

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 25, 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

SPEAKERS:

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

READING OF ORDINANCES AND RESOLUTIONS:

Pursuant to [Solana Beach Municipal Code](#) Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

CALL TO ORDER AND ROLL CALL:

Mayor Heebner called the meeting to order at 6:19 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 Deputy Mayor Zito and second by Councilmember Edson to approve. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

PROCLAMATIONS/CERTIFICATES: *Ceremonial*

- Red Ribbon Week

Mayor Heebner read the proclamation and presented one to Skyline Elementary, Earl Warren Middle School, San Dieguito Academy, and Solana Vista Elementary.

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction. None at the posting of this agenda

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.

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.

A.1. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the City Council meetings held on September 27, 2023 and October 2, 2023.

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

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 September 23, 2023 – October 06, 2023.

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

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 2023/2024 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2023-2024 General Fund Adopted Budget.

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

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. Salary Schedule and Position Updates. (File 0510-00)

Recommendation: That the City Council

1. Adopt **Resolution 2023-118** approving the updated FY 2023/2024 Salary and Compensation schedules, the addition of a full-time staff to the Engineering Department, and the creation and addition of a Recreation Programs Coordinator position to the City's Classification and Compensation Plan.
2. Authorize the City Treasurer to amend the FY 2022/2023 Adopted Budget accordingly at mid-year, if necessary.

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

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. – 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: Community Development Block Grant (CDBG) Funds – Americans with Disabilities Act (ADA) Pedestrian Ramp Improvements – Fiscal Year 2024/25. (File 0390-32)

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. Adopt **Resolution 2023-114**:
 - a. Finding that the funding request and project implementation are exempt from the California Environmental Quality Act pursuant to the State CEQA Guidelines.
 - b. Approving the list of public street ADA ramp locations.
 - c. Requesting FY 2024/25 Community Development Block Grant Funds for ADA pedestrian ramp improvements at various public street intersections.
 - d. Finding that all of FY 2024/25 CDBG funds, presently estimated at a total of \$52,132, are designated to be used for ADA pedestrian ramp improvements.
 - e. Authorizing the City Manager to execute the County contract for management and implementation of the CDBG program.

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

Greg Wade, City Manager, introduced the item.

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed that non-existing ADA ramps were prioritized and trying to work in the Safe Routes for Schools items into these projects.

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

B.2. Public Hearing: 611 Seabright Lane, Applicant: Boat, Case: DRP22-017/SDP22-015. (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 2023-112** conditionally approving a DRP and SDP to construct a 119 square-foot second-floor addition with associated improvements to two-story single-family residence at 611 Seabright Lane, Solana Beach.

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

Deputy Mayor Zito recused himself due to property ownership within 500 feet of the project.

This public hearing was continued from the October 11, 2023 Council Meeting.

Greg Wade, City Manager, explained that this item was continued to this date and it is being recommended that it be continued to November 8, 2023.

Council disclosure.

Motion: Moved by Councilmember Becker and second by Councilmember MacDonald to continue the open hearing to November 8th Council Meeting. **Approved 4/0/1.** Ayes: Heebner, Edson, Becker, MacDonald. Absent: Zito (Recused) Noes: None. Motion carried.

B.3. Public Hearing: 446 Seabright Lane, Applicant: Levit, Case: DRP32-003. (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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2023-117** conditionally approving a DRP to demolish a single-story single-family residence, construct a replacement 3,366 square-foot single-family residence with a 716 square-foot partially subterranean two-car garage, and perform associated improvements, Solana Beach.

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

Deputy Mayor Zito recused himself due to property ownership within 500 feet of the project.

Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Darren Levit, Applicant, spoke about his family and said that they had rented in the area for some time before purchasing this home, that they worked with their neighbors to see what would work for them, and that it ended up as a single story floor plan with a subterranean garage.

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

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

B.4. Sidewalk Café / Outside Dining - Introduction (1st Reading) of Ordinance 533. (File 0610-10)

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 533** which updates the City's Sidewalk Café/Outdoor Dining Establishment regulations.

