

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting

Wednesday, August 28, 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.
- 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

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

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### CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 6:10 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 Councilmember Harless and second Deputy Mayor Edson to approve moving C.2. and C.3. ahead of the Public Hearings. **Approved 5/0:** Ayes: Zito, Edson, Becker, Harless and Hegenauer. Noes: None. Motion carried unanimously.

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

### KAABOO

Nathan Bringer, General Manager of Del Mar events, and Brett Arns, Public Safety Security Dir., presented a PowerPoint (on file) reviewing this year's event.

Council, Staff, and speakers discussed the costs for extra law enforcement in Solana Beach due to the event, KAABOO's intent to pay for the extra efforts and costs, daily cleanup, hotline for residents, support of the event, and bike transportation access.

### **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.

Heiock Kim introduced the Kim Center for Social Balance that strives for gender equity in the workplace by helping communities and employers design structured action plans for gender justice, and stated that the Center had developed collaborative efforts with regional leaders, and requested that Council proclaim Workplace Gender Equity Day.

Julie Union, Solana Beach School District Board member, spoke about visiting all of the schools on the first day of school and introduced the new Solana Beach School District Superintendent Jodee Brentlinger.

Jodee Bretlinger, Solana Beach School District Superintendent, spoke about her first year in this position, the successful first day of school, new principal Kimberly Pinkerton of Skyline School, the productive relationship and continued partnership with City Staff, the next reconstruction project at Solana Vista School, and working towards environmentally friendly initiatives such as banning plastic utensils.

Jonathan Collopy spoke about updates of the City of Kindness endeavor which included meeting with City Staff and discussing several ideas and that he would be returning to Council with some initiatives.

Brett Gobar spoke about the City's water efficient regulations, his preparation to demo his home to build an Eco house and grow local organic food, the current ordinance was dictated by the State of California, water conservation was needed for growing food, raising the price of water, requiring gray water and black water recycling and reuse, requiring waterless urinals in all buildings, immediately convert all irrigation to drip, and 3 inches of mulch on exposed landscape would reduce evaporation and help build bacteria and micro-wise fungus in the soil, and asked Council to consider initiating some of these efforts.

Mayor Zito said that he wanted to mention for the public that the City's sewage treatment facility currently recycled about 50% of the wastewater which was returned for use in purple pipe irrigation, and that the ultimate objective was to move to a potable reuse utilizing all of the wastewater stream to the extent it could be recycled for regular water use.

Tracy Richmond spoke about the bathrooms at Fletcher Cove and the need to replace the signs making all bathrooms non-gender so that women were not waiting in lines when men's restrooms were empty, which would benefit many visitors especially during large group events.

## **COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

Council reported community announcements and events.

### **A. CONSENT CALENDAR:** (Action Items) (A.1. - A.12.)

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. THIS ITEM HAS BEEN LEFT BLANK**

#### **A.2. Register Of Demands.** (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for June 22 – August 9, 2019.

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

#### **A.3. General Fund Adopted Budget for Fiscal Year 2019-2020 Changes.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2019-2020 General Fund Adopted Budget.

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

#### **A.4. Community Grant Fiscal Year 2018-19 Expenditure Report.** (File 0330-25)

Recommendation: That the City Council

1. Accept and file report.

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

#### **A.5. Emergency Storm Drainpipe Repairs in the Solana Beach Towne Centre Update No. 7.** (File 0850-40)

Recommendation: That the City Council

1. Receive Update No. 7 and provide further direction, if necessary.

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

**A.6. Sales Tax Information and Audit Services.** (File 0390-70)

Recommendation: That the City Council

1. Adopt **Resolution 2019-104** authorizing the City Manager to approve a Professional Services Agreement with HDL for five years to provide sales tax information and audit services for FY 2019/20 through FY 2023/24 for an amount not to exceed \$20,000 per agreement year for a total of \$100,000.

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

**A.7. Marvista-Canyon-Glenmont Storm Drain Project Notice of Completion.** (File 0850-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-114:**
  - a. Authorizing the City Council to accept as complete the Marvista-Canyon-Glenmont Storm Drain, Bid 2018-04, performed by Scott Michael, Inc.
  - b. Authorizing the City Clerk to file a Notice of Completion.

