



STAFF REPORT CITY OF SOLANA BEACH

TO: Honorable Mayor and City Councilmembers
FROM: Alyssa Muto, City Manager
MEETING DATE: January 14, 2026
ORIGINATING DEPT: Community Development – Joseph Lim, Director
SUBJECT: **Adopt (2nd Reading) Ordinance 533 - Outdoor Dining and Other Zoning Code Updates**

BACKGROUND:

On December 14, 2025, the City Council introduced Ordinance 533 (Attachment1), which is now before the Council for the second reading and adoption to amend 1) the City's Sidewalk Café and Outdoor Dining standards, 2) the City's Accessory Dwelling Unit (ADU) Ordinance for consistency with State ADU Law; and 3) the City's Two-Unit Residential Development and Urban Lot Split standards to be consistent with State Law.

This item is before the City Council to consider adoption of Ordinance 533.

DISCUSSION:

Sidewalk Café and Outdoor Dining

The City continues to support the desire by the businesses, business districts, Chamber of Commerce and the public to maintain temporary outdoor dining activities. Updating the City's Sidewalk Café and Outdoor Dining Ordinance will implement permanent standards that further this effort. The Ordinance being presented before Council includes expanded definitions of dining establishments, outdoor eating areas and sidewalk cafés. Outdoor dining activities would require that a business apply for a Conditional Use Permit (CUP). The CUP application would require detailed information and plans of the area within which the business wished to expand. The proposed regulations allow a minimum 200 square feet of outdoor dining area for any business. Additional outdoor dining area may be allowed at 50% for each additional square foot of public use area above 200 square feet. The draft language would allow these outdoor dining areas and sidewalk cafes to be located on public sidewalks, on adjacent off-street public parking areas, as well as on private off-street parking spaces. The proposed ordinance also prohibits properties that have less than ten (10) parking spaces from using any parking spaces for outdoor dining. Properties with greater than

CITY COUNCIL ACTION:

ten (10) parking spaces may use three (3) parking spaces or 20% of the existing number of on-site parking spaces, whichever is fewer.

There is also updated language relating to canopies, umbrellas and other shade structures. Temporary “pop-up” canopies/tent structures would be prohibited with the adoption of the proposed ordinance.

Ordinance 533 requires that a maintenance and cleaning plan be submitted and approved for these outdoor dining areas, which shall include regular trash and debris removal and cleanup of the areas at the conclusion of operations on a daily basis. Additionally, the outdoor eating areas shall be cleaned/washed (with proper collection and disposal of any excess water so that it does not reach the stormwater system) on a weekly basis. These businesses may be subject to City inspection and, if needed, more frequent cleaning may be required to ensure compliance with the regulations.

Accessory Dwelling Unit Ordinance Update

The State of California recently amended State Law that modified the number of detached multiple accessory dwelling units on lots with existing multifamily dwellings. Pursuant to SB 130, cities must allow up to eight (8) detached accessory dwelling units on a lot with existing multifamily dwellings but shall not exceed the number of existing units on the lot. This is an increase from the previously allowed two (2) detached accessory dwelling units. Subsection 17.20.040.D.5.d is proposed to be amended as required to reflect current State Law.

Two-Unit Residential Development/Urban Lot Split Update

The State of California also amended provisions of SB 9 as a “clean up” item under SB 450, which provides for development of two residential units within single-family residential zones and urban lot splits as a ministerial action. SB 450 provisions restrict local agencies from adopting local development standards for SB 9 projects that do not apply uniformly to development within the underlying zone. The City’s Two-Unit Residential Development and Urban Lot Split standards previously allowed a maximum of 825 square feet per unit. Removal of this standard requirement would bring the City into compliance with SB 450.

CEQA COMPLIANCE STATEMENT:

This project is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) because the proposed Zoning Code updates are covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment and pursuant to Section 15282(h) that it also entails the adoption of State mandated accessory dwelling unit, two-unit residential development and urban lot split standards in an effort to address the State housing crisis.