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

[Item B.4. Supplemental Docs \(updated 10-25-23 at 4:45pm\)](#)

Greg Wade, City Manager, introduced the item.

Joe Lim, Community Development Dir., presented a PowerPoint (on file) reviewing the temporary use permit policies during COVID that were due to expire at the end of year and a proposed update to the code regulations prior to COVID to allow outdoor dining.

Mayor Heebner opened the public hearing.

Council disclosures.

David Urich (time donated by Nick Urich) said that he has had his dental practice at the same location on Plata for 23 years, that he and the neighboring restaurant businesses had agreed on the current arrangement of his designated three parking spaces used Monday through Friday 8:00 a.m. to 5:00 p.m. with signage installed, that outdoor dining was allowed to take up parking spaces making it a city sponsored intensification of use that did not include his interests, that this business continues to suffer from COVID, that he has a need for designated

parking spaces due to sedated and disabled patients, that this ordinance would cause financial hardship to he and his patients and deter new patients, and he introduced his land use attorney Robin Madaffer.

Robin Madaffer (continued David Urich's group time) said that outdoor patio and parking lot dining temporarily agreed to by Dr. Urich and the City allowed him three designated parking spaces, this sharing of parking space should be equal and fair among all tenants, that Dr. Urich was abruptly notified to remove his reserved parking signs or face fines and penalties, the ordinance did not address the reduction in parking for the other businesses, and that the agreement with the City allowing Dr. Urich designated parking space was intended to coincide with the outdoor dining patios for Pillbox and Saddle Bar. She said that the City should delay this decision for 30 days to consider a study on its ramifications and adverse effects for all business as well as consider all opposition or renegotiate Dr. Urich's reserved parking agreement. She said that the ordinance could be adopted now but should exclude the Plaza Street public parking lot.

Bryan Labrom spoke as a proponent of outdoor dining for the community spending most of his time in the area and patronizing the local restaurants several times a week, his project in Little Italy that closed the street for pedestrian access and outdoor dining, and his hopes that a reasonable and equitable solution could be found to benefit all involved.

Ryan Jones said that he is one of the owners and operators of Pill Box Tavern and spoke about the benefits of the outdoor patios to their business since COVID hit, that the community feel of this town with regular customers and the patio versatility providing for dog lovers was a unique experience, that the loss of outdoor dining would be devastating to their business and loss of staff, that they had approval from their landlord Grant Fletcher of their arrangement, and agreed that they would like to work with Dr. Urich.

Bryan Fuller, the Boardwalk Shopping Center, said he was seeking clarification on the "50% of sidewalk width, or four feet whichever is greater" as it may pertain to 12 ft. in front of Tidewater, what the Coastal Commission approval may look like in cost and time, and the cost of the City's conditional use permit.

Mayor Heebner said that the state law and local law would expire at the end of this year, that this ordinance was meant to replace the current temporary use permit program to make it long term, that there were a variety of issues addressing public right of way, public parking, and private parking, and balancing the benefits of outdoor dining with issues in a manner that was responsible and aesthetically pleasing, and that they had to balance helping businesses without harming the beach access for the public.

Deputy Mayor Zito, subcommittee member, said that this program was thrown together during COVID as well as waiving business certificate fees for multiple years, that the goal now was to figure out how to continue outdoor dining, that the two main issues were parking and sidewalks, that the subcommittee identified discussion topics to include appropriate maintenance, visual aesthetics, business compliance, business size and space, that the consideration of public parking use was that economic development, visitor serving, and sales tax generated jobs were some justification to allow this path.

Councilmember Edson, subcommittee member, said that there was a need for maintenance requirements, design aesthetics, no additional parking requirements, a DUP or CUP process that would be streamlined, the storage of items during off hours so they were secure and safe, keeping clear walking paths in public areas, consistency of the special use table/chair boundary layout, encroachment permits, insurance and indemnification, existing and new request fees, review of whether public noticing was needed for existing situations, and a lease to use public space, public parking, and sidewalks.

