

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, January 23, 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](#).

CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 6:08 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: (when applicable)

Johanna Canlas, City Attorney, stated that there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

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

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

SANDAG

Steve Vaus, Chair, presented a video on current SANDAG projects. Mr. Vaus presented a PowerPoint (on file) reviewing projects, local Solana Beach accomplishments on related projects, SANDAG budget, and initiatives,

Council discussed grants received from SANDAG and projects that were funded including improvements on Stevens Avenue, Lomas Santa Fe, and the Highway 101 Improvement project paid for by Build American Bonds funded by Transnet.

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.

Kristin Brinner, Surfrider volunteer, presented a PowerPoint (on file) and spoke about the recent king high tides which provided insight into what the coastline could evolve to with sea level rise, they toured the communities to view access points, the City allowed their use of a drone to obtain some footage of beach access and bluffs, and presented the footage, which showed no visible beach during these high tides.

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.4.)

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 October 24, 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 December 15, 2018 – January 4, 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. 2018 Street Maintenance & Repair Project. (File 0820-80)

Recommendation: That the City Council

1. Adopt **Resolution 2019-005:**
 - a. Authorizing the City Council to accept, as complete, the 2018 Street Maintenance & Repair Project, Bid No. 2018-03, performed by PAL General Engineering.
 - b. Authorizing the City Clerk to file a Notice of Completion.

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

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Comprehensive Annual Financial Report (CAFR) Fiscal Year 2017-2018
(File 0310-22)

Recommendation: That the City Council

1. Accept and file the City of Solana Beach Comprehensive Annual Financial Report (CAFR) for the fiscal year July 1, 2017 – June 30, 2018.
2. Accept and file the Communication of Internal Control Related Matters Identified in an Audit letter.
3. Accept and file the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets letter.
4. Accept and file The Auditor's Communication with those Charged with Governance letter.

Greg Wade, City Manager, introduced

Marie Berkuti, Finance Manager, presented a PowerPoint (on file)

Bryan Gruber, LSL, presented a PowerPoint (on file) reviewing the audit.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Harless to accept filing. **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.1. Public Hearing: 214 S. Rios, Applicant: Melinda Lou Kelley, Case 17-17-21, APN: 298-072-31. (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 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 and 15305 of the State CEQA Guidelines;
3. If the City Council makes the requisite findings and approves the project, adopt Resolution 2019-002 conditionally approving a DRP and an SDP to construct a new accessory dwelling unit on a lot with an existing single-family residence and perform associated site improvements 214 S. Rios Avenue, Solana Beach; and
4. Consider adoption of **Resolution 2019-003** approving that the portion of the public street right-of-way described and shown on Exhibits A and B of Resolution 2019-003 shall be vacated and authorizing the City Clerk to certify a copy of this resolution and have it recorded at the County of San Diego Recorder in accordance with Section 8325 of the Streets and Highway Code.

Greg Wade, City Manager, introduced the item.

Regina Ochoa, Assistant Planner, presented a PowerPoint (on file) reviewing the proposed project.

Council disclosures.

Mayor Zito opened the public hearing.

Council and Staff discussed the Irrevocable Offer of Dedication (IOD) that would vacate 6 ft. of the right-of-way, the City's past adoption of a 48 ft. right-of-way on S. Rios, which allowed for two 12-ft. travel lanes plus 10 ft. right-of-way from the edge of payment to the property line, that most properties on S. Rios had a 40 ft. right-of-way instead of an IOD specifying different measurements, the complaints on S. Rios with parking and walking, how far the gates were set back from the property line after the vacation, placement of homes in relation to the street, the actual setbacks of surrounding homes were not obtained or available, that the setback was determined from the dedication location as a

new property line resulting in moving the setback 6 ft. farther away from the street, the IOD's intentions were for future right-of-way improvements, and that the additional right-of-way being dedicated would add 10 ft. for improvements.

Peter Madsen, Applicant's representative, said that the Architect was sick and could not attend, and spoke about the new wall with the gate would be in the same position as it is currently located and that the project had been through a 2-year process.

Council, Staff, and the Applicant discussed that they did not consider bringing the structures closer together to push it farther from the street due to the topography of the property and impacts on the driveway and parking, the setback was carefully considered, that there were no plans for a roof deck because it could not be added to the proposed roof pitch that contained internal drains, and that the applicant would agree to a condition restricting a roof deck.

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

Discussion ensued regarding restricting roof decks, not placing mailboxes in the right-of-way, moving the structure further back towards the adjacent structure as much as possible, and that the structure was not pushing up to the entire setback line.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve with a condition of prohibiting a roof deck. **Approved 5/0.** Motion carried unanimously.

B.2. Public Hearing: 329 S. Rios Ave., Applicant: Matthew Stoyka, Case 17-18-31. (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/SDP modification. 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 2019-010** conditionally approving a DRP/SDP modification to allow for a 13 square foot addition to the second story of the primary residence and to add 168 square feet to the detached guest house and convert it to an Accessory Dwelling Unit (ADU) at 329 S. Rios Avenue.

Greg Wade, City Manager, introduced the item.