FISCAL IMPACT:

There would be no impact to the General Fund from Ordinance 533, as proposed. No changes to existing City fees are proposed at this time.

WORK PLAN:


N/A

OPTIONS:

- Approve Staff recommendation.
- Approve Staff recommendation with alternative amendments / modifications.
- Deny Staff recommendation.
- Provide other direction to Staff.

CITY STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance 533 (2nd Reading) amending Titles 16 and 17 of the Solana Beach Municipal Code.



Alyssa Muto, City Manager

Attachments:

1. Ordinance 533

ORDINANCE 533

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, REPEALING SECTION 17.60.130 AND ADOPTING A REVISED SECTION 17.60.130 OF THE SOLANA BEACH MUNICIPAL CODE THAT WOULD ALLOW OUTDOOR DINING AND SIDEWALK CAFES; AMENDING SECTION 17.20.040.D (ACCESSORY DWELLING UNITS); AMENDING SECTION 17.20.040.R (TWO-UNIT RESIDENTIAL DEVELOPMENTS); AND AMENDING SECTION 16.48.050 (REQUIREMENTS FOR URBAN LOT SPLITS) CONSISTENT WITH STATE LAW

WHEREAS, on June 10, 2020, the City Council adopted Resolution 2020-087 approving, among other actions, a COVID-19 Temporary Use Permit Policy to allow specified uses to operate outdoors; and

WHEREAS, on November 18, 2020, the City Council adopted Resolution 2020-148 extending the COVID-19 Temporary Use Permit Policy to allow specified uses to operate outdoors; and

WHEREAS, on April 28, 2021, the City Council adopted Resolution 2021-049 extending the COVID-19 Temporary Use Permit Policy to allow specified uses to operate outdoors through January 1, 2022; and

WHEREAS, on December 8, 2021, the City Council adopted Resolution 2021-135 extending the COVID-19 Temporary Use Permit Policy to allow outdoor dining through September 6, 2022; and

WHEREAS, on July 13, 2022, the City Council adopted Resolution 2022-085 extending the COVID-19 Temporary Use Permit Policy to allow outdoor dining through January 1, 2023; and

WHEREAS, on December 9, 2022, the City Council adopted Resolution 2022-132 extending the COVID-19 Temporary Use Permit Policy to allow outdoor dining through December 31, 2023; and

WHEREAS, on November 29, 2023, the City Council adopted Resolution 2023-129 extending the COVID-19 Temporary Use Permit Policy to allow outdoor dining through July 1, 2026; and

WHEREAS, the City Council wishes to continue to support and encourage economic growth and the business community in the City; and

WHEREAS, these ordinance changes meet the requirements as imposed under Business and Professions Code section 25750.5, Government Code section 65907(a) and Health and Safety Code 114067 in allowing outdoor dining expansion and parking reduction to mitigate COVID-19 pandemic restrictions; and

WHEREAS, State Law regarding Accessory Dwelling Units, Two-Unit Residential Developments in Single-Family Zones and Urban Lot Split Map provisions have been modified by the State of California requiring a local amendment to the City's Municipal Code provisions.

WHEREAS, on December 10, 2025, the City Council conducting a public hearing and introduced the first reading of Ordinance 533.

NOW, THEREFORE, the City Council of the City of Solana Beach hereby ordains as follows:

Section 1. All of the above statements are true; and

Section 2. Section 17.60.130 Sidewalk cafes and outdoor eating areas. Shall be amended to read to as follows:

17.60.130 Sidewalk cafes and outdoor eating areas.

A. Purpose and Intent. The purpose and intent of these regulations is to encourage outdoor dining areas and sidewalk cafes as both visual and publicly available amenities which intensify pedestrian activity and make street life more attractive in commercial areas, to promote and protect public health, safety, and general welfare, to preserve and enhance the character of neighborhoods, and to ensure adequate space for pedestrians.

