investment Report. (File 0350-44)

Recommendation: That the City Council

1. Accept and File the Cash and Investment Report for the quarter ended December 31, 2018.

Gregory Wade, City Manager, introduced the item.

Genny Lynkiewicz, Chandler Asset Management, presented the PowerPoint (on file) and she stated that the current Exxon bond holding would be maturing in March eliminating that fossil-fuel holding.

Council discussed current investments that were in place for a sudden recession with 2/3 of the portfolio being in government securities aimed to gain value in that environment.

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. Introduce (1st Reading) Ordinance 500 – Affordable Housing (File 0650-20)

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. Consider introducing **Ordinance No. 500** amending Chapter 17.70 (Affordable Housing) of the Solana Beach Municipal Code (SBMC).
3. Find the project exempt from CEQA under Guidelines 15061(b)(3).
4. Find that the proposed changes to SBMC Chapter 17.70 are consistent with the General Plan and would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as required under SBMC Section 17.76.070.

Johanna Canlas, City Attorney, presented a PowerPoint (on file) and reviewed proposed changes to update the City's Housing Ordinance from 2011. She said that in the last two years there had been 15 housing related bills and in 2019, 14 housing related bills had been introduced to date, that some changes caused the need for updates to the City's code resulting in the possible increase in affordable housing, and whether to consider a development impact fee reduction for applicants deed restricting their property for ADU (accessory dwelling units) use.

Mayor Zito opened the public hearing.

Council disclosures.

Council and Staff discussed acquiring an affordable project with a deed restriction of continuing an affordable status, removing the fractional unit, the ordinance would require an existing rental building without affordable status converting to for-sale condominiums to require 15% of the units be affordable, defining 'tenure' per the HCD requirement noting that it meant for-sale or for-rent, and removing City Manager approval if the modification was in substantial compliance so that a prior Council condition being proposed for changes would return to Council for modification approval. Discussion continued regarding a development impact fee reduction being assessed on a case-by-case basis, eliminating the by-right reduction in fees, adding a subsection to the effect that the City Manager would be authorized to reduce the development impact fee by whatever percentage the Council decided for the accessory dwelling units process as consistent with the ADU

subsection for ministerial projects, and providing a deed restriction for State law affordability provisions was recorded for whatever term the Council decides.

Council and Staff continued discussion regarding fees being driven by bedroom size, providing a 75% fee reduction, and establishing 99 years as the maximum time limit for affordable status.

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

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve Staff recommendation with determinations or modifications as discussed and return the Ordinance with modifications at its adoption. **Approved 5/0.** Motion carried unanimously.

Mayor Zito recessed the meeting for a break at 7:58 p.m. and reconvened at 8:04 p.m.

B.2. Public Hearing: 236 Patty Hill, Applicant: Nicholas / Hirsch; Case 17-18-01, APN: 263-670-27 (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC and the PHSP (236 Patty Hill Specific Plan), 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). 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 2019-022** conditionally approving a DRP to construct a new single-level, single-family residence with an attached three-car garage and perform associated site improvements at 236 Patty Hill Drive, Solana Beach

Gregory Wade, City Manager, introduced the item.

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

Mayor Zito opened the public hearing.

Council disclosures.

Council and Staff discussed that the Patty Hill Specific Plan alludes to allowing the building to be upwards of 25 ft. with the possibility of adding a second story by a future owner, which Staff thought was a mistake in the document regarding a 2nd story, that Staff approached it as seeking to maintain the single level nature of the existing home, but because there was no

height limit identified in the Specific Plan that the height limit would be defaulting to the zoning limit of 25 ft.

Nick Wilson, Island Architects, Applicant, spoke about the process of meeting with all of the neighbors prior to erecting final story poles, putting up the story poles early to show the neighbors what they were thinking when beginning the design, addressing neighbors' concerns and updating the story poles to reduce the height ridge by 2 ft., addressing a neighbor's concern of a looming factor at the cul-de-sac with their property below by outlining the windows in the story poles and him withdrawing his objection, addressing other surrounding properties concerns by lowering the ridge height and removing a chimney on the northern part of the structure, and there being no resulting View Assessment appeals.

Karen Hirsch, Applicant, said that for several years they worked on the design of the home, the precautions taken several years ago with initial story poles to provide neighbors with their ideas and then meeting with neighbors to address their concerns, lowering the project height more than was requested, and the project making a positive addition to the surrounding homes.

Council and Applicant/Applicant Representative discussed the intention of raising the site elevation was to improve the view, adding a shallow curb wall to improve the neighbor's drainage issues from the site, the Applicant's agreement to install a non-wood burning fireplace, the elimination of the outdoor fireplace but keeping the gas fire pit, solar panels, wiring for electric vehicles, lowering the project one more foot would improve the view of those on the southeast, and the two high windows on the side of fireplace had recessed panels below them for articulation.

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

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve with an additional condition to prohibit wood burning fireplaces and fire pits. **Approved 5/0.** Motion carried unanimously.

