



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, April 28, 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 Governor Newsom's Executive Order N-29-20 related to the COVID-19 virus.
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

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 6:04 p.m.

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: None

FLAG SALUTE:

PRESENTATIONS: Ceremonial items that do not contain in-depth discussion and no action/direction.
Congressman Mike Levin spoke about the American Rescue Plan, vaccinations, loss of

loved ones, jobs, businesses and more, serving on the Veterans Affairs Committee regarding the unemployment and rapid retraining program, funding for all cities including small cities, direct funding for schools to reduce class sizes, modifying spaces, ventilation, and personal protection equipment. He spoke about the American Jobs Plan and comprehensive recovery legislation based on infrastructure development, clean energy innovation and jobs growth, and his recent support for an Agricultural Affairs Rescue Act affecting the Del Mar Fairgrounds, which had layoffs due to financial loss.

APPROVAL OF AGENDA:

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.

ORAL COMMUNICATIONS:

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).

Jim Hiraoka spoke about Council and the Planning department review of the policies around solar and the permitting process, that they are ambiguous and contradictory, that the 346 Glenmont project went through the View Assessment Commission Development Review Permit (DRP) and Structure Development Permit (SDP) process when the applicants stated that solar panels were not part of the project, that since then a massive solar array had been erected at the project, that the Planning department stated that solar permits were not subject to the discretionary review of the DRP and SDP, that it did not make sense that Solana Beach residents had no effective way to comment on solar panels, that the View Assessment Commission process applies to "construction that is or adds to an existing structure that would be over 16 ft.in height" and required for "commercial construction for additions of 500 sq. ft. or more, or an increase to the building envelope," that a solar panel or modular array that exceeds the maximum building height is not considered a small residential rooftop solar system, and requesting that the City review these inconsistencies that has provided for solar or another structure additions not being displayed on discretionary plans.

Jill Cooper spoke about Bike Walk Solana's Self-Guided Scavenger Hunt event that encourages Solana Beach residents to think outside the car which takes place in the month of May, and that a score card can be completed and submitted to be entered into a raffle for a grand prize of an e-bike donated by San Diego Electric Bike.

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.4.)

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. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for March 27, 2021 – April 09, 2021.

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.

A.2. General Fund Budget Adjustments for Fiscal Year 2020/21. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2020-2021 General Fund Adopted Budget.

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.

A.3. Citywide Street Sweeping Services. (File 0820-35)

Recommendation: That the City Council

1. Adopt **Resolution 2021-047**
 - a. Authorizing the City Manager to execute a Professional Services Agreement with CleanStreet, LLC for Citywide Street Sweeping Services for FY 2021/22 for a not-to-exceed amount of \$50,000.
 - b. Authorizing the City Manager, at his sole discretion, to extend the Professional Service Agreement with CleanStreet for up to four additional one-year terms, with an annual 1% escalator clause for year 2 and a 2% escalator clause for years 3 through 5.

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.

A.4. Solid Waste Rate Review Prop 218 Notification. (File 1030-15)

Recommendation: That the City Council

1. Adopt **Resolution 2021-053** setting the Solid Waste Rate Review Public Hearing protest vote for June 23, 2021.

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.

B. PUBLIC HEARINGS: (B.1. – B.3.)

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 (SBMC 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 SBMC 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.

B.1. Public Hearing: 112 S. Cedros Ave., Applicant: Local Roots Kombucha, Case: CUP 20-001. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is 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 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2021-048** conditionally approving a CUP for the project to allow for alcohol sales for on- and off-site consumption and a shared parking agreement at 112 South Cedros Avenue.

Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Gary Cohen, Applicant's architect, presented a PowerPoint (on file) and reviewed the project including layout, materials, parking.

Council, Mr. Cohen, and Ryan White, Applicants, discussed the project, working hours, parking, and that their production facility was located in Vista.

Jo Carmichael, Applicant, continued the PowerPoint (on file) and discussed their discovery of kombucha, their organic, plant-based, tea-based product, the kombucha

market, renderings of the store front.

Jeff Kohn, Epic Investment, said that he owns the building, that the lease goes to 2027, and that the Beal operation does not work during off hours but are out showing homes, and that he held the space for about a year to accommodate this business.