B. Definitions.

1. A “dining establishment” means a structure whose principal use is the serving of food to the general public, including, without limitation, a restaurant, café, ice cream shop, bakery, sandwich shop, coffee house, delicatessen, pizza parlor and the like and where the sale of alcoholic beverages is an accessory use.
2. An “outdoor dining area” is a portion of a dining establishment, located either between the front setback of a building and the street or immediately adjacent to the restaurant, which is used exclusively for dining, drinking and circulation therein. Outdoor dining areas include sidewalk cafes.
3. A “sidewalk cafe” is a portion of a dining establishment, located within the sidewalk area of the public right-of-way, which is used exclusively for dining, drinking and circulation therein. A sidewalk cafe may provide waiter or waitress service or self-service.
4. “Public use area” includes existing dining, seating, waiting, walking or standing areas, and bathrooms of the interior of the existing restaurant.

C. Conditional Use Permit Required. A sidewalk cafe shall only be permitted by conditional use permit issued by the Director of Community Development or City Council in accordance with SBMC [17.68.010](#). Specific conditions providing for the development, operation, and design of such a use shall be imposed by the Director of Community Development or the City Council.

1. A Director’s Use Permit may be permitted pursuant to the regulations outlined in Sections D & E below.
2. Proposed Outdoor Dining Areas exceeding 1,000 square feet in size or exceeding the maximum allowable Outdoor Area Limitations based on the calculation in subsection D.1 below shall be subject to City Council approval.

D. Regulations. All outdoor eating areas, including sidewalk cafes, shall comply with the following regulations as applicable:

1. Outdoor Area Limitations:

- a. The minimum Outdoor Dining allowed shall be 200 square feet.
- b. The maximum allowable square footage for Outdoor Dining shall be as follows:
 - i. 100% for the first 200 square feet of public use area.
 - ii. 50% for each additional square foot of public use area above 200 square feet.
- c. The use of on-street public parking spaces for outdoor dining shall be prohibited.
- d. New outdoor dining areas in off-street public parking lots that were not approved pursuant to a previously approved temporary use permit or other City Council action shall be subject to City Council review.
 - i. Outdoor dining in off-street public parking lots may be allowed, including the north and south Plaza parking lots, subject to an encroachment permit and encroachment maintenance and removal agreement.
- e. Use of public and private sidewalks/walking areas may be allowed subject to clear path standards listed in subsection D.2.
 - i. Use of public sidewalks/walking areas for outdoor dining shall be subject to an encroachment permit and encroachment maintenance and removal agreement.
- f. Use of private parking spaces within the adjacent commercial property where the business is requesting outdoor dining may be allowed as follows:
 - i. Properties with greater than ten (10) parking spaces may use three (3) parking spaces or 20% of the existing number of on-site parking spaces per business, whichever is less. Use of private on-site parking spaces shall not exceed allowable outdoor dining area as defined in Section 17.60.130.D.1.

2. Clear Path.

a. For sidewalk cafes, there shall be a minimum clear distance of four feet (4'), which is free of all obstructions. The minimum distance may be measured from any point within the sidewalk width; provided the clear path is maintained in a continuous line conforming to the curvature of the sidewalk. Portions of the sidewalk cafe may be located on either side of the clear path thereby creating two distinct perimeters. In no event may recesses in the sidewalk cafe frontage be used to satisfy this unobstructed width requirement except that corners of the sidewalk cafe may be rounded or mitered. For the purposes of the minimum clear path, parking meters, traffic signs, and trees which have gratings flush to grade, without fence or guards, shall not count as obstructions. Within a sidewalk cafe perimeter located on the street side of a clear path,

tables and chairs may be located between sidewalk obstructions such as trees, light standards, planters, news racks, mailboxes, benches and similar fixtures; provided such public facilities remain accessible.

b. At the intersection of streets a minimum clearance, free of all obstructions, measured from the outer edge of the sidewalk cafe to the curb side or nearest obstruction, shall be required as determined by the city engineer. The corner of the sidewalk cafe wall may be rounded or mitered.