Council discussed needing more data to analyze locations that may have fewer than 10 parking spaces, to not penalize small restaurants that already have no parking, consider using a sliding scale for percentages of a smaller location v. a larger location, weighing the public benefit of the public use and public parking, having a 4-year mandated review period allowing the City to analyze if the regulations still work and whether new things need to be addressed, that a Coastal Development permit would still be required which may run between \$700 and \$7,300, the City fees may run between \$2,200 and \$2,700, and the need for public noticing.

Council continued discussion regarding maintenance including clearing and washing of sidewalks, matching the outdoor dining area to the building's façade, that permits would include an encroachment permit, maybe allocating 4 ft. for all so that it was equitable, any requirements by Alcohol Beverage Compliance (ABC) that may need to extend to the outdoor dining area and delineation between areas of alcohol consumption, requiring neighbor agreement and support, insurance and indemnification, the 50% of indoor area rule to be used for outdoor dining use, and considering a sliding scale.

Motion: Moved by Deputy Mayor 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.

Direction was provided to return to Council with revisions to introduce a revised ordinance.

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. General Fund Update (Unaudited) for Fiscal Year (FY) 2023. (File 0330-30)

Recommendation: That the City Council

1. Accept and file the General Fund Update for FY23.
2. Provide direction to Staff regarding whether to use an amount of the projected General Fund surplus to fund the PARS Irrevocable Trust for Pensions as part of a budget appropriation to the General Fund Unreserved Fund Balance, and other funds as determined by the Finance Department, in FY23.
3. Provide direction to Staff regarding whether to use an amount of the projected General Fund surplus to add funding to the Asset Replacement Fund as part of a budget appropriation to the General Fund Unreserved Fund Balance in FY23.

4. Provide direction to Staff regarding whether to use an amount of the projected General Fund surplus to add funding to the Facilities Replacement Fund as part of a budget appropriation to the General Fund Unreserved Fund Balance in FY23.
5. Approve **Resolution 2023-121** revising appropriations in the FY23 budget.
6. Authorize the City Treasurer to amend the FY23 budget accordingly.

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

[Item C.1. Supplemental Docs \(updated 10-25-23 at 12:50pm\)](#)

Greg Wade, City Manager,

Rachel Jacobs, Finance Dir., presented a PowerPoint (on file).

Kathleen Drummond and Katie Peleseck, Seaweeders, said that they would request that some funds be dedicated to the Glenmont Pocket Park and a new Pollinator Park.

Greg Wade, City Manager, said that the current CIP budget allocated \$350,000 for Glenmont Park.

Council discussed pavers, art, adding funds to the Glenmont Park, consider public donations of tiles, a lease agreement with Santa Fe Irrigation District, and considering allocations to the CIP, PARS, equipment replacement fund, and facilities replacement fund and undesignated reserves, and that they had already allocated an additional \$400,000 from Measure S funds to road improvements.

Motion: Moved by Councilmember Edson and second by Deputy Mayor Zito to approve and designate 600,000 to PARS, \$200,000 to Equipment Replacement, \$200 to Facilities Replacement, \$300,000 to CIP, and designate the remaining funds, just under \$1,000,000, to undesignated reserves. **Approved 5/0.** Ayes: Heebner, Zito, Edson, Becker, MacDonald. Noes: None. Motion carried unanimously.

C.2. Status and Schedule of Work Plan Priority Items and Project Tracking. (File 0410-08)

Recommendation: That the City Council

1. Review the Priority Items included in the Work Plan and give direction to Staff on any modifications to the Work Plan Progress Report such as timing, Staff resources, funding, priorities, etc., as needed.

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

[Item C.2. Supplemental Docs \(updated 10-24-23 at 12:50pm\)](#)

Greg Wade, City Manager, introduced the item.

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

Council discussed the La Colonia Park Master Plan was comprehensive and included the vacant lot, the color scheme of the project status exhibit for pre-design, a three-year review

of prior year, current year, and the future year, Vision Zero, the RFP for the Pearl, and developing an applicant assistant program.

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)

Councilmembers reported Committee activities.

ADJOURN:

Mayor Heebner adjourned the meeting at 8:38 p.m.

Angela Ivey, City Clerk

Council Approved: November 29, 2023