



# CITY OF SOLANA BEACH

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

## MINUTES

### Joint REGULAR Meeting

Wednesday, December 8, 2021 \* 6:00 p.m.

Teleconference Location Only-City Hall/Council Chambers, 635 S. Highway 101, Solana Beach, California

This meeting will be conducted in accordance with California Government Code sections 54953(e) and 54954.3 and other applicable law.

#### CITY COUNCILMEMBERS

**Lesa Heebner, Mayor**

**Kristi Becker**  
Deputy Mayor

**Kelly Harless**  
Councilmember

**David A. Zito**  
Councilmember  
District 1

**Jewel Edson**  
Councilmember  
District 3

Gregory Wade  
**City Manager**

Johanna Canlas  
**City Attorney**

Angela Ivey  
**City Clerk**

#### **SPEAKERS:**

See Public Participation on the first page of the Agenda for publication participation options.

#### **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 6:17pm

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

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.

Ryan Smith, Finance Dir.

Joseph Lim, Community Development Dir.

#### **CLOSED SESSION REPORT:**

Johanna Canlas, City Attorney, reported that Council voted 5/0 to direct the City Manager to take part in the National Prescription Opiate litigation and execute any and all forms and/or agreement to participate in the national settlement.

#### **FLAG SALUTE:**

## **APPROVAL OF AGENDA:**

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

## **ORAL COMMUNICATIONS: No Speakers**

*Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.*

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 having submitted written comments for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda.

Comments relating to items on this evening's agenda are taken at the time the items are heard. 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 speaker is THREE MINUTES (SBMC 2.04.190).

## **COUNCIL COMMUNITY ANNOUNCEMENTS/ COMMENTARY:**

*An opportunity for City Council to make brief announcements or report on their activities. These items are not agendaized for official City business with no action or substantive discussion.*

### **A. CONSENT CALENDAR: (Action Items) (A.1. - A.7.)**

*Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.*

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 written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SBMC 2.04.190).

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 discussed immediately after approval of the Consent Calendar.

#### **A.1. Minutes of the City Council.**

Recommendation: That the City Council

1. Approve the Minutes of the October 13, 2021 City Council Meeting.

**Approved Minutes:** [https://www.ci.solana-beach.ca.us/index.asp?SEC=F0F12000-21C6-4A88-8AE1-0BC07C1A81A7&Type=B\\_BAS11](https://www.ci.solana-beach.ca.us/index.asp?SEC=F0F12000-21C6-4A88-8AE1-0BC07C1A81A7&Type=B_BAS11)

**Motion:** Moved by Councilmember Edson and second by Deputy Mayor Becker to approve. **Approved 5/0.** Ayes: Heebner, Becker, Harless, Zito, Edson. 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 23, 2021- November 5, 2021.

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

**A.3. General Fund Budget Adjustments for Fiscal Year 2021/2022.** (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2021/2022 General Fund Adopted Budget.

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

**A.4. Local Emergency Teleconferencing.** (File 0240-25)

Recommendation: That the City Council

1. Adopt **Resolution 2021-137** authorizing remote teleconference meetings of the legislative bodies of the City for the period of December 10, 2021 through January 7, 2022 pursuant to the new provisions of the Brown Act.

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

**A.5. This item was left blank.**

**A.6. State Homeland Security Program Grant 2020.** (File 0240-60)

Recommendation: That the City Council

1. Adopt **Resolution 2021-132:**
  - a. Accepting \$12,679 in federal funds from a 2020 State Homeland Security Program (SHSP) grant awarded to the City of Solana Beach for the purchase of a vortex rescue system kit and structural firefighting turnouts.
  - b. Authorizing the City Manager, or his designee, to sign and submit the required California Governor's Office of Emergency Services FY 2020 Standard Assurances for Cal OES Federal Non-Disaster Grant Programs.
  - c. Approving an appropriation of \$12,679 to the Federal Grant revenue account and the Minor Equipment expenditure account for the Fire Department both in the Public Safety Special Revenue fund.
  - d. Authorizing the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.