3. Cafe Boundary. No portion of a sidewalk cafe, such as gates or any objects placed within a sidewalk cafe, shall swing or project beyond the designated exterior perimeter of the sidewalk cafe. However, fire exit doors, which are used exclusively as emergency exit doors, shall be exempt from this provision.

4. Location. The outdoor dining area shall be limited to the outdoor area directly adjacent to the business' building frontage and/or street frontage. Such outdoor dining shall maintain a minimum 8-foot distance from any ingress or egress points of the adjacent business. The review will take into consideration the effect that the exception may have on adjoining businesses in terms of visibility and access.

5. Access For Persons with Physical Disabilities. An outdoor dining area and its restaurant shall be directly accessible to persons with physical disabilities. In the event the main restaurant has provided such access, the outdoor eating area shall be accessible to persons with disabilities from the interior of the restaurant. In order to ensure access for persons with physical disabilities:

a. At least one door/gate/ingress/egress leading into the outdoor eating area or restaurant from the adjoining sidewalk shall be not less than three feet wide.

b. A ramp with non-skid surface, if there is change of grade, having a minimum width of three feet and a slope of not greater than one inch in height for every 12 inches of horizontal distance shall be provided. Such ramp may be of portable type for cafes which are six feet wide or less, except if the cafe is 180 square feet in area or greater.

6. General Design Considerations.

a. Fixtures.

i. Sidewalk cafes may contain readily removable railings or fencing or any combination of removable railings, fencing, and landscaping in planter boxes to separate the encroachment area from the remainder of the sidewalk.

ii. No solid walls shall be permitted in the right-of-way. Solid walls and wind screens are permitted in outdoor dining areas outside of the right-of-way.

iii. The furnishings of the interior of a sidewalk cafe shall consist of readily movable tables, movable chairs, and movable umbrellas. For the purposes of this section "readily movable" shall mean that no object such as a table, chair, planter, or any other fixture, shall be leaded, cemented, nailed, bolted, power riveted, screwed,

or affixed, even in a temporary manner, to either the sidewalk or to any other structure which it abuts, unless required by building or fire code.

iv. Landscaping may be placed either in movable planters or planted in the ground inside the defined cafe area adjacent to any barrier, railing fence, or combination thereof.

v. Lighting and heating fixtures may be permanently affixed onto the exterior front of the main building. Portable heating units may be used in all outdoor cafes.

vi. Canopies, umbrellas and other shade structures may be permitted provided they are compatible with the materials, colors and design features of the adjoining building or façade in which the associated dining establishment is located. Temporary “pop-up” tent structures shall be prohibited.

b. Signage. Only the following signs are permitted within an outdoor dining area or sidewalk cafe:

i. The name and type of establishment may appear on the umbrellas or the valance of an awning.

ii. A movable menu board, not to exceed eight square feet, shall be allowed within the boundaries of the outdoor dining area or sidewalk cafe.

c. Refuse Storage Area. No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from a sidewalk cafe on the public right-of-way.

d. Safety.

i. All barriers, railings, or fences placed around a sidewalk cafe shall be contiguous to the sidewalk. The barriers shall be adequately designed so that unsafe conditions are not created for the physically disabled, blind and partially sighted. In order to maximize visual access and pedestrian safety, the height of the railing, barrier, fence, or planter within the right-of-way shall not exceed three feet in elevation from the patio area, unless required to meet a building code.

ii. Adequate lighting of barriers and railings for stairways and sidewalks shall be provided.

iii. No cantilevered projections over a public right-of-way or other pedestrian walkway shall be permitted. A change in paving pattern and texture may be required to alert pedestrians of a change in sidewalk use.

iv. Awnings or umbrellas may be used in conjunction with all outdoor dining areas. For sidewalk cafes within the public right-of-way, awnings shall be adequately secured, retractable and shall be constructed and installed to the satisfaction of the building official. At no point shall the height of the awning including the valance be less than seven feet from the floor of a sidewalk cafe.

v. Sidewalk cafes should be at the same elevation as the adjoining sidewalk. However, in the event of a grade change, consideration may be given to permit the floor level of the sidewalk cafe to be elevated or depressed.

