

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting

Wednesday, October 26, 2016 * 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

Peter Zahn, Deputy Mayor

Mike Nichols, Councilmember

Ginger Marshall, Councilmember

Lesa Heebner, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Zito called the meeting to order at 6:00 p.m.

Present: David A. Zito, Peter Zahn, Mike Nichols, Ginger Marshall, Lesa Heebner

Absent: None

Also Present: Greg Wade, City Manager
Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Bill Chopyk, Community Development Dir.
Danny King, Assistant City Manager

CLOSED SESSION REPORT: (when applicable)

Mayor Zito asked the City Attorney to summarize an ongoing remediation of a property the City had been addressing.

Johanna Canlas, City Attorney, stated that there was a community issue in terms of the condition of 771 Santa Florencia property, that after a long effort to work with the property owner without avail and no response to the pleadings filed, the City had filed a court action of abatement which granted an order to appoint a Receiver to oversee abatement of the property, that during the initial inspection by the Receiver the property owner did not respond, so through the court system the City was now able to address this public nuisance.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Nichols and second by Councilmember Heebner. Approved 5/0 **Motion carried unanimously.**

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

Red Ribbon Week

Mayor Zito read the proclamation to Judy Strang and Barbara Gordon and then called up each school receiving a proclamation.

Carmel Creek: Coop Jurman, Madison Danko, Principle Lisa Ryder

Skyline: Mia Dodd, Andrew Becker, Principle Lisa Denham

Solana Highland: Clare Cooney, Harrison Liew, Principle Matthew Frumovitz

Solana Pacific: Colin Sahagun, Joaquin Pruneda Paz, Principle Elisa Fregoso

Solana Santa Fe: Charley Gamble, Peter Gougov, Principle Julie Union

Solana Ranch: Erin Sioari, Jack Bolger, Principle Jerry Jones

Solana Vista: Lucinda Flemming, Adiya Nyberg, Principle Katie Zimmer

Earl Warren Middle School: Sofia Vitale, Emily Michie

Canyon Crest Academy HS: Angela Suastegui

Torrey Pines High School: Jose Becerra

St. James Academy: Lil Mott, Sarah Maloney

Santa Fe Christian: Jessica Garcia, Gemma Luther

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

Mira Costa College

Dr. Sony Cooke submitted a folder of information and introduced some Staff accompanying her. She said that they had 500 students that came from this community and that they had commissioned an economic impact study which showed that its operations and spending of the 3 institutions had a \$300 million impact on North County.

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.

Dr. Ed Seigel stated that he had been a resident for 40 years and that he practiced medicine. He said that everyone knew how it made them feel to sing Jingle Bells at the holidays and how signing Take Me Out to the Ballgame created a sense of unity among little league teams, that as the Chairman of the Public Arts Commission in 2000 and member of the Civic and Historical Society he had the idea of having a city song to create a greater sense of community, that Councilmember Heebner was among those fostering

that idea, that the song had nothing to do with him and only had to do with fostering a sense of community.

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.3.)

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 September 28, 2016.

[Item A.1. Report \(click here\)](#)

Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals. The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.

Motion: Moved by Councilmember Nichols and second by Councilmember Heebner.
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 September 24, 2016 through October 7, 2016.

[Item A.2. Report \(click here\)](#)

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Motion: Moved by Councilmember Nichols and second by Councilmember Heebner.
Approved 5/0 **Motion carried unanimously.**

A.3. General Fund Adopted Budget for Fiscal Year 2016-2017 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2016-2017 General Fund Adopted Budget.

[Item A.3. Report \(click here\)](#)

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Motion: Moved by Councilmember Nichols and second by Councilmember Heebner.
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 designees for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Introduce (1st Reading) Ordinance 471 – Building and Fire Code Updates. (File 0800-90)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find the project categorically exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines.
3. Introduce **Ordinance 471** (1st Reading) approving the proposed Building and Fire Code updates, with a local amendment to prohibit the sale and/or use of sky lanterns.

[Item B.1. Report \(click here\)](#)

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Mayor Zito opened the public hearing.

Greg Wade, City Manager, introduced the item.

