



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

Joint REGULAR Meeting
Wednesday, July 12, 2023 * 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](#).

<u>CITY COUNCILMEMBERS</u>		
Lesa Heebner Mayor		
David A. Zito Councilmember District 1		Jewel Edson Councilmember District 3
Kristi Becker Councilmember District 2		Jill MacDonald Councilmember District 4

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:15 p.m.

- Present: Lesa Heebner, David A. Zito, Jewel Edson, Kristi Becker, Jill MacDonald
 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.
 Rachel Jacobs, Finance Dir.
 Joseph Lim, Community Development Dir.

CLOSED SESSION REPORT: None

FLAG SALUTE:

APPROVAL OF AGENDA:

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

ORAL COMMUNICATIONS:

Comments relating to items on this evening's agenda are taken at the time the items are heard. 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. 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. No donations of time are permitted (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

Howard Rosen asked that City Council meet regarding the problem with the short term vacation rentals (STVR) and said that a new rental was on Santa Rosita which was renting to several renters within the same week, that no permit was posted on the window, that he and neighbors had filed complaints, that STVRs would depreciate the value of homes, that he requested that they be banned in the City, and that if they are not banned that they should have a capped number of STVRs in the same place, that a full week should be enforced, the maximum capacity of people allowed should be based on the size of the home, that cars must be parked in the garage, and that permits should be visible from the streets and not obscured by bushes and structures.

Council stated that there had been a meeting on this topic in May and there would be another one in September to address their concerns, consider restrictions, that a party house was disruptive to a neighborhood, and balancing property owners' need to rent their homes.

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.8.)

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 heard immediately after approval of the Consent Calendar to hear the public speaker.

All speakers should refer to the public comment section at the beginning of the agenda for details. Please be aware of the timer light on the Council Dais.

A.1. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for June 10, 2023 – June 23, 2023.

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

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

A.2. General Fund Adopted Budget for Fiscal Year 2022/2023 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2022/2023 General Fund Adopted Budget.

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

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

A.3. Citywide Traffic Speed Survey Validation. (File 0860-45)

Recommendation: That the City Council

1. Adopt **Resolution 2023-093**:
 - a. Validating the 2023 Citywide Engineering and Traffic Speed Surveys performed by Minagar and Associates.
 - b. Declaring upon the basis of the 2023 Citywide Engineering and Traffic Speed Surveys that the speed limits listed in Exhibit A shall be effective when appropriate signs giving notice thereof are erected upon the street.

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

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

A.4. Fletcher Cove Park Lithocrete Repairs Project. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2023-081**:
 - a. Authorizing the City Council to accept, as complete, the Fletcher Cove Park Lithocrete Concrete Repairs Project, Bid No. 2022-083, performed by T.B Penick & Sons, Inc.
 - b. Authorizing the Finance Director to appropriate \$4,263 from Fund 450 Sand Replenishment/Transit Occupancy Tax (TOT) to the Fletcher Cove Concrete Repairs project listed in the Capital Improvement Program.
 - c. Authorizing the City Clerk to file a Notice of Completion.

[Item A.4. Report \(click here\)](#)

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

A.5. Fiscal Year 2023/2024 Salary, Classification, Compensation Plans and MOUs.

(File 0530-30)

Recommendation: That the City Council

1. Adopt **Resolution 2023-096** approving the FY 2023/2024 Salary and Compensation schedules.
2. Adopt **Resolution 2023-097** approving the Memoranda of Understanding between the City and the Solana Beach Employee Association-Miscellaneous and between the City and Solana Beach Employee Association-Marine Safety Unit.
3. Authorize the City Treasurer to amend the FY 2023/2024 Adopted Budget accordingly.

[Item A.5. Report \(click here\)](#)

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

A.6. Americans with Disabilities Act (ADA) Pedestrian Ramps Project. (File 0820-15)

Recommendation: That the City Council

1. Adopt **Resolution 2023-094:**

- a. Authorizing the City Council to accept, as complete, the ADA Pedestrian Ramps, Bid No. 2023-02, constructed by Portillo Concrete.
- b. Authorizing the City Clerk to file a Notice of Completion.

[Item A.6. Report \(click here\)](#)

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

A.7. Federal Public Affairs Consultant Services. (File 0480-80)

Recommendation: That the City Council

1. Adopt **Resolution 2023-098** authorizing the City Manager to extend and amend the Professional Services Agreement with Warwick Consulting Group.

