



# CITY OF SOLANA BEACH

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

## AGENDA

### Joint REGULAR Meeting

**Wednesday, October 13, 2021 \* 6:00 p.m.**

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting will be conducted in accordance with Government Code sections 54953(e) and 54954.3 and other applicable law.

#### Minutes contain a summary of significant discussions and formal actions taken at a City Council meeting.

- City Council meetings are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

#### CITY COUNCILMEMBERS

**Lesa Heebner, Mayor**

**Kristi Becker**  
Deputy Mayor

**Kelly Harless**  
Councilmember

**David A. Zito**  
Councilmember  
District 1

**Jewel Edson**  
Councilmember  
District 3

Gregory Wade  
**City Manager**

Johanna Canlas  
**City Attorney**

Angela Ivey  
**City Clerk**

#### SPEAKERS:

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

#### READING OF ORDINANCES AND RESOLUTIONS:

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

#### CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:11 p.m.

Present: Lesa Heebner, Kristi Becker, Kelly Harless, David A. Zito, Jewel Edson

Absent: None

Also Greg Wade, City Manager

Present: Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Dan King, Assistant City Manager  
Mo Sammak, City Engineer/Public Works Dir.  
Ryan Smith, Finance Dir.  
Joseph Lim, Community Development Dir.

**CLOSED SESSION REPORT:** None

**FLAG SALUTE:**

## **PROCLAMATIONS/CERTIFICATES:** *Ceremonial*

- Honoring Hispanic and Latino Heritage Month  
Mayor Heebner presented the proclamation.
- Children's Environmental Health Day  
Mayor Heebner presented the proclamation.

Dr. Nguyen, Assistant Chief of Pediatrics at Kaiser and co-chair of their Climate Change and Health Committee accepted the proclamation on behalf of a large coalition of pediatricians throughout San Diego and the American Academy of Pediatrics.

## **APPROVAL OF AGENDA:**

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

## **ORAL COMMUNICATIONS:**

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

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. 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 speaker is THREE MINUTES (SBMC 2.04.190).

Cindy Clemons spoke about Seaweeders Garden Club and a recent donation by EDCO of mulch and the assistance of Teen Volunteer Action Group members who spread the mulch along the slope behind the fire station.

John Bottorf, CleanEarth4Kids.org, spoke about the dangers of wood smoke and requested that Council stop wood-burning fireplaces and gas lines for new construction and divest from all fossil fuel companies.

Suzanne Hume, Educational Director, and founder of CleanEarth4Kids.org, spoke about air pollution, San Diego County has an F in ozone and a D in particulate matter, support for the building electrification ordinance, and banning wood burning fireplaces in new construction.

## **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.7.)

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

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion.

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the

virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190). 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 August 25, 2021 City Council meeting.

Approved Minutes [http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B\\_BASIC](http://www.ci.solana-beach.ca.us/index.asp?SEC=F0F1200D-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BASIC)

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

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

Recommendation: That the City Council

1. Ratify the list of demands for September 4, 2021 – September 24, 2021.

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

#### **A.3. General Fund Budget Adjustments for Fiscal Year 2021/2022.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2021/2022 General Fund Adopted Budget.

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

#### **A.5. Local Emergency Teleconferencing.** (File 0240-25)

Recommendation: That the City Council

1. Adopt **Resolution 2021-120** authorizing remote teleconference meetings of the legislative bodies of the City for the period of October 13, 2021 through November 12, 2021 pursuant to the new provisions of the Brown Act.

**Motion:** Moved by Councilmember Edson and second by Councilmember Harless to

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

**A.6. Americans with Disabilities Act (ADA) Pedestrian Ramps – Notice of Completion.** (File 0820-20)

Recommendation: That the City Council

1. Adopt **Resolution 2021-118:**
  - a. Authorizing the City Council to accept, as complete, the ADA Pedestrian Ramps, Bid No. 2021-02, constructed by PAL General Engineering.
  - b. Authorizing the City Clerk to file a Notice of Completion.

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

**A.7. Citywide Janitorial Services.** (File 0700-20)

Recommendation: That the City Council

1. Adopt **Resolution 2021-110** authorizing the City Manager to execute an amendment to the Professional Services Agreement with California Office Cleaning, Inc., in an amount not to exceed \$132,772, for Citywide Janitorial Services.

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

**B. PUBLIC HEARINGS:** (B.1. – B.3.)

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

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

An applicant or designee(s) for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each.

After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record.

**B.1. Public Hearing: 432 Dell Court., Applicant: Jutronich, Case: DRP20-011, SDP20-015.** (File 0600-40)

The proposed project could be found to be consistent with the General Plan and the underlying SBMC could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2021-116** conditionally approving a DRP and SDP to allow for the construction of a first- and second-story addition and remodel to an existing one-story, single-family residence with an attached garage at 432 Dell Court.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Alex Faulkner, Applicant's Architect, spoke in general about the project.

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

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

**B.2. Public Hearing: 181 South Nardo Avenue., Applicant: Yates, Case: DRP21-002, SDP21-003.** (File 0600-40)

The proposed project could be found to be consistent with the General Plan and the underlying SBMC could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.

