

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting  
Wednesday, November 09, 2022 \* 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

**Lesa Heebner, Mayor**

**Kelly Harless, Deputy Mayor**

**David A. Zito, Councilmember**

**Jewel Edson, Councilmember**

**Kristi Becker, Councilmember**

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

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### **CALL TO ORDER AND ROLL CALL:**

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

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

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.

Joseph Lim, Community Development Dir.

### **CLOSED SESSION REPORT: None**

### **FLAG SALUTE:**

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

Santa Fe Irrigation District – Lake Hodges

Al Lau, General Manager, and Seth Gates, Administrative Services Manager, of Santa Fe Irrigation District, presented a PowerPoint (on file). They spoke about the agency, Lake Hodges repair work, and the impact of the repairs to the cost of the service/water rates.

Council and speakers discussed that most of Solana Beach was in Tier 1, at 32 units on a bimonthly basis or approximately 750 gallons, because of its low use, that options were being explored on how San Diego might be charged for the higher use offsetting the lower user's cost, how and when reserves are used as a rate stabilizer, that Poseidon's desalination

plant was currently near \$3,000 per acre-foot, that they were exploring other water sources such as recycling including potable reuse, restoring the local water rights, compliance with California's Proposition 218 as related to cost of service, continuing to use the data to drive and develop the tiers to match customer size and use, and automated meters.

### **APPROVAL OF AGENDA:**

**Motion:** Moved by Deputy Mayor Harless and second by Councilmember Edson to approve. **Approved 5/0.** Ayes: Heebner, Harless, Zito, Edson, Becker. 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.

Peter Cohen thanked the Council for their work.

Lisa Montes spoke about the Solana Highlands demolition and renovation, that there are families in those 190 apartments that are being displaced, the need to assist some of these families to stay nearby for school and work, and that she was here to help translate for some of them to address Council.

Cadsandra Castillo spoke about living in Solana Highlands, volunteering at the Dia de los Meurtos event, and not wanting to leave the area since she grew up there and goes to school there and is involved in groups and clubs.

Saul Castillo spoke about living in Solana Highlands and that really liked his school and wanted to stay.

Estafani Castillo spoke about living in Solana Highlands, that he was in the 11<sup>th</sup> grade at Torrey Pines High School, learning English, being involved in clubs and recreation, loving the community, and how he would like to stay in Solana Beach.

Alicia Campos spoke about her grandkids living here and going to school, their not wanting to go back to places they lived before because it was unsafe, the kids being depressed having to think about leaving this environment, all other apartments had long waiting lists, her growing up here and going to Skyline, working nearby at UCSD, feeling safe in this community, the many families with the same situation, and how some families were scared to come and speak.

Charlie Cruz spoke about being a resident of Solana Highlands with a park nearby and his school Earl Warren, many families relying on this location because there were no other affordable options in the area, the area having a park and a corner store, and the difficulty in converting their lifestyle to something far away and completely different.

Maria Cadenas spoke about not wanting to leave the area because she has a doctor nearby, shopping, medication, and a senior citizen group.

Irma Duran spoke about having three children at schools in Solana Beach that were involved in the community, having her doctor and job here, and not wanting to leave the community.

Oscar Castillo spoke about attending Skyline and living in Solana Highlands, not wanting to leave the area, having a lot of friends and wanting to graduate from Skyline to Earl Warren, and his mom having her job nearby.

Council discussed that the project was approved doubling the living units as the State requires the City to build more housing, the new places being more expensive, the additional 32 affordable units, have talked to Supervisor Terra Lawson-Remir to discuss possible relocation funds for those displaced, that students would usually be allowed to finish out the school year at the same school, that Fenton/Solana Highlands gave a one year notice, that they would offer a relocation fee of equal to one month's rent to anyone who had a 12-month or longer lease, that they would be giving those displaced priority to some of their other properties in San Diego county, and priority at the newly built Solana Highlands, and asked the community to share any local rental options with the Mayor that would be passed on to these families, and their appreciation for the speakers.

### **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 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. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held on September 28, 2022.

Approved Minutes <https://www.cityofsolanabeach.org/en/government/public-meetings/agendas-minutes-videos>

**Motion:** Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Heebner, Harless, Zito, Edson, Becker. 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 October 08, 2022 – October 21, 2022.

[Item A.2. 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 Edson and second by Councilmember Becker to approve.