[Item A.7. Report \(click here\)](#)

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

A.8. Response to San Diego County Grand Jury Report “Housing in San Diego County”. (File 0470-80)

Recommendation: That the City Council

1. Adopt **Resolution 2023-099**, approving the response to the Grand Jury Report and authorize the Mayor and the City Manager to sign the response.

[Item A.8. Report \(click here\)](#)

[Item A.8. Supplemental Docs \(updated 7-12-23 at 10am\)](#)

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.

This item was pulled by a member of the public for public comment.

Greg Wade, City Manager, introduced the item.

Kristin Brinner spoke about her support for a letter submitted by Jonathan Goodmacher, that it appeared that funding would be needed for the City to assist in the development of affordable housing, that additional assistance could be to reform the code to ease the development of ADUs in the way of time consuming process and expense, and adding to the

grand jury response that the City should be more proactive in working with NCTD on moving an RFP forward.

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

B. PUBLIC HEARINGS: (B.1.)

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 should refer to the public comment section at the beginning of the agenda for time allotment.* Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: 255 S. Nardo, Applicant: Harris, Case: DRP22-023, SDP22-022. (File 0600-40)

The proposed project meets the minimum zoning requirements under the SBMC, may be found to be consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP and SDP. Therefore, Staff recommends that the City Council:

1. Conduct the 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 15301 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-075** conditionally approving a DRP and SDP to construct a 790 square foot addition to an existing two-story single-family residence with an attached garage and perform associated site improvements at 255 S. Nardo Avenue, Solana Beach.

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

[Item B.1. Supplemental Docs \(Updated 7-12-23 at 10am\)](#)

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Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Erica Harris, Applicant, introduced herself and her family and their intention to make this their home.

Council and Applicant discussed the trees and that all would stay but maybe one tree.

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

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

C. STAFF REPORTS: (C.1. – C.2.)

Submit speaker slips to the City Clerk.

All speakers should refer to the public comment section at the beginning of the agenda for time allotments. Please be aware of the timer light on the Council Dais.

C.1. Accessory Dwelling Unit (ADU) Update and Discussion. (File 0610-10)

Recommendation: That the City Council

1. Provide input and direction regarding the City's ADU regulations.

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

[Item C.1. Supplemental Docs \(updated 7-12-23 at 1:55pm\)](#)

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Greg Wade, City Manager, introduced the item.

John Delmer, Assistant Planner, presented a PowerPoint (on file) reviewing possible revisions of Accessory Dwelling Unit to be consistent with the City's newly adopted Housing Element.

Andy Crocker spoke about the need for some streamlined process, consistent with State regulations, for ADUs to assist their clients who want to build, and that the priority issues have been the fire zone and grading issues.

Kristin Brinner spoke about two friends that were unable to build ADUs because of the sensitive areas of the City, that exempting excavation immediately below the habitable area is a great idea, considering that stabilizations of bluff or canyon areas not be required to preserve the natural bluffs and canyons, and she wondered what prevented the 66 applications of the 90 submitted last year from being built and whether some of these revisions might address why some projects were not built.

Mark Mariani spoke about having put in an application to convert an existing permitted structure into an ADU that was denied and said that it was within the hillside overlay zone, that the lot was 22,000 sq. ft., the pool was 20 ft. from the hillside overlay, and the proposed ADU was 120 ft. to the other end of the property, that a blanket prohibition prevented it from approval, that they had conducted a biological survey and plant inventory and asked that Council consideration reasonable requests in these revisions.

Council discussed grading and exempting 50 cubic yards of excavation not counting the cut but counting the fill.

Council agreed with the Staff recommendation on Environmentally Sensitive Habitat Area (ESHA).

Council agreed with Staff recommendation of the bluff top properties.

Council discussed the Hillside Overlay Zone and the slope analysis required to determine any restrictions, that regulations preclude development on a slope that exceeds 25% except for a single family home, that a survey may provide appropriate topography lines that would satisfy the slope conditions and thereby not requiring a slope analysis be prepared by a licensed civil engineer, soils, or geographical engineer, how a slope is determined by the rise and run of the slope, and that insurance companies in the State were now restricting or not issuing new insurance policies.

Council discussed the Wildlife Urban Interface (WUI) – Very High Hazard Severity Zone and a policy that would allow for it in high fire zone areas but still requiring it to be protected above and beyond what a normal structure might require to prevent causes of a wildfire or expansion of fire issues.

Council agreed to leave off-street parking as is with no changes.