Bill Chopyk, Community Development Dir., presented PowerPoint (on file)

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

Motion: Moved by Councilmember Heebner and second by Deputy Mayor Zahn. **Approved 5/0 Motion carried unanimously.**

B.2. Introduce (1st Reading) Ordinance 470 – Providing Regulations Concerning Accessory Dwelling Units in Residential Zones. (File 0610-10)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 and Section 15061(b)(3) of the State CEQA Guidelines; and
3. Introduce **Ordinance 470** regulating the development of accessory dwelling units.

[Item B.2. Report \(click here\)](#)

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Mayor Zito opened the public hearing.

Greg Wade, City Manager, introduced the item.

Bill Chopyk, Community Development Dir., PowerPoint (on file).

Council and Staff discussed that storm water was covered in another section of the code that would kick in once impermeable surface was added or storm water issues were identified, which would cause the City to meet all permits with the Board, that storm water permits did not trigger discretionary permits so those code sections would still need to be met, and how reducing development standards would be determined and that it would kick in under discretionary to respond to existing affordable housing unit requirements which would more likely be through a development review permit process.

Council and Staff discussed whether 16 ft. height limit was consistent with normal building permit and it was an adequate height, that it was state law to set a height limit, that applicants could choose to exceed the 16 ft. and kick in a different permit process, and that currently most people could participate because there was always an option to provide for an ADU in their existing home by partitioning a separate entrance and exit for that unit.

Council and Staff continued discussion regarding that fact that if one wanted to build something higher than 16 ft. they would have to go through the structure development permit process, that since Council had approved one higher in the past why they would not consider making the height restriction 22 ft. for a unit over a garage, that state law required the City to establish a height that was easily approved and that anything above that would require a different approval process.

Councilmember Marshall stated that it seemed to force people to go through a stricter process to obtain a more normal ceiling height, that 8 ft. did not seem high enough and that it should be higher.

Johanna Canlas, City Attorney, said that the City had to identify a process that allowed residences to convert a portion of their single family residence to an ADU today without having to go through the discretionary process, and that each project is evaluated on its own merit.

Greg Wade, City Manager, said that most ALU's that had been approved had been single story and had not been above the garage, so had not exceeded 16 ft., that if someone wanted to go to a second story and it exceeded 16 ft. it would trigger a site development review permit process.

Councilmember Marshall stated that the spirit of Governor Brown's bill was to make it easier to increase the housing stock, that this would allow a short ceiling of 8 ft. and create something ugly rather than a vaulted ceiling.

Mayor Zito said that the City not yet have the approval of a coastal plan and wondered if that meant that coastal commission was subject to this law and that it would be added to the mix

of the 120 days' timeline that they were tied to.

Johanna Canlas, City Attorney, said that applicants would usually need to receive their coastal commission exemption before they apply for the building permit and the 120 days would not kick in and that the state law said that the local law needed to establish a ministerial process.

Council and Staff discussed that the 16 ft. height limit restriction came from the view assessment ordinance, that it did not restrict anyone from building over 16ft., that the purpose of the view assessment ordinance was to protect views and encourage private property owners to work together before having to have a commission rule on their conflicts, that this was trying to protect rights of home owners through another process, to balance the value of both rights, that there was more than one process for them to pick from, and that the property owner needed to evaluate what worked for them.

Discussion continued regarding that when one went through his ministerial process and built something under 16 ft. then the view assessment was not triggered because it was under the threshold, that it was not the lowest that the city could use as a trigger but it was kept at this time as is.

Motion: Moved by Councilmember Marshall and second by Councilmember Heebner to close the public hearing. **Approved 5/0 Motion carried unanimously.**

Councilmember Marshall said that the one issue she had with it now was that 4.(l) was overly restrictive, for example if she owned a home and built an ALU and rented it out to a single person, and her husband was transferred out of state for three years but they would want to return, and that in the meantime she would need to rent out the main house but would be restricted from doing so and could only do so if she evicted her tenant in the ALU in order to rent out the main house.

Johanna Canlas, City Attorney, stated that this provision had existed for 16 years in the code, like the size with ADU it was kept in line with the state; it was a protection with the neighborhood if they had any issues with the tenants.

Councilmember Marshall said that she felt that it seemed discriminatory towards renters and that it did not help encourage affordable housing.

Johanna Canlas, City Attorney, stated that the rental of the property is a private agreement so the property owner and the tenant may have their own private arrangements, that she was just explaining what was discussed back when the regulation was originally established.

Mayor Zito said that this section was in the code for 16 years and there had not been a complaint about it in that time, that without such a clause an owner could potentially have 2 Airbnb's on their property instead of just one.