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

**A.3. 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.3. Report \(click here\)](#)

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

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

**A.4. Sewer & Storm Drain Rehabilitation Project – Notice of Completion.** (File 1040-26)

Recommendation: That the City Council

1. Adopt **Resolution 2022-126:**
  - a. Authorizing the City Council to accept, as complete, the Sewer & Storm Drain Rehabilitation Project, Bid No. 2021-03, performed by Nu-Line Technologies.
  - b. Authorizing the City Clerk to file a Notice of Completion.

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

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

**Approved 5/0.** Ayes: Heebner, Harless, Zito, Edson, Becker. 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: 632 Marvista Dr., Applicant: Douglas App, Case: MOD22-002**  
(File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings to approve a modification to the approved 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 2022-128** conditionally approving a modification to the DRP and SDP to add three pop-ups to the lower-level eastern roof at 632 Marvista Drive, Solana Beach.

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

[Item B.1. Supplemental Docs \(updated 11-09-22 at 2pm\)](#)

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

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed the pop ups sticking out beyond the area of the original project which was over 16 ft. and story poled, that the additional height required story poles and a view assessment, and that the pop ups did not exceed 17 inches above the finished surface of the roof.

Brian Church, Applicant's Architect, spoke about the construction next door discovering that the ADU and the roof deck had a view into the master bedroom and bath so they solved the issue with roller shades for privacy which changed the direction of the roof framing which caused an issue with room for the HVAC fan coil units.

Council and Applicant discussed that the concern in the original project HVAC unit noise concern was fixed by putting the units on the ground rather than the roof and that only the HVAC blower would be on the roof as well as enclosed.

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

Council discussed that the issue arose due to an unexpected change, that the solar panels were not going to exceed 17 inches in height, and that Council needs to consider how to handle these types of unexpected changes in future projects.

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

**C. STAFF REPORTS:** (C.1. – C.3.)

*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. Outdoor Dining Regulations Discussion.** (File 600-10)

Recommendation: That the City Council

1. Provide direction regarding outdoor dining/sidewalk café regulations.

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

[Item C.1. Supplemental Docs \(updated 11-09-22 at 4pm\)](#)

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Greg Wade, City Manager, presented a PowerPoint (on file) reviewing the history of the COVID Temporary Use Permit policy.

Marie Brawn said she and her husband own Homestead Solana Beach, that they appreciated the outdoor use permit that helped them stay in business, that they would ask Council to make it permanent, and that they were united with other restauranters to make Solana Beach a destination for travelers and residents.

Shawna McGarry said that she looked forward to working on requirements and standards for permanent outdoor seating in Solana Beach, appreciated the temporary use thus far, the benefit to quality of life, that people loved to eat outside, that commercial spaces need to adapt land use codes in Solana Beach for the use of space, that businesses would thrive if outdoor seating is maintained and would support a more sustainable environmental, to encourage people to use e-bikes to travel to restaurants and bars leaving more parking for those who want to drive, that there are many empty parking spots around the City, and that the commercial areas close to the coast around Highway 101 should more focused on a walking community.

Council discussed recognizing the benefits that outdoor dining had on the community, that Council needed to decide what to do as this would be expiring, making it a permanent feature of the community, some more work may need to be done for the code, standards to consider for a permanent policy, a Council subcommittee to work together to bring back for a permanent solution, timeline for a year until it can be finished, to consider Zito and Edson for a committee since they serve on the Business Liaison Committee, that outdoor dining made the City more inviting, to address the importance of businesses and neighbors' concerns with parking and noise, to restrict to only dining establishments for now, look at parking requirements to support these types of businesses, whether to open it up to new businesses, some parking spaces being used temporarily are public parking and may conflict with the Coastal Commissions requirements of public parking near the coast, keeping the sidewalk clear, and extending the temporary permit for year while a subcommittee works on more permanent code changes.

**Motion:** Moved by Councilmember Zito and second by Councilmember Edson to extend it for one year and limit it to establishments that serve food. **Approved 5/0.** Ayes: Heebner, Harless, Zito, Edson, Becker. Noes: None. Motion carried unanimously.

**C.2. This item number was intentionally skipped.**

**C.3. Adopt (2<sup>nd</sup> Reading) Ordinances 528 and 529 – Building Standards Code Amendments.** (File 0600-05)

Recommendation: That the City Council

1. Adopt **Ordinance 528 and Ordinance 529** amending Title 15 of the Solana Beach Municipal Code.

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

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Johanna Canlas, City Attorney, read the title of the ordinance.

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

#### **WORK PLAN COMMENTS:**

*Adopted June 22, 2022*

#### **COMPENSATION & REIMBURSEMENT DISCLOSURE:**

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 7:56 p.m.

Angela Ivey, City Clerk,

Council Approved: December 9, 2022