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

Mayor Zito opened the public hearing.

Council disclosures.

Council and Staff discussed story poles being erected in a different configuration before so it looked slightly different than the original story pole submittal, the new conditions would allow the guesthouse to be used as an ADU (Affordable Dwelling Unit), access to the ADU which was a single story, and the applicant obtained signatures from neighbors who would have view impacts in order to ask for approval.

Jennifer Bolyn, Architect, EOS Architecture, spoke about the original approved impact, the original pitched roof was changed to reduce the impact, and that the 316 address was her client and she knew that he would provide his approval signature as well if it was needed.

Council, Staff, and Applicant's Architect discussed the importance of affordable ADUs, consideration of restricting a roof deck, that the Architect was 99% sure the applicant would agree but would want to run it by him, that the proposed height of the roof from pre-existing grade was 15 ft., and that a roof deck would exceed the 16 ft. height limit which would require a View Assessment process if one were ever proposed.

Mayor Zito recessed the meeting at 8:12 p.m. and reconvened the meeting at 8:18 p.m.

Ms. Bolyn stated that she spoke with the Applicant who would agree to a restriction of a roof deck.

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 a condition of prohibiting a roof deck. **Approved 5/0.** Motion carried unanimously.

C. STAFF REPORTS: (C.2. - C.3.)

Submit speaker slips to the City Clerk.

C.2. 2019 Annual Citizen Commission Appointments. (File 0120-06)

Recommendation: That the City Council

Steven Felger spoke about his interest in serving on the Budget & Finance Commission but was not currently a property owner, his interest in the Parks & Recreation Commission as an alternative, and reviewed his work experience in management consulting and air force service.

Valeri Paul spoke about her interest in serving on the Climate Action Commission and if there were other candidates that she was also interested in applying for the Parks & Recreation Commission or Public Arts Commission, and reviewed her experience working with government agencies.

Gary Martin spoke about the application process considering submittals of applications received after the deadline, late submittals being unfair to the Council and the other applicants who filed on time, and considering to not appoint late applicants.

David Schulman spoke about his work in mediation and family law, his service in other regional commissions, his interest in serving on the View Assessment Commission, having never filed a View Assessment claim, and did not know anyone on Council.

Sandra Hutton spoke about her interest in the Parks & Recreation Commission and getting involved locally, her experience serving on other national and regional associations, and experience coordinating events.

Matthew Cohen said he was an attorney and spoke about going through the View Assessment process twice, working with neighbors and other City council processes, his ability to read building plans, and that he had renovated his home a few years ago.

1. Appoint three (3) members to the **Budget and Finance** Commission nominated/appointed by *individual* Councilmembers (Zito, Edson, and Hegenauer) for two-year terms.

Motion: Moved by Deputy Mayor Edson and second by Councilmember Hegenauer to approve appointing Jeff Lyle (Edson), Ed Murphy (Zito), Jolene Koester (Hegenauer). **Approved 5/0.** Motion carried unanimously.

2. Appoint four (4) members to the **Climate Action** Commission nominated/appointed by *Council-at-large for the following positions*:

Motion: Moved by Councilmember Becker and second by Councilmember Hegenauer to approve the appointments below. **Approved 5/0.** Motion carried unanimously.

- a. Two (2) *Resident* appointments for two-year terms.
Patricia Larchet and Peter Zahn
- b. One (1) *Professional* appointment for member of the environmental and/or scientific community (*resident or non-resident*) for a two-year term.
Chester Koblinsky
- c. One (1) *Councilmember* appointment OR resident or professional, as determined by Council for a two-year term.
Judy Hegenauer

3. Appoint four (4) members to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for two-year terms.

Motion: Moved by Councilmember Becker and second by Councilmember Hegenauer to appoint **Sagary Krulce**. **Approved 5/0.** Motion carried unanimously.

4. Appoint four (4) members to the **Public Arts** Commission nominated/appointed by *Council-at-large* for the following positions/terms:

- a. Three (3) vacancies for two-year terms.
- b. One (1) vacancy for a one-year term.

Motion: Moved by Councilmember Becker and second by Councilmember Hegenauer to appoint **Deborah Sweet**. **Approved 5/0.** Motion carried unanimously.

5. Appoint three (3) members to the **View Assessment** Commission nominated/ appointed by *individual Councilmembers* (Zito, Edson and Becker) for two-year terms.

Motion: Moved by Councilmember Edson and second by Councilmember Becker to appoint **Jill Morris** (Edson), **Dean Pasko** (Hegenauer), **Matthew Cohen** (Becker). **Approved 5/0.** Motion carried unanimously.

C.3. Introduce (1st Reading) Ordinance 498 adopting Official City Insignia for the Solana Energy Alliance (SEA) (File 1010-40)

Recommendation: That the City Council

1. Introduce **Ordinance 498**, amending the Solana Beach Municipal Code (SBMC) Section 1.08.010, to include the official insignia for the Solana Energy Alliance.

Motion: Moved by Councilmember Hegenauer and second by Councilmember Edson to approve. **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 9:03 p.m.

Angela Ivey, City Clerk

Approved: March 27, 2019