

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR /Meeting

Wednesday, April 10, 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 6:11 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,
Mo Sammak, City Engineer/Public Works Dir.
Catherine Wong, Sr. Accountant
Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: No reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

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

2020 U.S. Census

Roberto Garcia, Partnership Specialist, U.S. Census, presented a PowerPoint (on file).

Council and Mr. Garcia discussed how the City might get involved to assist in the counting of difficult areas, to contact the City for any assistance it might provide, that SANDAG was assisting and contributing funds to assist in the census, that many local community organizations would probably assist in helping the populations counted, and the schedule that census personnel would be reaching out would be May through July to locate people who may not have taken the census.

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.

Elizabeth Baker spoke about a house they bought on Canyon Dr. that required significant renovation, their commitment to a single story home with enough space for their family, maintain view impacts on neighbors' views, and within the character of the community, their concern about their neighbor proposing to build an 1,100 sq. ft. two-story accessory dwelling unit impacting their primary view from their kitchen, living, and dining rooms, their filing of a view assessment review and the applicants pulling their plans one day prior to the hearing, the applicant's submittal of new plans under 600 sq. ft. and under 16 ft. height preventing a DRP (Development Review Permit) process that was still detrimental to their view, the roof of the proposed construction was 5 ft. above the existing roof line of the current main house and garage, that the City considering lowering the height limitation for review and asked that 13 ft. be considered.

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.10.)

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 March 9 – March 22, 2019.

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

A.2. 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 Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.3. List of Projects to Receive Road Maintenance Rehabilitation Account Funding as Required by Senate Bill 1 for Fiscal Year 2019/20. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2019-035:**
 - a. Authorizing the City Engineer to establish a project list for the Fiscal Year 2019/20 Local Streets and Roads Funding Program using funds in-part from the Road Maintenance and Rehabilitation Account designating the 2019 Street Maintenance and Repairs Project, as identified in the City's FY 2019/20 Capital Improvement Program list, to receive the SB 1 funding. It is anticipated that the designated project will rehabilitate the pavement on portions of South Cedros Avenue, Lomas Santa Fe Drive and various residential streets. It is also anticipated that the designated project will be constructed in fall of 2019 and will have an estimated useful life of approximately 15 years.
 - b. Authorizing the City Engineer to submit the project list to the California Transportation Commission for the 2019/20 Local Streets and Roads Funding Program using funds from the Road Maintenance and Rehabilitation Account.

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

A.4. 2019 Street Maintenance and Repairs Project Construction Bid Advertisement. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2019-034:**
 - a. Approving the list of streets scheduled for maintenance and repairs as part of the 2019 Street Maintenance and Repairs Project.
 - b. Authorizing the City Engineer to advertise for construction bids for the 2019 Street Maintenance and Repairs Project.

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

A.5. Environmental Consulting Services Request for Proposals. (File 0600-05)

Recommendation: That the City Council

1. Adopt **Resolution 2019-039** authorizing the City Manager to issue a Request for Proposals for environmental consulting services.

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

A.6. Bayshore Consulting Group Inc. for Solana Energy Alliance Administrative Support Agreement Amendment. (File 1010-45)

Recommendation: That the City Council

1. Adopt **Resolution 2019-040** authorizing the City Manager to execute an amendment to the Professional Services Agreement with Bayshore Consulting Group, Inc., for administrative services not to exceed \$44,999 in support of SEA.

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

A.7. Emergency Storm Drainpipe Repairs Agreement Ratification for City Easement in Solana Beach Towne Centre. (File 0840-50)

1. Adopt **Resolution 2019-038:**
 - a. Declaring an emergency under Public Contract Code sections 20168 and 22050 regarding the storm drain;
 - b. Authorizing the City Manager to take any directly related and immediate action required by the emergency, directing Staff to report back to City Council as required by Public Contract Code section 22050 and Resolution No. 2008-091; and
 - c. Ratifying the City Manager's decision to:
 - i. Execute a Public Works Agreement with Crest Equipment, Inc., for a not-to-exceed amount of \$750,000, for construction and repairs associated with the 84-inch CMP located within the City's Easement in the Solana Beach Towne Centre.
 - ii. Execute a PSA with Structural & Engineering Design Company, for a not-to-exceed amount of \$6,500, for structural engineering support services for the repair of an 84-inch CMP located within the City's Easement in the Solana Beach Towne Centre.
 - iii. Execute a PSA with Geopacifica, Inc., for a not-to-exceed amount of \$28,000, for geotechnical services in the form of inspection, testing and surveying for the repair of an 84-inch CMP located within the City's Easement in the Solana Beach Towne Centre.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve. **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 February 13, 2019.