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

**A.8. La Colonia Skatepark Project Notice of Completion.** (File 0720-40)

Recommendation: That the City Council

1. Adopt **Resolution 2019-112:**
  - a. Authorizing the City Council to accept as complete the La Colonia Skate Park, Bid No. 2018-01, constructed by California Skateparks.
  - b. Authorizing the City Clerk to file a Notice of Completion.
  - c. Authorizing the City Manager to sign Change Order No. 3 on behalf of the City.
  - d. Authorizing an appropriation of \$20,000 into the donation revenue account and into the La Colonia Skate Park project in the City CIP fund.
  - e. Appropriating \$11,763 from undesignated reserves for Capital Improvement Program projects into the project account for the La Colonia Skate Park.
  - f. Authorizing the City Treasurer to amend the FY 2019/2020 Adopted Budget accordingly.

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

**A.9. Professional Landscape and Coastal Geotechnical Engineering Contract Services.** (File 0600-05)

Recommendation: That the City Council

1. Adopt **Resolution 2019-119** authorizing the City Manager to execute a Professional Services Agreement with Pamela Elliott Landscape Architect.
2. Adopt **Resolution 2019-120** authorizing the City Manager to execute Professional Services Agreements with GeoPacifica Inc. and CTE Inc.

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

**A.10. City's Housing and Safety Elements Update Consulting Services.** (File 0630-10)

Recommendation: That the City Council

1. Adopt **Resolution 2019-118** authorizing the City Manager to execute a Professional Services Agreement with Kimley-Horn and Associates Inc. for an amount not to exceed \$79,999.

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

**A.11. Video Broadcasting Services.** (File 0190-70)

Recommendation: That the City Council

1. Approve **Resolution 2019-122:**
  - a. Awarding Bob Hoffman Video and Photography an increased amount not to exceed \$22,240 for FY 2018/19.
  - b. Awarding Bob Hoffman Video and Photography an increased hourly rate of \$84 per person and an amount not to exceed of \$23,500 for the FY 2019/20 agreement extension through FY 2020/21.
  - c. Authorizing the City Manager to amend the FY 2018/19 agreement and the agreement extensions through FY 2020/21 with Bob Hoffman Video and Photography.

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

**A.12. State Homeland Security Program Grant Funds for 800 MHz Replacement Radios.** (File 0260-40)

Recommendation: That the City Council

1. Approve **Resolution 2019-121**:
  - a. Accepting \$12,136 in federal funds from a 2018 State Homeland Security Program (SHSP) grant awarded to the City of Solana Beach for the purchase of 800 MHz radios.
  - b. Authorizing the Fire Chief, or his designee, to sign and submit the required California Governor's Office of Emergency Services Fiscal Year (FY) 2018 Grant Assurances.
  - c. Approving an appropriation of \$12,136 to the Federal Grant revenue account and the Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue fund.
  - d. Authorizing the City Treasurer to amend the FY 2019/20 Adopted Budget accordingly.

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

**C.2. Introduce (1<sup>st</sup> Reading) Ordinance 504 - Regulation of Food Service Ware, Polystyrene and Plastic Bottles in Furtherance of Protecting the Environment and Reducing Single-Use Plastics and Waste.** (File 0230-55)

Recommendation: That the City Council

1. Discuss and consider Introduction of **Ordinance 504** amending SBMC Title 5 to expand the ban on polystyrene products to address single-use plastics and plastic bottles on City property.

Greg Wade, City Manager, introduced the item.

Rimga Viskanta, Sr. Management Analyst, presented a PowerPoint (on file) reviewing the proposed policy to restrict the use of single-use plastics, requiring that packaging be recyclable or compostable, the public outreach to the Business Liaison Standing Committee, the Chamber of Commerce, the California Grocers Association, Restaurant Association, American Beverage Association, local stores and restaurants and collaboration with Surfrider to reach additional businesses. She said that the feedback overall had been positive with some requests for modifications, reviewed the ban of the various plastics and polystyrene used in restaurants, grocers, and stores as well as used at City sponsored events and functions and on City properties.

Peter Zahn (time donated by Kathy Murphy and Marilee McLean), Chair of the Climate Action Commission, presented a PowerPoint (on file) reviewing the plastic waste issue, additional changes the Climate Action Commission would request including broader measures similar to San Francisco, restricting packet materials to only those that were compostable or recyclable, the time period schedule be based on compost availability,

curbside, or two years, restricting bottled beverages of *one liter or less* rather than *less than one liter*, and providing free public water stations.

