

CITY OF SOLANA BEACH

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



MINUTES

Joint REGULAR Meeting
Wednesday, February 28, 2024 * 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

Jewel Edson
Deputy Mayor / Councilmember District 3

Kristi Becker
Councilmember District 2

Jill MacDonald
Councilmember District 4

David A. Zito
Councilmember District 1

Dan King
Interim City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

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

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

Absent: None

Also Dan King, Interim City Manager

Present: Johanna Canlas, City Attorney
Angela Ivey, City Clerk
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 Zito and second by Deputy Mayor Edson to approve.
Approved 5/0. Ayes: Heebner, Edson, Becker, MacDonald, Zito. 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.

Nosratolla Forutan spoke about being harassed and stalked for the last four years at the place he and his wife rent and had reached out to various parties to help investigate but have made no progress, and that he must rely on elected officials and law enforcement for assistance.

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.

Recommendation: That the City Council

1. Approved the City Council Meetings' Minutes of January 24, 2024.

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

Motion: Moved by Councilmember Becker and second by Deputy Mayor Edson to approve. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. 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 January 27, 2024 – February 09, 2024.

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

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

A.4. Deferred Compensation Retirement Account for Active Employees with the California Public Employees Retirement System (CalPERS). (File 0520-50)

Recommendation: That the City Council

1. Adopt of **Resolution 2024-019** authorizing the establishment of an additional 457 Deferred Compensation Plan by approving the Adoption Agreement between the City and the California Public Employees Retirement System (CalPERS).

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

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

B. PUBLIC HEARINGS: (B.1. – B.3.)

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: 512 Via de La Valle #102, Applicant: Brandon Rogers, Ranch 45, Case: CUP23-002, APN: 298-560-03. (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 CUP. 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 2024-011** conditionally approving a CUP to allow the sale of alcoholic beverages for off-site consumption at 512 Via de La Valle #102, Solana Beach.

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

[Item B.1. Supplemental Docs \(updated 2-28-24 at 4:30pm\)](#)

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.

Dan King, Interim City Manager, introduced the item.

John Delmer, Assistant Planner, presented a PowerPoint (on file).

Mayor Heebner opened the public hearing.

Council disclosures.

Brandon Rogers, Executive Chef, spoke about the business hours requested for 7:00 a.m. to 7:00 p.m. was an oversight and they would request the closing hour be changed to 10:00 p.m. and that the ABC license did not have any time restrictions.

Council discussed parking, menu, and hours of operation.

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

Motion: Moved by Deputy Mayor Edson and second by Councilmember Zito to approve and change the closing hours from 7:00 p.m. to 10:00 p.m. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

B.2. Public Hearing: 504 S. Nardo, Applicant: Ocean Ranch Estates, Case DRP22-025; APN: 298-121-26. (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 2024-002** conditionally approving the construction of new single-story single-family residence, with an attached garage, and perform associated site improvements at 504 South Nardo Avenue, Solana Beach.

[Item B.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.

Councilmember Becker recused herself due to property ownership within 500 feet of the project.

Dan King, Interim City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed the fire access and a bond to secure the construction of the road if anything unforeseen happens to the project.

Nick Nicholas, Applicant, said that he did not have a presentation.

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

B.3. Public Hearing: 411 N. Acacia, Applicant: Lenihan, Case DRP22-019, SDP22-017, APN: 263-052-07 (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 2024-018** conditionally approving a DRP and SDP to construct a new 2,840 square foot, single-family residence with a subterranean basement and a detached garage and perform associated site improvements at 411 N. Acacia.

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

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Councilmember Zito stated that his property was within 1000 ft. and did not present a possible impact to his property and he could be fair and impartial.

Dan King, Interim City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Council and Staff discussed parking options among a tandem or side-by-side garage.

John Jensen, Architect, no presentation.

Patrick Lenihan, Applicant, said that he has a similar driveway down the street, so he is familiar with this driveway layout.

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

Council and Staff discussed the parking area for Tide Park being nearby and the drive could only operate one car at a time with the current design, requiring two parking spaces so that the cars could be pulled out independently, that the width is sufficient for side-by-side parking, and preserving 20 ft. for additional parking.

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

Council and Applicant discussed allocating 20" x 20" space in the back yard area for side-by-side parking.

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

Motion: Moved by Councilmember Zito and second by Deputy Mayor Edson to approve and that an additional 20" x 20" space be allocated for parking. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. 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. 1005 Highland, Applicant: Novak, DRP21-016, Landscape Plan, APN: 298-391-04. (File 0600-40)

Recommendation: That the City Council

The proposed landscape plan has been reviewed by the City's landscape architect, who has determined that the plans meet the minimum objective requirements of SBMC. Therefore, Staff recommends that the City Council:

1. Adopt **Resolution 2024-022** approving the proposed landscape plan for DRP21-016.

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

Dan King, Interim City Manager, introduced the item.

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

John Novak, Landscape Architect, spoke about moving some proposed trees back in the final proposal.

Dr. Juma presented a PowerPoint (on file) and said that his living quarter is on the second story with a unique view of the beach and race track, that the proposed tree modifications did not address his loss of view, that Solana Beach Municipal Code 17.68.04 subsection F states that trees and other large plantings shall not significantly impact views, and that he requests that the height of the tree within his view corridor not exceed 200 ft. above sea level.

Council and Applicant discussed that Dr. Juma had an agreement in 2011 with the former owner that the tree would be trimmed, and that Mr. Novak honored this tree trimming as seen in the 2019 picture.

John Novak stated that there was no agreement and there were no deed restrictions regarding tree trimming, that Dr. Juma had asked him to trim it and he has done as needed for the health of the tree but not cutting the top off for views.

Deputy Mayor Edson stated that on July 13, 2023 Council approved an SDP and DRP with the exception of bringing back the landscape plan due to concerns about tree heights affecting many neighbors, that the art studio height was approved at 205.4 msl (mean sea level) and that now the tree height would be less than the approved structure height, and that she could approve it if the height was 205.4 in height, and requested that Mr. Novak regularly lace the trees.

Council discussed the studio being one small area, that the trees affect a wide range of area, the exceeding growth of certain proposed trees, and that the SDP/DRP approval did not consider this larger area of tree growth.

Motion: Moved by Mayor Heebner and second by Councilmember MacDonald to approve. **Approved 4/0/1.** Ayes: Heebner, Becker, MacDonald, Zito. Noes: Edson. Motion carried.

C.2. This item was removed from the agenda.

C.3. Citizen Commission Appointments to 1) Public Arts Commission and 2) Parks and Recreation Commission. (File 0120-06) – added 02/22/24

1. Appoint one (1) member to the **Parks and Recreation** Commission nominated/appointed by *Council-at-large* for a two-year or one-year term.
2. Appoint one (1) member to the **Public Arts** Commission nominated/appointed by *Council-at-large* for a two-year term.

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

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Dan King, Interim City Manager, introduced the item.

Motion: Moved by Councilmember Becker and second by Deputy Mayor Edson to approve appointing Mariel Mayer to the Public Arts Commission and Roderick Stewart to the Parks and Recreation Commission. **Approved 5/0.** Ayes: Heebner, Edson, Becker, MacDonald, Zito. Noes: None. Motion carried unanimously.

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 7:27 p.m.

Angela Ivey, City Clerk

Approved: April 10, 2024