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

**A.7. Assistance for Firefighters Grant (AFG) Application Approval.** (File 0390-32)

Recommendation: That the City Council

1. Adopt **Resolution 2021-133:**

- a. Authorizing the City of Solana Beach Fire Department to be included in the FY 2021 Assistance to Firefighters Grant regional application for SCBAs (Self-Contained Breathing Apparatus) submitted by the City of Vista.
- b. Authorizing the Fire Chief, or his designee, to sign a Memorandum of Understanding, in a form acceptable to the City Attorney, between the six agencies (City of Vista, City of Encinitas, City of Del Mar, City of Solana Beach, North County Fire Protection District, and Rancho Santa Fe Protection District) with respect to the regional application for SCBAs once all participating organizations are authorized to apply.

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

**B. PUBLIC HEARINGS:** (B.1.)

*Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.*

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THR\_EE MINUTES (SSMC 2.04.190).

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 SSMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each.

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.

**8.1. Schedule of User Fees and Charges Update.** (File 0390-23)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, Close the Public Hearing.
2. Adopt **Resolution 2021-136** updating the Schedule of Fees and Charges effective January 1, 2022.

Greg Wade, City Manager, introduced the item.

Ryan Smith, Finance Director, presented a Powerpoint (on file).  
Mayor Heebner opened the public hearing.

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

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

### **C. STAFF REPORTS: (C.1. - C.6.)**

*Note to Public: Refer to [Public Participation](#) for information on how to submit public comment.*

Any member of the public may address the City Council on an item of concern by submitting written correspondence for the record to be filed with the record or by registering to join the virtual meeting online to speak live, per the Public Participation instructions on the Agenda. The maximum time allotted for each speaker is THREE MINUTES (SSMC 2.04.190).

#### **C.1. Solana 101 Final Landscape Plan.** (File 0600-40)

Recommendation: That the City Council

1. Adopt **Resolution 2021-138** approving the final landscape plan for the Solana 101 Project.

This item was moved to the December 15, 2021 Council Meeting.

#### **C.2. Chamber of Commerce Visitor Center Agreement.** (File 0130-90)

Recommendation: That the City Council

1. Adopt **Resolution 2021-139**, authorizing the City Manager to execute an Agreement between the City and the Solana Beach Chamber of Commerce in an amount up to \$30,000 for operation of the Visitor Center and the development of visitor serving advertising/outreach.
2. If approved by Council, appropriate up to an additional \$15,000 in the Coastal Area Business & Visitor Assistance Fund to the Contributions to Agencies account.
3. Authorize the City Treasurer to amend the FY 2021/22 Adopted Budget accordingly.

Greg Wade, City Manager, introduced the item.

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

Jamie Johnson, Chamber of Commerce CEO, spoke about the role of the visitor's center, expanding and updating their website, making the website a one stop shop for both the local community and non-locals, and providing metrics regarding website hits, walk-ins, QR Code tracking, and social media outreach.

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

**C.3. COVID Temporary Use Permit Policy for Outdoor Dining.** (File 0230-20)

Recommendation: That the City Council

1. Adopt **Resolution 2021-135** extending the COVID-19 Temporary Use Permit (TUP) Policy for Outdoor Dining through March 30, 2022.

Greg Wade, City Manager, introduced the item.

Joseph Lim, Director of Community Development, presented a Powerpoint (on file).

Council and Staff discussed the timeline of the extension and that it was specifically for dining.

Council discussed allowing dining in public parking places, outdoor dining in private parking spaces, specified conditions related to outdoor dining, sidewalk dining, applying existing parking standards, size limits of outdoor dining areas, limitations when adjacent to residential areas, parking issues, complaints from citizens related to lack of parking, and a timeline of a proposed ending date of the extension.

Councilmember Harless stated that she did not oppose an extension of the Temporary Use Permit, that it would allow businesses to recoup their investment in outdoor dining spaces, but that she wasn't in favor of it as a permanent policy, that there should be a point where the existing parking standards should apply, and that it affected residential parking and was an imposition on residential areas that are near restaurants.

**Motion:** Moved by Councilmember Edson and second by Deputy Mayor Becker to limit to dining uses only and direct staff to extend the Covid-19 Temporary Use Permit for Outdoor Dining through Monday, September 5, 2022. **Approved 4/1.** Ayes: Heebner, Becker, Zito, Edson. Noes: Harless. Motion carried.