Council, Staff, and Mr. Zahn discussed that the timeframe to be either two years or when curbside compost pickup was available, if sooner, and that City Manager could extend a waiver, and that produce bags were missing from the ordinance due to sanitary aspects. Discussion continued regarding the application to mobile food trucks, retail food vendors, stores, shops, and sales outlet, and other establishments that provided prepared food, that the plastic bottles restriction only applied to City facilities, City permitted events, and City permittee but not to outside stores selling to consumers, and the effective date in November 2020.

Mary Yang (time donated by Rose Ann Sharp) presented a PowerPoint (on file) reviewing plastics and climate change, that recycling was not the solution since there was too much to recycle and less than 7% of plastic bottles were recycled, packaged/boxed water, recycling centers were closing due to that lack of revenues, alternative solutions, and the need to spread the message.

Alexander Ferron, Surfrider Foundation, spoke about Surfrider's support for the ordinance with the most comprehensive suggestions in version 2, the precedents Solana Beach sets in taking its positions, and appreciation for the City's efforts and legacy to care for people, land, and oceans.

Cindi Clemons spoke about her support for the ordinance to restrict the use and sale of non-recyclable and non-compostable products, to include language to restrict the sale of non-recyclables and non-compostable packing and shipping materials such as ice chests, pool and beach toys, dock floats, buoys, navigation markers made of polystyrene or plastic, and plastic and polystyrene products making their way to the ocean and overflowing the landfills.

Bret Gobar, 350.org, spoke about Solana Beach being the first to ban cigarettes on beaches, adding more to the ordinance to ban any and all single use plastic sold in the City including retail stores, Surfrider's collection of truckload of plastic waste from the beaches and the ocean reefs, and suggested a declaration be made to the state and federal government to take similar steps.

Jim Wang, Encinitas Environmental Commission, spoke about Encinitas considering similar proposals, all cities share the same beaches and ocean, and Solana Beach passing this ordinance would make way for other cities to follow.

Debra Shade, Solana Beach School Board Member, spoke about how this endeavor would provide extreme bold leadership making a major difference in the lives of children, the Echo Otters from Solana Beach who are monitoring food waste at schools by the students, and her support for the ordinance providing a better future for residents of Solana Beach.

David Kramer spoke about his involvement in the lagoon watershed for many years, his support for the most comprehensive measures, and support for the ordinance.

Jessica Moss, American Beverage Association, spoke about their PET (polyethylene terephthalate) bottles being 100% recyclable, PET being a most valuable commodity in the recycling market, PET bottles should always be recycled and never make their way to a landfill, their six reclaimer facilities in Southern California that supply 25% of the U.S. market for recycled plastic, they are recycled into new plastic flakes or pellets for new bottles or other materials, they can also be turned into Thermoforms for packaging for food and beverage, support for adding more water filling stations in the City, and expanding opportunities for recycling and education at city sponsored events and functions.

Tim James, California Grocers Association, spoke about their understanding of the City's intent, the preference to harmonize the dates for changes to be made at one time rather than segregating changes of the ban of sales of certain plastic products from serving prepared food in plastic products, many other similar ordinances provided 12 months to allow time for changes to take place, and clarification of language for the meat portion of products to read as 'curbside composting' instead of 'commercial.'

Chris Duggan, California Restaurant Association (CRA), spoke about Staff's outreach for input and guidance, the ordinance being a balanced approach, a request for "upon offer" to help ensure smooth transaction for takeout orders, their request for implementation dates to coincide, and a 12-month period to comply upon final passage.

Julie Cabera, Clean Earth for Kids, John Bottorff, and Suzanne Hume, spoke about their request to reduce plastics, volunteering for CleanEarth4Kids.org efforts, the production and incineration of plastics adding 850 million metric tons of greenhouse gases in the atmosphere this year, the plastic industry emitting an estimated 1.34 gigatons per year by year 2030, asking restaurants to not use plastic utensils, the majority of recyclables were not being recycled, and support for the ordinance.

Stella and Nadia Erkam spoke about being a local 6<sup>th</sup> grade teacher at Solana Santa Fe Elementary, the annual Ocean Week engaging in conservation efforts including public service announcements as education, changing legislation being the most effective in making change, 8 million tons of trash are being dumped in the ocean each year, there being more plastic in the ocean than fish in year 2050, the European Union votes to ban all single use plastics by 2021, passing laws to protect the environment, and protecting the City from this pollution.

Rachel Zahn read an opinion from Lisa Levin, Oceanographer, Scripps Institute, stating that she preferred the strongest prohibitions on single use plastics, her deep ocean study witnessing harmful plastic at the deepest parts of the ocean, her witness of piles of bags in 10,980 meters deep in the Mariana Trench, the sight of small pieces of plastic everywhere including in the fish and shellfish, and that Solana Beach would serve as a model for other Southern California communities on how to reduce single use plastic.