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 Becker to approve. **Approved 5/0.** Motion carried unanimously.

A.9. Solana Beach School District Memorandum Of Understanding (MOU) Amendment and All City Management Services, Inc. Agreement Amendment for Crossing Guard Services. (File 0860-35)

Recommendation: That the City Council

1. Adopt **Resolution 2019-041:**
 - a. Approving the Amended MOU with the Solana Beach School District for crossing guard services.
 - b. Approving the Amended PSA with ACMS to provide crossing guard services for one year with the option to extend the agreement for up to four additional one year terms.
 - c. Authorize the City Manager to execute the MOU and PSA pending approval of these items by the Solana Beach School District.
 - d. Appropriating \$7,241 to the Professional Services expenditure account in the Traffic Safety budget unit and \$4,707 to the Reimbursed Cost revenue account, both in the General Fund.
 - e. Authorizing the City Treasurer to amend the FY 2018/19 Adopted Budget accordingly.

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

A.10. Council Policy 21 related to Small Wireless Facilities and Pole License Agreement. (File 0610-10)

Recommendation: That the City Council

1. Adopt **Resolution 2019-043** authorizing the City Manager to adopt revisions to Council Policy 21 for the purpose of regulating the permitting, design and location of small wireless facilities and approving use of a Pole License Agreement.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker 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.2. Public Hearing: 729 Barbara Avenue, Applicant: Mark and Karen Snyder, Case# 17-17-20. (File 0600-40)

The proposed project meets the 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 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 2019-037** conditionally approving a DRP and an administrative SDP to demolish a single-family residence with attached two-car garage and construct a replacement single-story, single-family residence with a partially exposed walk-out basement and attached two-car garage at 729 Barbara Avenue.

Greg Wade, City Manager, introduced the item.

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

Council disclosures.

Mayor Zito reported that this project nearly touched the 1,000 ft. radius of his property, his consideration of applicable criteria, that he could make a fair and impartial analysis, and would be participating.

Council and Staff discussed the proposed fireplaces being wood burning, chimney heights based on the wood burning fireplace requirements, and the City's Climate Action Plan containing goals to lower emissions than wood burning fireplaces would produce.

Nick Wilson, Island Architects, spoke about the five proposed fireplaces, the double chimney in the top square footage, chimney height of wood and gas fireplaces, the applicants' agreeing to gas instead of wood fireplaces, electric vehicle plug ins and photovoltaic readiness, and the three redesigns they made through the VAC process related to ridge height, chimneys, and vegetation resulting in the removal of a chimney architectural feature, lowering the pitch of the roof, and a written agreement between them and other neighbors regarding tree heights not exceeding 10 ft.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Becker to approve with conditions restricting wood burning fireplaces and that the fireplace in the master bedroom eliminate the chimney and instead utilize a direct vent. **Approved 5/0.** Motion carried unanimously.

B.1. Public Hearing: 346 Glenmont Drive, Applicant: Jonathan and Suzy Weiser, Case# 17-18-06. (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 and SDP. Therefore, Staff recommends that the City Council:

1. Conduct the continued 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 2019-031** conditionally approving a DRP and SDP to demolish a single-family residence, construct a replacement multi-level, single-family residence with a partially subterranean three-car garage and basement, and perform associated site improvements at 346 Glenmont Drive, Solana Beach.

Councilmember Hegenauer recused herself from the item due to proximity of her property in relation to the project area.

Continuance of the open public hearing.

Council updated disclosures.

Greg Wade, City Manager, introduced the item.

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

Susie Weiser passed out a handout (on file) and said that they intended to honor the written and binding agreement with the Hiroaka family, that the recording of agreement regarding foliate limitation would happen prior to building issuance, and that if Council feels it is necessary that they complete this earlier they would comply.

Jean-Louis Coquereau and Tyler Van Stright, applicant's designers, presented a PowerPoint (on file) reviewing the landscaping plan and the specific heights that would be maintained, the changed profile of the stairwell light well, modification of the overall bulk and mass of the project including the roof deck overhang and roof deck, and pushed the building back and down on the lot, and showed the views from the neighbors' properties.

Council and the Applicant representatives discussed the nice design, the landscape plans and number of plantings, the bulk of the stairs in the right-of-way, consider removing them from the right-of-way if conditioned, consider removing the trees from the right-of-way, and the height of the crepe myrtle.

John Hiraoka (time donated by Marie Hiraoka) presented a PowerPoint (on file) and said that they did not have a formal agreement yet but just emails of discussion, that they would like to see the conditions put in place, the landscaping was a better species but the size at maturity would reach 12-15 ft. high exceeding the height limitation request, that an agreement restricting the height would require the applicant to trim the vegetation to the agreed height limitations, and restricting use of the non-accessible roof areas that would move into the view corridor.