Motion: Moved by Councilmember Edson 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.

Council and Applicants discussed the parking study, the blue folder submittals in support of the business, and the use of recyclable aluminum cans.

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

B.2. Public Hearing: 330 S. Cedros Ave., Applicant: Brad Wise, Trust Restaurant Group, Case: MOD21-001. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings to approve a modification to the approved DRP, CUP, SDP and MEC. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council disclosures, Receive Public Testimony, Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines.
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2021-050** conditionally approving a modification to the approved DRP, SDP, CUP, MEC and CSP for a mixed use development at 330 S. Cedros Avenue, Solana Beach.

Deputy Mayor Becker stated that she had property within 1,000 ft., but that she could remain impartial.

Greg Wade, City Manager, introduced the item.

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

Mayor Heebner opened the public hearing.

Council disclosures.

Nuwan Ranasinghe, Architect, GTC, stated that this was specifically related to the awning that was not providing enough shading, that they were proposing a large simple structure of fabric on top to provide shade for patrons, and requested the exception since they are 10 ft. set back and the structure would protrude 5 ft. into the

set back.

Brad Wise, Applicant, partner of Trust Group and the chef said that they were familiar with outdoor eating establishments since they have several others and were respectful to the neighbors, and that they were sensitive to the aesthetics of the area.

Council and Applicant discussed that drop down walls would not be used in the summer but possible during the winter months, that amplified music was not allowed under their ABC license and that their atmosphere was ambient music, the original approval shared parking because their peak hours were at lunch time, whether to consider a corrugated metal awning to keep with the area's aesthetics or stay with the proposed fabric, and the operating days of the week and maybe the weekends.

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

Council discussed the awning, rolling walls for weather, consider adding a bike rack nearby so they would not use the restaurants posts, consider requiring the corrugated awnings since it is an industrial looking building, and that the metal awning might be louder if it were raining.

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

Council and Applicants discussed that the applicant currently had a corrugated awning ½ of this size and the rain and wind sounds like a drum, that the metal heats up in the sun and affects the patrons below, and the wear and tear of the ocean nearby requires more upkeep.

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

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

Mayor Heebner recessed the meeting for a break at 7:47 p.m. and reconvened at 7:51 p.m.

B.3. Public Hearing: 330 S. Cedros Ave., Applicant: RAF Pacifica Group, Sotheby's, Case: MOD21-002. (File 0600-40)

The proposed project meets the minimum objective requirements under the SBMC, is consistent with the General Plan and may be found, as conditioned, to meet the discretionary findings to approve a modification to the approved DRP, CUP, SDP and MEC. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines.
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2021-051** conditionally approving a modification to the approved DRP, SDP, CUP, MEC and CSP for a mixed-use development at 330 S. Cedros Avenue, Solana Beach.

Greg Wade, City Manager, introduced the item and that the application was a consideration to change the use from the approved use of retail to an office use.

Deputy Mayor Becker stated disclosure within 1,000 ft of the property but can make an unbiased decision.

Corey Andrews, Principal Planner, presented a PowerPoint (on file) reviewing the proposal for a modification to the site from the original 2016 project approval to allow a retail tenant space to be converted to office space for the use as a real estate gallery or real estate office.

Mayor Heebner opened the public hearing.

Council disclosures.

Tiffany English, Applicant, presented a PowerPoint (on file), and said that Pacific Sotheby's currently has an office space on the second floor northwest corner of the building above the restaurant, and that this space would be utilized for their global gallery and would not be a traditional office space, that it would have a concierge atmosphere with a community focus and a retail environment, and that it would not have homes posted in the windows or real estate transaction meetings, a full gallery space in the front with a global gallery specialist, coffee bar and conference room, and that they have had a similar space approved in La Jolla.

Ryan Secrist, Applicant, continued the PowerPoint (on file) and spoke about reorganizing the model of the Sotheby's International Realty, their partnership with an auction house that would feature local arts, bringing in a New York concept to Solana Beach, that the space was meant to greet the public, that many owners in Solana Beach have 2nd homes elsewhere, that no flyers or private offices for agents would be in this space, and that the model would fit in with Cedros Design District.