Anne Marie Oldham, San Diego 350, Climate Reality Project, spoke about being a sustainability teacher at St. James Academy, recyclable materials are not being recycled, the goal should zero waste, microplastics have been detected in rain in the most remote places in the world, St. James' efforts in alternatives to Keurig pods, use of Fairtrade



coffee, washing reusable plates, containers and dishes instead of using plastic disposable dishes, and the need to focus on curbside composting.

Jessica Toth, Executive Director of Solana Center for Environmental Innovation, spoke about the environmental costs of wasting and irresponsible disposing of resources, the ordinance would impact the amount of plastics disposed and public awareness, the need for less disposal rather than more recycling, and support for the ordinance.

Council and Staff discussed considering the recommended definition changes, unifying the effective dates to one 12-month period, drive-thru business to provide upon request, changing language from commercial to curbside, change language from less than 1 liter to 1 liter or less, expanding water filling stations around the City, leaving out aluminum cans and glass bottles due to their higher recyclable rate, waiver for a disability and not deny those customers with disabilities requiring certain products, outreach effort to establishments regarding maintaining items required for disabled patrons,

**Motion:** Moved by Councilmember Becker and second by Mayor Zito to approve Staff recommendations, and modifying the effective dates to be 12 months from the enactment, change language from commercial composting to curbside composting, for versions 5.03.050 and 5.03.080 the broad comprehensive version would be used, for 5.05.010 version two would be used, removing 5.05.080 and return to Council with a policy, and change language from 'less than 1 liter' to '1 liter or less'. **Approved 5/0:** Ayes: Zito, Edson, Becker, Harless and Hegenauer. Noes: None. Motion carried unanimously.

Mayor Zito recessed the meeting at 8:45 p.m. for a break and reconvened at 8:55 p.m.

### **C.3. Introduce (1<sup>st</sup> Reading) Ordinance 505 – Safe Storage of Firearms.** (File 0250-70)

Recommendation: That the City Council

1. Introduce **Ordinance 505** amending SBMC Chapter 7.20 to add a new section 7.20.030, relating to the safe storage of firearms.

Greg Wade, City Manager, introduced the item.

Cindi Clemons spoke about mass shooters at San Diego schools who each took a gun from their childhood homes and killed and injured 30 people and traumatized many others, parents were not held responsible for the access to the guns in their homes, the need for safer gun storage, and stronger penalties for those who don't comply.

Adele Josepho spoke about being a retired psychiatrist, having treated victims of violence and individuals dangerous to others and themselves, statistics that guns in the home are used 11 times more often in death by suicide and 7 times more often in assault and homicide than either for self-defense against home intruders, safe storage of firearms can add a lifesaving layer or protection keeping children safer, reducing suicides, homicides, and accidental lethal and non-lethal shooting events, and support for the ordinance.

Robbie Glatts, high school student at Canyon Crest Academy, spoke of not trusting and acting on fire drill protocol for fear that it may be a ploy by an active shooter, school active

shooter drills, student discussions among themselves on how they will respond in an active shooter situation, and support for the safe storage of firearms ordinance.

**Motion:** Moved by Councilmember Harless and second by Councilmember Becker to approve Staff recommendation. **Approved 5/0:** Ayes: Zito, Edson, Becker, Harless and Hegenauer. Noes: None. 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.1. Public Hearing: 652 Stevens, Applicant: 652 Stevens LLC, Case 17-17-34.**  
(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 VAR 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 15332 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2019-116** conditionally approving a DRP, SDP, and VAR to demolish an existing structure and construct a mixed-use development consisting of a two-story commercial dentist office and one (1) residential unit located over an on-grade off-street parking carport at 652 Stevens Avenue, Solana Beach.

Greg Wade, City Manager, introduced the item.

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

Mayor Zito opened the public hearing.

Council disclosures.

Council and Staff discussed the width of the front property line and being a legal non-conforming lot, height of the north sidewall, whether 20 feet was sufficient for backout access of vehicles, access to the lower residential unit, flat roof not planned for photovoltaic system or energy savings, third floor overhang, and no monument sign.

Azita Vakili, Applicant, spoke about her history in the community and her efforts to conform to the City regulations on the proposed project.