**C.4. Adopt (2<sup>nd</sup> Reading) Ordinance 518 regarding Implementation of Solar Energy, Building Decarbonization and Electric Vehicle Infrastructure Requirements.** (File 0600-05)

Recommendation: That the City Council

1. Adopt **Ordinance 518** (2<sup>nd</sup> Reading) amending Title 15 of the Solana Beach Municipal Code to adopt amendments to the 2019 California Building Code and California Green Building Code to implement Solar Energy, Building Decarbonization and Electric Vehicle Infrastructure requirements for new construction.



Johanna Canlas, City Attorney, introduced the item.

Shelah Ott stated that she was with the San Diego Green New Deal Alliance and that she supported the Ordinance.

Karina Gonzales stated that she was with Integrated Building Solutions, that she urged the Council to follow Encinitas and adopt an all-electric building ordinance with minimal exceptions, that cities need to lead and pursue solutions that decrease dependency on tracked methane gas, that she appreciated the amendments made at the last meeting to lower thresholds and removal of exemptions, and that she supported the adoption of the Ordinance.

Staff and Council said that this topic had been discussed for some time and they had received a lot of public input from residents and experts in the field.

Councilmember Edson stated that there was not enough consideration for building electrification on remodels, that someone who had been saving to remodel their home might not be able to afford to add solar, and that she did not support the inclusion of remodels in the Ordinance.

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

**C.5. Adopt (2<sup>nd</sup> Reading) Ordinance 521 Providing Regulations Concerning Two-Unit Residential Development in Single-Family Residential Zones and Providing Regulations Concerning Urban Lot Split Subdivisions in Single-Family Residential Zones.** (File 0600-95)

Recommendation: That the City Council

1. Adopt **Ordinance 521** (2<sup>nd</sup> Reading) adding Section 17.20.040(R) and Section 16.48 to the Solana Beach Municipal Code and amending Chapter 17.12 and Section 17.20.020 of the Solana Beach Municipal Code to allow two-unit residential developments and urban lot split subdivisions in single-family residential zones.

Johanna Canlas, City Attorney, introduced the item.

Shawna McGarry (time donated by Brian Lannutii), presented a powerpoint (on file), and stated that she is part of Progress Solana, that they want to promote a City that has a wide range of housing options and sizes, that she would like to see middle sized housing through SB 9 compliance with state law, that if the Ordinance passes to revisit it in the

new year, that people can't afford to live in the City with the rising rent and housing prices, that now rentals sit empty or have become vacation rentals, that a solution could be to build contemporary duplexes, that the issues with the Ordinance are size limits and grading limits, that SB 9 doesn't override CC&RS, and that she welcomed an opportunity to work with the City and improve the policy.

Kristin Brinner, continued presenting the powerpoint (on file) and said that the City's proposed cap of 825 sq. ft. was too small and doesn't take any local context into account, that it doesn't seem logical to limit someone to less than 50% of the square footage of housing area, that more flexibility is needed so people can build homes for families, that to address neighbor's privacy concerns there could be objective guidelines that allow increased square footage by taking into account the number of units, the lot size and setbacks to look at adding active guidelines to make it more feasible for homeowners rather than developers to take advantage of this opportunity, and requested that if the Ordinance is implemented that Council revisit it in the new year.

Jonathon Goodmacher continued presenting the powerpoint (on file) and said that it seemed like it was a rushed process and not much notice was given to residents, that there needed to be more public input, that the Ordinance contradicts the General Plan, that on a slightly sloped lot, one hundred cubic yard grading limit would be very difficult to stay within, that limiting this to certain areas or zones of the City would prohibit someone like him from being able to split their lot.

Heidi Dewar stated that she knows a number of families that have had to move because they couldn't afford to buy in the City, that SB 9 may not be the perfect solution but the City has made it overly restrictive with regards to height, grading, and size, and that it will likely result in fewer additional family sized homes, that she urged the City to revisit this issue and to find creative solutions that would increase housing opportunities.

Cindi Clemons said that she supported the Ordinance, that it is within the law, that it will protect the city while giving homeowners an opportunity to expand housing on their single-family lots and provide for more reasonably priced housing options.

Jill MacDonald stated that the Ordinance was the best alternative at the moment to the bill, that the bill limits local control of zoning and development with a one size fits all decree, that it makes no mention of either affordable or moderate or low income housing, that regulation of the process to implement SB 9 is the best opportunity for the City to remain the place that she loves to live in.