Deputy Mayor Zahn had been some issues with rentals like Airbnb in the area and that those situations could only get worse so he was agreed with keeping the provision.

Councilmember Marshall said that she would never rent out her house to Airbnb but would get stable family with kids who wanted to go to school in Solana Beach and a stable professional for the other rental, and maybe could consider to add that it would have to a long term renter of six months or a year.

Councilmember Heebner said that she was supportive of the ordinance as it was written and that subsection L that the owner can include the lessee of the front of the main dwelling unit so they could be the holder of the lease of the ADU.

Motion: Moved by Councilmember Nichols and second by Deputy Mayor Zahn. **Approved 4/0/1** (Noes: Councilmember Marshall) **Motion carried.**

C. STAFF REPORTS: (C.1. - C.2.)
Submit speaker slips to the City Clerk.

C.1. La Colonia Park & Community Center Improvement Project Update. (File 0720-15)

Recommendation: That the City Council

1. Receive this report and provide direction on the proposed Tenant Improvement Project of the La Colonia Community Center and on the use of the projected Fiscal Year 2015-16 budget surplus.

[Item C.1. Report \(click here\)](#)

[C.1. Supplemental Documents - R](#)

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Greg Wade, City Manager, PowerPoint (on file)

Kelly Harless said that she hoped that Council would approve proceeding with it, that her son needed a place to skate so he and others were not skating on other parts of the parks.

Linda Swindell stated that she thanked the Council on behalf of the Parks and Recreation Commission and asked that they direct surplus funds towards the project, that there was a lot of community support and interest at the event for this project, the community was supportive to donate towards the cost, and asked the city to keep the Parks and Recreation Commission alerted to what was going on with the project and any other related items to parks in the city,

Council and Staff discussion ensued regarding a total cost to complete the internal improvements as well as the skate park including some additional grading adjustment costs would total approximately \$450,000 which did not include the basketball court, and how to apply some of the surplus funds to this project.

Motion: Moved by Councilmember Heebner and second by Councilmember Nichols. Approved 5/0 to direct Staff to proceed with designating \$300,000 from the General Fund to the CIP Fund and establish a reserve for that amount in the City CIP fund, approving a budget amendment to the 2016 budget to record the transfer and establishment of the reserve. Funds would be established in a reserve named La Colonia Master Plan – Skate Park and sub-designation for Skate Park. **Motion carried unanimously.**

C.2. Public Arts Citizen Commission Appointment. (File 0120-05)

Recommendation: That the City Council

1. Appoint one (1) member to the Public Arts Commission nominated/appointed by *Council-at-large* for a term ending January 2018.

[Item C.2. Report \(click here\)](#)

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Councilmember Heebner nominated Brad Auerbach.

Motion: Moved by Councilmember Heebner and second by Councilmember Nichols. Approved 5/0 appointing Brad Auerbach. **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 at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS:

Regional Committees: (outside agencies, appointed by this Council)

- a. City Selection Committee (meets twice a year) – Nichols, Zahn (alternate).
- b. County Service Area 17 – Zahn, Marshall (alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities' San Diego County Executive Committee – Nichols, Zahn (alternate) and any subcommittees.
- e. League of Ca. Cities' Local Legislative Committee – Nichols, Zahn (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) – Nichols, Heebner (alternate).
- g. North County Dispatch JPA – Zahn, Nichols (alternate).
- h. North County Transit District – Nichols, Heebner (1st alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols, Zahn (alternate).
- j. SANDAG – Heebner (Primary), Nichols (1st alternate), Zito (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee – Nichols, Heebner (alternate).
- l. San Dieguito River Valley JPA – Zito, Zahn (alternate).
- m. San Elijo JPA – Marshall, Zito (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee – Heebner, Nichols.

Standing Committees: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee – Zito, Zahn.
- b. Highway 101 / Cedros Ave. Development Committee – Heebner, Nichols.
- c. I-5 Construction Committee – Heebner, Zito.
- d. Parks and Recreation Committee – Heebner, Nichols.
- e. Public Arts Committee – Nichols, Zito.
- f. School Relations Committee – Marshall, Zahn.

ADJOURN:

Mayor Zito adjourned the meeting at 7:40 p.m.

Angela Ivey, City Clerk

Approved: November 9, 2016