C. STAFF REPORTS: (C.1. - C.5.)

Submit speaker slips to the City Clerk.

C.2. Introduce (1st Reading) Ordinance 501 – Skateboarding in Skate Park at La Colonia (File 0740-20, 0740-80)

Recommendation: That the City Council

1. Introduce **Ordinance 501** amending Solana Beach Municipal Code (SBMC) section 11.12.020(AA) to allow skateboarding in the designated area of La Colonia being constructed as a skate park.

Johanna Canlas, City Attorney, presented a PowerPoint (on file) reviewing allowing skateboarding at the La Colonia Park to use the new skate park.

Council and Staff discussed that the State law requiring helmets, elbow and knee pads would be included in the ordinance, post signage requiring protective gear, enforcement is reactive to reports of non-compliance.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve Staff recommendation and add the language regarding the state laws requirement of protective gear. **Approved 5/0.** Motion carried unanimously.

C.3. Affordable Housing Development Opportunity Request for Proposals at 140 S. Sierra (File 0490-20, 0650-20)

Recommendation: That the City Council

1. Adopt **Resolution 2019-023** authorizing the City Manager to issue a Request for Proposals (RFP) for an affordable housing development on City-owned property located at 140 S. Sierra Avenue, Solana Beach (Distillery Site).

Gregory Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file) reviewing the proposal including that the site contained 117 parking spaces, the request for proposal at this city site was to comply with the City's Housing Element, the City would continue to own the property, a proposal would be in compliance with the Highway 101 Specific Plan, contain electric vehicle charging stations, and adequate parking for both residents and public.

Gary Martin passed out a handout with suggestions to the proposed RFP that he said should add height limit specifics, state that it was primary beach parking and a key element for beach access, and to complete a robust set of conditions in order to make it clear to developers what the City would be looking for in a project.

Council, Mr. Martin, and Staff discussed the blue folder update to replicate the requirements with the RFP key assumptions, that requiring 100% affordable units may not make a project feasible for a developer, considering a higher number less than 100% for affordable units, mixed-use of both commercial and all affordable residential units, the Housing Element dwelling unit per acre was 20, a valuation of proposals maximizing affordable units, support for a rental project instead of for-sale units, that it be open for other equivalent alternative energy programs, the building façade, that public parking would occur between certain hours, point out off-street parking compliance, and that the Housing Element allocation was 20-27 units.

Council discussed adding Mr. Martin's submittal of #14. The design of the project will provide a landscape area between the exterior building facades and the public sidewalks that are contiguous to the property. The width of the landscape area will be generally consistent with the widths of similarly situated landscape areas for the other residential condominium developments along South Sierra Avenue to provide trees and other vegetation that screen the buildings, and #15. For any building in the project that has two

floor levels, set back a substantial portion of the exterior building facade of the second-floor level from the building facade of the first-floor level to provide articulation to the exterior building facades.

Motion: Moved by Mayor Zito and second by Councilmember Hegenauer to approve Staff recommendation with the Staff Report Update and add #14 and #15 as submitted by Mr. Martin, add to #5 that parking will reference the Off-Street Parking Manual, edit #9 changing from *rental project is 'desired'* to *'required,'* #12 changing the project *'would' implement* to *'will'* and remove *SDG&E equivalent* and add *SEA Green is no longer offered*, and that 75% of the units are designated as low or very low affordable residential. **Approved 5/0.** Motion carried unanimously.

C.4. Adopt (2nd Reading) Ordinance 485 - City Council Compensation (File 0520-10)

Recommendation: That the City Council

1. Adopt **Ordinance 485** amending Solana Beach Municipal Code (SBMC) section 2.04.020 to reflect the compensation adjustment to take effect when a new term of office commences in December 2020.

Johanna Canlas, City Attorney, read the title of the Ordinance adjusting the amount of monthly compensation paid to members of the City Council at the beginning of the next Council terms.

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

C.5. 2019 Annual Citizen Commission Remaining Appointments. (File 0120-06)

Recommendation: That the City Council

1. Appoint four (4) members to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for two-year terms.
 - a. Three (3) vacancies for two-year terms until 2021.
 - b. One (1) vacancy for a one-year term until 2020.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to appoint Sandra Hutton, Shannon Kearns, and Valerie Paul to the 2-year terms and Shawn McClonden to the 1-year term. **Approved 5/0.** Motion carried unanimously.

2. Appoint three (3) members to the **Public Arts** Commission nominated/appointed by *Council-at-large* for the following positions/terms:
 - a. Two (2) vacancies for two-year terms until 2021.
 - b. One (1) vacancy for a one-year term until 2020.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to appoint Deanne Rudman and Carla Hayes to the 2-year terms and Christine de Pagter to the 1-year term. **Approved 5/0.** Motion carried unanimously.

WORK PLAN COMMENTS:

Adopted June 13, 2018

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 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 9:35 p.m.

Angela Ivey, City Clerk

Approved: October 14, 2020