2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2021-117** conditionally approving a DRP and SDP to allow for the construction of a first-story remodel and new second-story addition to an existing one-story, single-family residence with an attached garage at 181 South Nardo Avenue, Solana Beach.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Craig Frieauf, Applicant's Architect, said that they did not have a presentation and were present for any questions.

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

**Motion:** Moved by Councilmember Harless and second by Councilmember Edson to approve.

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

**B.3. Public Hearing: 529 Pacific Avenue, Applicant: Pollock, Case: DRP19-010.**  
(File 0600-40)

The proposed project meets the minimum objective requirements under the LUP, 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. 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 2021-102** conditionally approving an addition and an interior remodel of an existing single-story residence on property at 529 Pacific Avenue.

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed that the GSL (geological setback line) is generated by the applicant's geotechnical engineer and reviewed by our third-party consultant for conformity, the GSL does not change physically on the site, removing trees, one driveway would change to a parking area at a later date which will remove one of the trees in order to expand the parking area,

Jim Knowlton, Geopacifica, City's 3<sup>rd</sup> party consultant, said that he reviewed the letter submitted by Surfrider with some excellent information, that he disagreed with the large erosion rate calculation they referred to since it had lessened due to sea caves having been filled in at those sites, that Geosoils evaluated the erosion rate scaling it up to accommodate for sea level rise, and their factoring in of the safety setback established the GSL at 64 ft., which was a reasonable rate.

Jim Sneed, Applicant's Architect, said that the methodology set forth by the Coastal Commission and that the erosion rate was specific to each site, that the Surfrider letter was not analyzed since it was submitted today, the industry reputation of Dave Skelly, Geosoils, and Walt Crampton, TerraCosta, the review by the City's consultant, Jim Knowlton, and that the 64 ft. set back from the bluff was a conservative approach.

Kristin Brinner, Beach Preservation Committee for the San Diego Chapter of Surfrider Foundation, said that she lives in the City and sees the beaches slowly being destroyed by the relentless redevelopment and armoring of the coastlines, that this geotechnical report underestimates the bluff retreat rate in places that GSL is too close to the bluff's edge, that the Council should not make the finding that the proposed development would be safe, that the homeowner might perform their 49% remodel based on flawed and underestimated bluff retreat rate and later return to the city with a request for a seawall to protect the remaining 51% of existing home taking into account the actual erosion rates in the surrounding sea caves.

Mr. Sneed used his remaining time and said that not all bluffs were the same, that a reef in front of the area was taken into consideration, and that reputable professionals had evaluated the GSL.

Mr. Knowlton said that the sea caves were infilled to prevent collapse and that the Coastal Commission required that the sea cave infills have the same erosion rate as the existing bedrock.

Council and Staff discussed the remodel limitations, that they would not add any floor

area because they were maxed out, the analysis is cumulative so no significant remodels would take place since it would be deemed as going beyond the remodel, and that the applicant would be required by the Coastal Commission to agree not to apply for protection in the future.

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

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

### **C. STAFF REPORTS: (C.1.)**

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

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

#### **C.1. Permanent Art Acquisition & Installation: Pinion.** (File 0910-45)

Recommendation: That the City Council

1. Adopt **Resolution 2021-121** authorizing the purchase of the *Pinion* as a permanent art piece in the City's art collection, including the necessary expenses required to remove the art piece for refurbishment and replace it back in the same location, as well as construct a new permanent base and aesthetic upgrades at the location for a not to exceed amount of \$35,000.
2. Appropriate \$35,000 to the Improvements expenditure account from the Public Arts Reserve in the TOT Coastal Visitors Fund.

Dan King, Assistant City Manager, presented a PowerPoint (on file).

Council and Staff discussed the maintenance that would be required for rusting to maintain the kinetic ability, sustaining the level position, the design of the base was still being completed, and adding landscaping around the base.

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

#### **A.4. 2021/22 Street Maintenance and Repairs Project.** (File 0820-35)

Recommendation: That the City Council



1. Adopt **Resolution 2021-119:**

- a. Approving the list of streets scheduled for maintenance and repairs as part of the 2021/22 Street Maintenance and Repairs Project.
- b. Authorizing the City Engineer to advertise for construction bids for the 2021/22 Street Maintenance and Repairs Project.

Deputy Mayor Becker pulled this item from the Consent section for discussion.

Greg Wade, City Manager, introduced the item.

Deputy Mayor Becker said that the project was too small and that a portion of projected surplus in the general fund could be used to enhance the project's budget, adding at least \$200,000 more that could be reallocated at mid-year, some slurry sealing changing drainage patterns, and that damage to N. Rios from the San Elijo Lagoon restoration could be addressed.

**Motion:** Moved by Deputy Mayor Becker and second by Councilmember Zito to approve incorporating an additional \$200,000 of work. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. Noes: None. Motion carried unanimously.

**COMPENSATION & REIMBURSEMENT DISCLOSURE:** None

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency "City" at the next regular meeting of the legislative body.

**COUNCIL COMMITTEE REPORTS:** [Council Committees](#)

**REGIONAL COMMITTEES: (outside agencies, appointed by this Council)**

**STANDING COMMITTEES: (All Primary Members) (Permanent Committees)**

**CITIZEN COMMISSION(S)**

**ADJOURN:**

Mayor Heebner adjourned the meeting at 8:18 p.m.

Angela Ivey, City Clerk

Council Approved: December 08, 2021