Tracy Richmond spoke about the structure looking like a three-story façade especially from the street, pushing back the concrete walls from the street to line up with the garage, soften the concrete with the landscaping, moving the bedroom level deck railing back 7 ft. giving it a better step-up effect leaving a 10 ft. wide deck, moving back the main level deck 9 ft. leaving a 17 ft. deck, reducing the roof by 9 ft. leaving an 8 ft. overhang below, prohibit decks and living area on the flat roofs on southerly part of the property, his support for Mr. Hiraoka's comments on the landscape plans, new construction was the City's option to reclaim right-of-way for proper zoning so the steps should not encroach into the right-of-way, and parking would be one of the few justified reasons for encroachment into the right-of-way.

Jean-Louis Coquereau, applicant's designers, (rebuttal time) stated that they were willing to have additional conditions and to step back the front steps to grade level.

Council, Applicant Representatives, and Staff discussed decks, deck covers, pushing back the front step design out of the right-of-way as well as tree planted in right-of-way, removing proposed vegetation that would exceed height maturity restrictions, push back the master bedroom railing 5 ft. for articulation and leaving a 12 ft. deck, push back the main deck an additional 2 ft., adding conditions to the resolution that would memorialize some of the conditions of the deed restriction agreement, conditioning approval to record a covenant or deed restriction on vegetation height limit prior to the issuance of the building permit, the applicant would agree to the proposed agreement regarding landscaping height limitations, pulling back the deck to 17 ½ ft., from the west wall of the main floor deck, to leave 3 ft. overhang, and the applicant's interest in having enough overhang to shield the sun and have enough family seating outside since it was the main living area,

MOTION: Moved by Councilmember Harless and second by Councilmember Edson to close the public hearing. **Approved 4/0/1 (Recused: Hegenauer).** Motion carried.

MOTION: Moved by Councilmember Edson to match vegetation height limits with the deed restriction limits, restrict all future roof decks, restrict the overhang on main deck to extend to a maximum of 12 ft. to the west and the railing and deck extend a maximum of 17 ½ ft. from the house to the west, allowing at least a 3 ft. overhang to the lower

bedroom below, set-back the deck and railing by 5 ft. on the lower bedroom floor deck, and remove the front stairs to the east out of the public right-of-way.

Councilmember Harless asked if the condition of landscaping could include the removal of the crepe myrtle in the front.

MOTION MODIFICATION: Councilmember Edson said she would be willing to add that to the motion.

MOTION SECOND: Mayor Zito said that he would not want to remove the tree but maybe replace it.

MOTION Maker Clarification: Councilmember Edson said that would not modify the motion and stated that she did intend to remove trees but instead have vegetation planted that at maturity would not grow beyond the height restriction.

MOTION SECONDED by Mayor Zito.

MOTION Modification Accepted: Councilmember Harless asked the maker of the motion to modify the motion to remove the trees in the right-of-way.

MOTION Modification Accepted: Councilmember Edson accepted the modification request.

Mayor Zito stated that he would not accept that modification so it may fail. He said there was an existing Motion and Second and Called for the Vote.

VOTE: 2/2/1 (Noes: Becker, Edson; Recused: Hegenauer) Motion failed.

MOTION: Councilmember Harless made a motion to approve the project with conditions of removing the steps from the right-of-way, removing trees from the right-of-way, applying the agreement between the applicant and Mr. Hiroaka, or rather incorporating language from the agreement into a condition of approval, and moving the decks and railing as proposed by Councilmember Edson.

Motion Failed due to lack of a Second.

MOTION: Moved by Councilmember Edson and seconded by Mayor Zito to make the initial motion to condition the vegetation locations and heights at maturity as agreed upon by the parties as referenced by Attachment 4 of the Staff Report, remove the crepe myrtles which exceed the height limit and replace them with vegetation at maturity that would not exceed the height limit, require a covenant and deed restriction recorded 60 days prior to the issuance of a building permit, condition against future roof deck on flat or inaccessible roof area, condition the overhang on main deck to extend to a maximum of 12 ft. to the west and the deck and railing to extend at a maximum of 17 ½ ft. from the house to the west, allowing at least a 3 ft. overhang to the lower bedroom below, reduce the bedroom floor deck and by 5 ft. and remove the front stairs east out of the public right-of-way. **Approved 4/0/1 (Recused: Hegenauer)** Motion carried.

WORK PLAN COMMENTS: None
Adopted June 13, 2018

COMPENSATION & REIMBURSEMENT DISCLOSURE: None

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 8:24 p.m.

Angela Ivey, City Clerk

Approved: June 12, 2019