Tracy Richmond said that he supported the Ordinance as presented, that he supported providing more affordable housing but SB 9 doesn't address affordability, that it's a mirage that's being used to basically destroy local control of all zoning and housing, that it's a challenge for the City to maintain the essence of the community but still comply with the SB 9 mandates, that density gives value to development, that the Ordinance was attempting to maintain a small beach town character without crowding the neighborhoods, that it's a goal to make housing more affordable, that size limitations like the ones in Ordinance 521 were essential because otherwise developers would simply buy up the real estate lots and then maximize the size of the units and the ultimate result would be less affordable housing.



Gary Martin stated that he supported the ordinance as prepared, that it's important that the City has affordable moderate size and moderate income housing, and that eliminating parking would be a tremendous mistake.

Johanna Canlas, City Attorney, stated that SB 9 affords any local government to adopt a local ordinance within the confines of the bill, that objective standards were being presented that include height and size and that are all within the purview of what SB 9 said the City could do, that SB 9 applies to single-family zones, that MR Zones aren't a single family zone, that it has some allowances for reduced parking, that the City is entirely within the coastal zone and the city has an obligation to provide for those who don't live by the beach to come to the beach so parking is required to ensure that parking under the Coastal Act is recognized, that it's not reducing anything but allowing for additional development that wouldn't have been allowed under SB 330 in 2018, that there is no downsizing as you can now have more units, if you choose to, or continue to go through the discretionary process that is in place, that the standards are necessary and appropriate, that the setbacks are consistent with what is in SB9, and the City allows for attached units as required by SB 9.

Mayor Heebner stated that the City was a high land value city and is entirely in the coastal zone, that Ordinance 521 complies with and implements the law as stated in SB 9, that it allows for two 825 sq. ft. units up to 16 ft. in height on each lot, that it allows for up to one hundred cubic yards of grading and a 10 ft. separation between units for fire safety reasons, that Ordinance 521 applies to single family residential zones, that these zones do not allow multifamily units and are subject to SB 9 with its focus being on single- family zones, that Ordinance 521 requires at least one parking space per unit and coastal zone visitors' access to the beach is legally required, that SB 9 states that nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act, that offering one parking space per unit seems entirely reasonable, that the best hope for housing for moderate income households as a result of SB 9 is adopting the 825 sq. ft. in hopes that the smaller size might result in a moderate price tag, that the assumption that the requested modifications to the Ordinance would facilitate the building of moderately priced homes is a false argument, that dense housing lowers prices is unsupportable, that the City has made efforts to encourage developers to build affordable units, that the City enacted an inclusionary policy that requires developers to set aside 15% of all units to be affordable, that the policies of SB 9 will spur gentrification by speculative buyers, that lot size does not ensure a low house price, that it creates the best opportunity to provide some moderately priced homes at 825 sq. ft., that currently properties in most zones can add an accessory dwelling unit.

She said that she did not agree with those who are advocating for changing the Ordinance to allow for larger homes which would have no reasonable expectation to produce affordable units, and that she supports Ordinance 521 as written.

Councilmember Zito said that there was a significant RHNA objective to be met, that Ordinance 521 will help the City meet RHNA within the context of the uniqueness of our town, and that SB 9 wasn't well written for Solana Beach, and that this was the best effort to meet state mandates and the City's Housing Element.

Deputy Mayor Becker stated that she supported the objectives of Ordinance 521, that

addressing and creating affordable housing was a priority, that she supported keeping the square footage to 825 sq. ft., that more affordable housing is needed rather than more expensive housing, and that a one size fits all zoning regulation was not ideal.

Councilmember Harless stated that she believes the City has found the best balance with Ordinance 521 and that building more and bigger is not going to make it more affordable.

Councilmember Edson stated that she supports the Ordinance, that she feels it speaks to the intent of SB 9 and the intent of the City to create more affordable housing.

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

**C.6. Annual Deputy Mayor Appointment.** (File 0410-85)

Recommendation: That the City Council

1. Review and consider designation of the 2022 Deputy Mayor for a term of December 8, 2021 to December 14, 2022.

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

**COMPENSATION & REIMBURSEMENT DISCLOSURE:** Councilmember Edson attended the American Public Transportation Conference in Orlando on behalf of the North County Transportation District and that City paid for her lodging.

**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 9:06 p.m.

Megan Bavin, Deputy City Clerk

Approved: February 09, 2022