

# CITY OF SOLANA BEACH

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



## MINUTES

Joint REGULAR Meeting  
Wednesday, May 24, 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

**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 6:10 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.

Rod Greek, Interim Finance 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.

- San Dieguito River Park JPA

Shawna Anderson, Executive Dir. San Dieguito River Park JPA, spoke about how the JPA was formed with many founders from Solana Beach.

Leana Bulay, Sr. Interpretive Ranger, presented a PowerPoint (on file) reviewing their programs.

- San Diego County Fair

Carlene Moore, CEO 22<sup>nd</sup> District Agricultural Association, spoke about this year's county fair, the theme being "Get out There" with a focus on recreational opportunities, parks, beaches, lagoons, and she showed a video.

**PROCLAMATIONS/CERTIFICATES:** *Ceremonial*

- National Public Works Week

Mayor Heebner presented the proclamation to the Solana Beach Public Works Dept.

Michelle Stribling, Solana Beach Civic and Historical Society, thanked the Public Works team for all of their work on the 125-year-old museum.

Cindi Clemons thanked the Public Works department for its leadership, partnership, and assistance on their project areas.

Luis Carrillo, Public Works Manager, thanked the Council for the proclamation and their support. He thanked the Public Works team for their hard work and dedication to the community.

- Gun Violence Awareness Day

Mayor Heebner presented the proclamation.

Laura Hoover thanked the Council for issuing the proclamation. She said that, as an educator, she has lost 3 former students to gun violence and that she felt passionate about the safety for all human beings.

Cindi Clemons spoke about today being the anniversary of the 19 people killed in Uvalde, asked for the public to support Senate Bill 25 banning assault weapons, and thanked Council for highlighting this national issue.

**APPROVAL OF AGENDA:**

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

Sarah Shulkin, Parks and Recreation Commission, said that they were encouraged with the Age Friendly Action Plan and had suggestions for social participation regular programs that would be low cost for the City, free to citizens, and easily accessible. She said that the Commission had some ideas including nature walks, craft activities at La Colonia Community Center, that they would be willing to assist, and asked that the City dedicate some resources to implement these ideas. She said that regarding the Glenmont Pocket Park, she would ask that the City focus on native plants.

Michele Jaffe spoke about the need for activities for the Age Friendly Plan, that it would require additional Staff to assist in the programs and would be beyond the volunteer capabilities of the Parks and Recreation Commission members such as someone committing to guide a weekly walk. She said that she hoped that the urban vegetable garden plots would be included in the Glenmont Pocket Park to bring people together.

**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.6.)

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 April 26, 2023.

**Motion:** Moved by Deputy Mayor Zito and second by Councilmember Edson 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 April 22, 2023 – May 05, 2023.

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

**A.4. Citywide Landscape Maintenance Services.** (File 0750-25)

Recommendation: That the City Council

1. Adopt **Resolution 2023-047:**
  - a. Authorizing the City Manager to execute a Professional Services Agreement with Nissho of California, Inc., in an amount not to exceed \$388,652.84, for Citywide Landscape Maintenance effective July 1, 2023, for Fiscal Year 2023/24.
  - b. Authorizing the City Manager to extend the agreement for up to four additional one-year terms, at the City's option, at an amount not to exceed the amount budgeted in each subsequent year.

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

**A.5. Economic Consulting Services.** (File 0390-00)

Recommendation: That the City Council

1. Adopt **Resolution 2023-066** authorizing the City Manager to execute an amendment to the Professional Services Agreement, in an amount not to exceed \$55,000, with Keyser Marston Associates, Inc. for economic consulting services.
2. Authorize an appropriation of \$30,000 from the Professional Services account in the City Manager's department.
3. Authorize the City Treasurer to amend the FY 2023/2024 Budget accordingly.

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

**A.6. 2023 Multi-Jurisdictional Hazard Mitigation Plan Update.** (File 0240-30)

Recommendation: That the City Council

1. Adopt **Resolution 2023-065** approving the updated City of Solana Beach Annex of the 2023 Multi-Jurisdictional Hazard Mitigation Plan.

**Motion:** Moved by Deputy Mayor 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: 228 N. Helix Ave., Applicant: Ryan Bowers, Case No.: DRP22-013, SDP22-011.** (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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-064** conditionally approving a DRP and SDP, for a new two-story, single-family residence with a fully subterranean basement and an attached two-car garage and perform associated site improvements at 228 North Helix Avenue, Solana Beach.

