

# CITY OF SOLANA BEACH

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



## AGENDA

Joint REGULAR Meeting  
Wednesday, April 26, 2023 \* 6:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

**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

**David A. Zito**  
Deputy Mayor / Councilmember District 1

**Kristi Becker**  
Councilmember District 2

**Jewel Edson**  
Councilmember District 3

**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 6:20 p.m.

Present: Lesa Heebner, David A. Zito, Jewel Edson, Kristi Becker, Jill MacDonald

Absent: None

Also Dan King, Assistant City Manager

Present: Johanna Canlas, City Attorney  
Angela Ivey, City Clerk  
Mo Sammak, City Engineer/Public Works Dir.  
Joseph Lim, Community Development Dir.

**CLOSED SESSION REPORT:** None

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

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

**PROCLAMATIONS/CERTIFICATES:** *Ceremonial*

- Bike Month

Mayor Heebner read the proclamation.

Jill and Carl Rudnick accepted the proclamation and spoke about the community grant that made two recent Solana Beach tours possible, two upcoming events, a tour and scavenger hunt, finding all events and updates on [bikewalksolana.org](http://bikewalksolana.org).

### **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.

Peggy Walker, San Dieguito Alliance of Drug Free Youth, spoke about California Assembly Bill 1207, the Cannabis Candy Child Safety Act, and asked for Council's support, the regulatory and enforcement efforts for Prop 64 promising the industry would not market or advertise products directly to children had failed, statistics of cannabis poisoning of children, AB1207's purpose to clarify the definition of what is attractive to children and more clearly prohibit the sales, manufacturing, packaging, or marketing of these products to children.

The City Council nodded in agreement that they would support the bill.

Rosette Garcia, League of Women's Voters of North County San Diego, stated that they request an agenda item regarding their proposal to host a candidate forum for the next City Council and Mayoral elections, that their hosted forums were the most effective and efficient platform, the benefits of candidate forums to the community, that the best place was at City Hall due to the available technical abilities, and that their website was [www.lwvncsd.org](http://www.lwvncsd.org) for the organization's information.

### **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 March 22, 2023.

**Motion:** Moved by Councilmember Edson and second by Councilmember Becker to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. 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 March 25, 2023 – April 07, 2023.

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

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

**A.4. Local Conflict of Interest Code Update.** (File 0440-20)

Recommendation: That the City Council

1. Adopt **Resolution 2023-043** adopting an amended Solana Beach Conflict of Interest Code.

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

**B. PUBLIC HEARINGS:** (B.1. – B.4.)

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: 502 S. Rios Ave., Applicant: Buchanan, Case: DRP22-012.**  
(File 0600-40)

The proposed project meets the minimum objective 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. 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 2023-048** conditionally approving a DRP to construct a remodel, a 203 square-foot conversion of garage area to habitable area, a 176 square-foot addition to the garage, and perform associated site improvements at 502 South Rios Avenue, Solana Beach.
4. Adopt **Resolution 2023-049** vacating the 4 feet of excess public street right-of-way at 502 South Rios Avenue, Solana Beach.

Councilmember Becker recused herself due to property interest within 500 ft. of the project vicinity.

Dan King, Assistant City Manager, introduced the item.

Katie Benson, Sr. Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed the public improvements, curb recommendations, and the irrevocable offer of dedication (IOD).

The Applicant did not have a presentation.

**Motion:** Moved by Deputy Mayor Zito and second by Councilmember Edson to close the public hearing. **Approved 4/0/1.** Ayes: Heebner, Zito, Edson, MacDonald. Noes: None. Absent: Becker (recused). Motion carried.

**Motion:** Moved by Mayor Heebner and second by Deputy Mayor Zito to approve. **Approved 4/0/1.** Ayes: Heebner, Zito, Edson, MacDonald. Noes: None. Absent: Becker (recused). Motion carried.