Council and Applicants discussed that the items displayed in the gallery may be diamonds, watches, digital auctions, other retail items purchased online, their own wine and champagne for sale, that they intended to partner with local businesses to showcase them a week or month, bring in local artists who could sell their art, that the PowerPoint labeled as open office instead of a retail space, that they were told that they could not label office space as retail to comply with the City's Municipal Code, that a conference room was a meeting space, that the function of an agent meeting with a customer would be upstairs in the office and not in this retail space, that it would act as a storefront to value the art and approve to sale, auction online and showcase it at this

space, they have a vast database of Solana Beach residents and surrounding businesses, the intent to be an interactive experience, that there would be no sales tax except retail estate or property tax, and that the public submittals were in opposition to the modification.

Ryan Secrist, Applicant, said that the challenge is the community thinks of real estate as stacked paper and messy offices with flyers in the window with multiple agents and that this is a change in the model with their partnership with the auction house and that it is a retail experience for customers rather than an agents' office.

Motion: Moved by Councilmember Harless 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.

Council discussed that the concept was not clear how this space would be retail space rather than real estate office even though there are options to purchase auction items, that it was a great company but this concept was not clear enough to make the findings, that it was a creative idea, that the City does not have enough retail space, the local business owners made good points, interesting concept, whether it would add to pedestrian activity, that the modification findings had to meet relationship with adjacent land uses which were all retail, that it has to ensure compatibility and be complimentary with the existing development, that an office in this space would cause a gap in the retail, that retail owners in the area did not support this business concept and expressed significant objection, the space being specifically designed and approved as retail, that it was important to maintain the unique walkable retail area, and that the Special Commercial Zone required that this area be preserved and perpetuate a unique pedestrian oriented commercial center with specialty retail shops and residential lofts.

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

C. STAFF REPORTS: (C.1. – C.2.)

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

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C.1. COVID TUP (Temporary Use Permit) Policy Extension. (File 0230-20)

Recommendation: That the City Council

1. Consider approval of **Resolution 2021-049** authorizing extension of the Temporary Use Permit Policy until a specified date or until the emergency public health order limiting indoor dining and social distancing requirements is lifted.

Greg Wade, City Manager, introduced the item.

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

Tom Van Betten, General partner of Saddle Bar, said that on behalf of Pill Box, Station Sushi, T's Café, Crust, Red Tractor's, Pamplemousse and Solana Beach Chamber of Commerce, as well as others, they request the extension of the Temporary Use Permit allowing for outdoor dining patios, that a major realization during COVID was that local bars and restaurants are amenities to the community, the expense of running these venues and many businesses had folded, that they want to ensure better operations for customers, and invest in more professional, sturdy, and safe outdoor structures, that the downside of parking had become less of an issue with rideshare, electric bikes and walking, and that it appeared that people were willing to forgo convenience rather than see another leave sign in their neighborhood.

Larna Hartnack said that since COVID her family had safely visited outdoor dining, enjoyed the sunshine and the local food, that restaurants had complied with requirements, that Solana Beach restaurants deserve this outdoor space to make up for the last year of loss, and that she wanted to help keep local restaurants and other business that make Solana Beach a live and vibrant place.

Johanna Canlas, City Attorney, said that the temporary nature of the TUP is because of the public health order and the existing emergency and that if Council wanted to pilot a program outside of the emergency order which may end June 15th, then Staff would need to come back with some alternate plans.

Council and Staff discussed favor for supporting the extension of the TUP which has been a benefit to businesses, that future consideration would need to be evaluated in depth as parking issues affect surrounding neighborhoods, outdoor dining was festive and draws in customers to other local businesses, and to look into something more permanent to allow for more outdoor seating.

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

C.2. Citizen Commission Vacancies: Public Arts Commission and Parks & Recreation Commission Appointments. (File 0120-06)

Recommendation: That the City Council

1. Consider the application(s) submitted and make an appointment to the vacancy on the Public Arts Commission and the Parks & Recreation Commission with terms until January 2022.

Council discussed the deadline and additional vacancy and to continue the item to the May 12th Council meeting. Council reached consensus to postpone the item to the May 12th Council meeting.

WORK PLAN COMMENTS:

Adopted June 12, 2019

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 9:13 p.m.

Angela Ivey, City Clerk

Council approved: June 9, 2021