Council, Applicant, and Architect discussed a condition requiring solar panels, space for electric vehicle charger, a sign plan, and removing front wall and allowing for bicycles, the architectural feature of the front wall, trash location, expanding planter, landscape perimeter buffer, options for 22 feet backup, the need for a minor exception versus a variance, access for lower residential unit, circular entry primarily intended for dental staff, parking regulations, accessing the street from the residential deck and accessing the office from the residence, plate heights, access to mechanical crawl space, marking residential parking spaces, elimination of second residential rental, roof adjacent to deck for HVAC and plants, location of study, and overall length of structure and length of wall.

Lisa Montes (time donated by Tracy Richmond) spoke about opposing the project, it not being within the scale of the surrounding area, it being a large building stuffed into a small lot, the structure being too tall, not compatible with the Eden Gardens area, City zoning having a max height but not a guaranteed height, and the surrounding neighborhood compared with the current neighborhood,

Danny Hernandez spoke about the issue with the mass and height, parking concerns, his objection to variances for parking and landscaping, and parking issues from other multi-use projects that were not using their garages.

Jessie Irene Young spoke about the property being zoned as commercial but the project design was out of character with the neighborhood, the structure was too large, the wall was too long, and concerns about guest parking for the residence.

Rich Villasenor stated the project was not compatible with the neighborhood due to scale, building height, and mass, citing the 35-foot overhang, long wall and need for more landscaping, objection to the variances, and the need for a redesign of the project to fit into the history and culture of Eden Gardens.

Mr. Vakili, Applicant, said that he and his wife had been working with the City for a year and a half to comply with the area and lot, that parking was underground so the project was not three stories, there was a building behind the property as tall and a taller building on the next street, the proposal was below the height restriction, they had lived in Solana Beach for 27 years and wanted the project to be right for everyone.

Council, Applicant and Architect discussed potentially lowering the carport to reduce the height, required parking, working with typography of the land, the narrow and long commercial lot, potentially pushing part of the bedroom of the second story residence forward, and possibility of design element changes to the North and East walls that reduce the bulk and mass, that the commercial space and living space was at street level, changing structure positioning on the lot further west with rear parking, drainage and bio swale, and softening the mass and scale appearance of North wall.

Discussion continued regarding reducing the carport, the carport creating a visual reprieve, elevations, the lot being extremely narrow, access for fire vehicles, soften the look for looming

scale and mass, and shifting the structure.

Councilmembers shared the difficulty in making the findings for the DRP with the mass and bulk of the structure and character of the neighborhood, preference for a minor exception regarding the landscape buffer rather than a variance, and the option of the applicant to ask for a continuance to redesign the structure or having Council proceed with a vote.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to close the public hearing and return the item in the future. **Approved 5/0:** Ayes: Zito, Edson, Becker, Harless and Hegenauer. Noes: None. Motion carried unanimously.

**Motion:** Moved by Deputy Mayor Edson and second by Councilmember Becker to continue to the next item, after 10:30 p.m. **Approved 5/0:** Ayes: Zito, Edson, Becker, Harless and Hegenauer. Noes: None. Motion carried unanimously.

**B.2. Public Hearing: 412 N. Acacia, Applicant: Hemmerich, Case 17-19-05.**  
(File 0600-40)

The proposed project meets the minimum objective 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 (Development Review Permit) and administratively issue a SDP (Structure Development Permit). 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 2019-115** conditionally approving a DRP and an SDP to remodel the existing single-family residence, construct a first floor addition, and new second story and perform associated site improvements 412 N Acacia Ave, Solana Beach.

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

Mayor Zito opened the public hearing.

Council disclosures.

Andy Hemmerich, and Katia Myers, Applicants, presented a PowerPoint (on file) and spoke about their front fence requiring an encroachment permit to maintain the current fence that would keep the continuity with the rest of the neighborhood's fences along the sidewalk.

Craig Frieauf, Architect, stated that Engineering condition 1. requires the fence to be offset 2 ft. from the property line, their request to maintain the fence location and sign an encroachment agreement, and that they understood that it would state that if the City ever improved the area that the fence would need to be removed.

Council and Applicant discussed plate heights, no solar currently planned due to the roof at this time, EV charging required by the State, and the encroachment permit requiring the

property owners understanding that the fence may be required to be removed in the future if improvements required this area to be cleared.

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

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

**C.1. View Assessment Ordinance Discussion.** (File 0600-45)

This item was not heard.

**ADJOURN:**

Mayor Zito adjourned the meeting at 11:30 p.m.

Angela Ivey, City Clerk

Approved: September 23, 2020