**B.2. Public Hearing: 658 Marsolan Ave., Applicants: Gumanoykaya & Shlopov, Case: DRP21-018/SDP21-016.** (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. Therefore, should the City Council be able to make the findings to approve the SDP, 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 2023-009** conditionally approving a DRP, and SDP, to demolish the existing single-family residence, construct a replacement multi-level single-family residence of 2,745 square-feet built above a 392 square-foot basement with an attached 509 square-foot basement level two-car garage, and perform associated site improvements at 658 Marsolan Avenue, Solana Beach.

Councilmember Edson recused herself due to property interest within 500 ft. of the project vicinity.

Dan King, Assistant City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Marina Gumanoykaya, Applicant, spoke about the roof decks and their intention to use it to watch sunsets, having her mother-in-law live with them, that they took all comments and made changes to accommodate, and that they did not intend to have roof deck parties.

Steve Dalton, Applicant's Architect, stated that they made changes upon Council's comments that the project was too close to the street, that they reduced the upper deck and upper floor walls, the "waterfall" element had been removed, that more articulation was implemented by redesigning the fascia board of the roof and a recessive color, pop outs, all retaining walls were removed from the front yard and replaced with tiered slope, recessed the garage further for more shadow and depth in front of the garage.

Council and Applicant discussed the improvements, that the design was beautiful, all of the changes were impactful, the intent of the roof deck, the roof decks in the surrounding area, the roof deck adding bulk and scale, the roof deck appeared to be minimally invasive to the structure, and the lack of support of the roof deck, and that people's lives change and owners change so there was no way to ensure how a roof deck may be used over time.

Deputy Mayor Zito stated that he would support this roof deck but that he would support the motion as is.

**Motion:** Moved by Mayor Heebner and second by Councilmember MacDonald to close the public hearing. **Approved 4/0/1.** Ayes: Heebner, Zito, Becker, MacDonald. Noes: None. Absent: Edson (recused). Motion carried.

**Motion:** Moved by Mayor Heebner and second by Councilmember Becker to approve but removing the roof deck. **Approved 4/0/1.** Ayes: Heebner, Zito, Becker, MacDonald. Noes: None. Absent: Edson (recused). Motion carried.

**B.3. Public Hearing: 1466 Santa Luisa, Applicant: Krems, Case: DRP22-005/SDP22-002.** (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. 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 2023-042** conditionally approving a DRP and SDP for an interior remodel and a square footage addition to the existing two-story, single-family residence with an attached garage and associated site improvements at 1466 Santa Luisa, Solana Beach.

Dan King, Assistant City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) and explained that a View Assessment Claim was filed but withdrawn.

Mayor Heebner opened the public hearing.

Council disclosures.

Mr. Krems, Applicant, stated that this was their primary residence for his family and that they designed a house that would meet their functional needs.

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

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

**B.4. Introduction (1<sup>st</sup> Reading) of Ordinance 530 Public Hearing: Zoning text Amendment – San Elijo Hills.** (File 0600-05)

Recommendation: 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. Introduce **Ordinance 530** adding section 17.68.030(C)(1)(c)(i-vii) to the Solana Beach Municipal Code that would allow for modifications to roof structures of legal nonconforming garages that encroach into the required front yard setback and are located in the Low-Medium Residential Zone north of Lomas Santa Fe Drive and east of the Interstate 5 Freeway.

Councilmember MacDonald recused herself due to a property interest within 500 ft. of the project vicinity.

Dan King, Assistant City Manager, introduced the item.

Katie Benson, Sr. Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

**Motion:** Moved by Deputy Mayor Zito and second by Councilmember Becker to close the public hearing. **Approved 4/0/1.** Ayes: Heebner, Zito, Edson, Becker. Noes: None. Absent: MacDonald (recused). Motion carried.

Council discussed the public letters received regarding existing living space above a garage that would be legal nonconforming, that expansion of this area would probably not be appropriate, that the restrictive rules were narrow of the functionality for this area, and that it might be useful citywide.

**Motion:** Moved by Councilmember Becker and second by Councilmember Edson to approve. **Approved 4/0/1.** Ayes: Heebner, Zito, Edson, Becker. Noes: None. Absent: MacDonald (recused). Motion carried.

#### **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 7:44 p.m.

Angela Ivey, City Clerk

Council Approved: May 24, 2023