Greg Wade, City Manager, said that the applicant had requested that the item be continued to a date certain of June 14<sup>th</sup>.

Mayor Heebner opened the public hearing.

Council's initial disclosures.

Ryan Bowers, Applicant, said that he wondered if he should continue the story poles as is or could they be lowered and asked how Council would like to see them erected.

Greg Wade, City Manager, stated that Staff could assist the Applicant with guidance on the story poles.

**Motion:** Moved by Deputy Mayor Zito and second by Councilmember Edson to continue the public hearing to a date certain of June 14, 2023. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

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

*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. Short Term Vacation Rental (STVR) Ordinance Discussion.** (File 0610-15)

Recommendation: That the City Council

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

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file) reviewing the history of the code section. He said that there has been a range of 250-350 STVR permits per year, that 90% of code complaints received over the years were due to a lack of permitting or display of permits, that the City of San Diego's ordinance had created four different tiers with caps of the number of STVRs in specific areas.

Kimberly Jackson, Vacation Rentals by Kimberly, said that they manage a handful of vacation rentals in Solana Beach for residents that are out of town for work assignments and other reasons, that their alliance is to the neighborhoods that the visitors are staying in, consider 100-150 unpermitted homes cited in the packet which are usually the culprit in code complaint issues, to direct Staff to pursue fines to un-permitted properties to bring them into compliance, that those residents renting out their homes without permits and rules for their guests give the industry a bad image, and that she would be happy to make contact with owners that are unpermitted to bring them into regulation.

Council and Ms. Jackson discussed that many renters have a second home and use it themselves or they inherited the home, and that she does not take on many condos because of the close proximity to neighbors.

Jessica Solano spoke about cracking down on those not abiding by the rules through code enforcement for the quiet hours, the number of guests, and number of nights, to focus on collecting TOT for the City, and that they would assist with helping build the regulation.

Dave Fox stated that he and his neighbors share some concerns about the effects on neighborhoods, to consider balancing the issue by 1) apply caps for the total days per year allowed such as 20 days a year, 2) to limit rentals in some locations like S. Rios where it's not appropriate for short term rentals in the way that it affects the community, and 3) the total days rented so that short term rentals every weekend would not affect the community as much as a 15-day or longer rental period which would provide more continuity.

Council and Staff discussed that the California Coastal Commission (CCC) requires access to the beach, that the main negotiating point allowing vacation rentals was the number of days

that STVR's could be rented, that Coastal Commission wanted a minimum of 3 day rentals for affordable lodging, that the 7 days was a compromise with the CCC, that the agreement to a 7-day rental was based on the composition of the community with two local hotels that provide short term accommodation, that a cap of the number of days allowed per year would require an amendment to the LUP, that Staff efforts to bring violators into compliance were based on complaints as well as some online reviews, that 3 or more violations in a year can be cause to revoke the permit, that the City had been meeting with consultants to consider more active enforcement on complaints, that the \$500 fine was set in 2003 and the penalties were increased in 2004, and that maybe it was time to increase fines.

Council discussed that it was Council's intent to solicit as much feedback as possible to understand what should be done, that the current ordinance was from 20 years ago before Air BnB and similar services, that enforcement can be tricky, that the City is mandated by the state to create affordable housing where CCC mandates serving visitor and coastal access, that different caps may be assessed to the condo areas, that too many STVRs in a neighborhood loses a sense of the community, the City of San Diego framework had been approved by CCC on a trial basis, maintaining the character of the neighborhoods, consider neighborhood zones with certain criteria specific rules, that the single-family neighborhoods are unique, that most complaints were from single-family homes, that long term renters had been lost to many short-term rentals, that HOAs seem to take care of their issues, that the CCC will only allow a 25% or higher cap on Condo HOAs, that all current STVRs were grandfathered in until there was a change of ownership, software programs and databases used by consultants, that placards with the permit number are currently required to be posted on the structure, an App called Noise Aware for owners to be notified, surprised that there were not more official complaints, that residents need to report if there are issues, that STVRs are depended on for family income and that visitors do support the local economy, that condos were often bought to be used for rentals, that long term neighbors do not use their pool daily with outdoor BBQs and loud noise, and that Staff will use these comments to prepare a program to bring to Council, the value visitors coming to the community, balancing the peace of the neighborhoods, and the conflicts between the Coastal Act and the State's mandate for more affordable housing.

**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 8:08 p.m. in honor of Alan Smerican.

Angela Ivey, City Clerk

Council Approved: June 14, 2023