Council discussed the Pre-Approved Accessory Dwelling Unit Program (PADU) and that roofs would be required to match the primary residences, providing options to choose from in the pre-approved designs, asking the architect for suggestions on 3 or 4 designs, the complete package submittal would include the site plan, utility connection, the chosen plan, that current ADUs take about four to five months to process, there would not be any comments required by the building department but may require reviews by Engineering for grading and Planning department for setbacks, and that the process time would be reduced significantly.

This item would return Council with updates from direction provided.

C.2. Electric Bicycle Safety Measures. (File 0250-00)

Recommendation: That the City Council

1. Discuss options for e-bike safety and education programs in coordination with the Sheriff's Department and receive direction on options related to both education and enforcement actions in the City.

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

[Item C.2. Supplemental Docs \(updated 7-12-23 at 1:20pm\)](#)

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Greg Wade, City Manager, introduced the item.

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

Sheriff's Captain Lawrence said that they had collaborated with Earl Warren and open to further collaboration with the City and Solana Beach School District.

Avery Kapsch and Tessa Koff spoke about concerns of people wearing ear pods, not wearing helmets, using phones while on the bike, teaching kids the dangers of these issues, the safety class at Earl Warren that was basic but not helpful with how to merge into other lanes on the road and where you can and cannot bike, and that the class should be a more physical in person experience with a safety specialist.

Council and Speakers discussed providing the feedback to the class instructors at Earl Warren, that the ebike training did not cover moving over to a left hand turn lane and that it was more about how to start an ebike and use lights at night, the concerns of riding the main hill on Lomas Santa Fe east of the freeway, the speed, and many bumps in the road, and that they both have Life360 which is a way for their parents to track where they are at all times.

Jill Cooper said she was in support of the education emphasizing on road training, she thanked Council for funding Bike/Walk/Solana with a community grant, that she feels confident riding an ebike since she took a safe cycling class.

Karl Rudnick said that he was a certified League of American Bicyclist cycling instructor, that motorists need to be more aware since there are more bikes on the road, that a 9-hour smart cycle class is ideal, that there should be education for parents before they buy an ebike for their children, to consider making bike lane improvements on Lomas Santa Fe earlier than the larger project, that they had talked to an ebike shop about selling different throttles for kids and that some shops will disable the throttle and turn it into a class 1, and that a handout or a QR code could be provided at bike shops to parents purchasing ebikes.

Shawna McGarry said she was supportive of the City making it safer for kids, that her own children have ebikes and some areas of the City do not feel safe, that some areas have no bike lanes and cyclists get honked at using the sharrows, that she likes the idea of connecting more with the schools, making more near term effort to improvements on Lomas Santa Fe for the bikes, and thanked Council for the Bike/Walk/Solana funds for safety classes.

Kristin Brinner said that the infrastructure improvements are much needed, walking kids to school is dangerous from cars and bikes, consider short term improvements on Lomas Santa Fe by narrowing car lanes, restricting right hand turns on red lights at Nardo and Stevens intersections, automatic red light enforcement at those intersections, that bike lanes are used for the backup line to pick up children from school, and that garbage cans are left in the bike lanes on Fridays on the north side of Lomas Santa Fe.

Doug Alden said that he appreciated the City being proactive and working with the schools, that adults need to be educated since they model the behavior for children, and to utilize enforcement actions for drivers of ebikes and cars.

Council discussed AB530 legislation to create an ebike training and licensing program and prohibit ages 12 years and younger from riding ebikes, concerns about age or experience and

focusing on training, conditions of the bike lanes, the bike lane east bound on Lomas Santa Fe was rough with a lot of gravel, getting bike infrastructure in top shape, construction signs placed in the bike lane, taking a regional Sheriff's approach, the inconsistency of rules in different cities, more street sweeping for gravel, adding paint where it helps direct bikes and cars, requiring bike shops to share a handout when they are purchasing a bike for a minor, whether a speed limit could be established and enforced, working with Assemblymen Tasha Boerner and legislation, and possibly adding in a bike and cyclist education at the DMV when getting a driver license.

Captain Lawrence said that education, infrastructure, and enforcement are the keys, that behavior starts at home, that much of Solana Beach traffic was transitory, and that a retraining of drivers is necessary.

Council and Staff discussed the Lomas Santa Fe improvements and hoping the project will be out to bid by the end of the year, that temporary improvements of paint could be done earlier, considering widening of some bike lanes, coordinating with the schools, issue with obtaining insurance for in-person safety classes, and local bike companies that do offer on road training.

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 8:33 p.m.

Angela Ivey, City Clerk

Approved: August 23, 2023