7. Additional parking shall not be required for the outdoor dining area/sidewalk café.

8. Maintenance and Cleaning. A maintenance and cleaning plan for the sidewalk café and outdoor dining area shall be submitted as part of the application. At minimum, the following shall be conditions of approval for the maintenance of the outdoor eating area:

a. Trash and Debris Removal. Outdoor dining areas, including any adjacent landscaped areas, sidewalks, and parking areas, shall be kept free of trash and debris at all times. The cleanup and removal of any trash and debris at the conclusion of its operation daily.

b. The outdoor dining areas in the public right-of-way shall be cleaned/washed weekly to the satisfaction of the City Engineer. More frequent cleaning may be required after inspection by the City Engineer or his/her designee.

E. Review/Modifications/Revocations: A Conditional Use Permit may be subject to review, modification and/or revocation pursuant to Section 17.68.010.I of the SBMC.

F. Encroachment Permit Required. An encroachment permit and Encroachment, Maintenance and Removal Agreement (EMRA) shall be required for a sidewalk cafe in accordance with the provisions of SBMC 11.20.200 and shall be applied for and processed concurrently with the application for a conditional use permit.

1) Fees for an encroachment permit shall be established by resolution of the City Council.

2) Improvements within the right-of-way shall require bond or cash deposit to the satisfaction of the City Manager or their designee.

G. Liability Insurance. The permittee shall agree to hold the city of Solana Beach harmless and indemnify the city of Solana Beach from and against all claims, demands, costs, losses, damages, injuries, litigation, and liability arising out of or related to the use of the public property by the permittee or permittee's agents, employees, contractors, or guests. The permittee shall also give evidence of liability insurance in an amount determined by the issuing authority to be sufficient to deal with the maximum amount of potential liability related to permittee's use of the public property, and such additional terms as the issuing authority deems appropriate. The issuing authority may require an additional bond to be posted as security for the performance of permittee's obligation to repair all public property damaged as a result of permittee's use of the public property. (Ord. 185 § 2, 1993)

H. Any businesses with existing and approved Temporary Use Permits (TUP) that are in compliance with these provisions shall be issued a new Conditional Use Permit (CUP). Any existing businesses that have not updated the respective TUP to these current standards within 90 days of the effective date of this Ordinance shall remove the outdoor dining improvements or obtain a new Conditional Use Permit consistent with these provisions.

Section 3. Subsection 17.12.010.D.12.n shall be amended to read as follows:

n. **Sidewalk Cafes.** A portion of a dining establishment, located within the sidewalk area of the public right-of-way, which is used exclusively for dining, drinking and circulation therein. A sidewalk cafe may provide waiter or waitress service or self-service.

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Section 4. Subsection 17.20.040.D.5.d (Accessory Dwelling Units) shall be amended to read as follows:

d. Multiple detached accessory dwelling units:

i. Multiple accessory dwelling units located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling are subject to height limitations outlined in subsection 4.g and rear yard and side setbacks as outlined in 4.c.

ij. On a lot with an existing multifamily dwelling, not more than eight (8) detached accessory dwelling units are allowed. However, the number of accessory dwelling units allowable pursuant to the subsection shall not exceed the number of existing units on the lot.

iii. On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units are allowed.

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Section 5. Subsections 17.20.040.R.2.a and b (Two-Unit Residential Developments in Single-Family Zones) shall be amended as follows:

- a. If a parcel includes an existing single-family home, one additional unit may be developed pursuant to this subsection. No more than 25 percent of the existing exterior structural walls shall be demolished to create the two-unit residential development, unless the existing single-family home has not been occupied by a tenant in the last three years.
- b. If a parcel does not include an existing single-family home, or if an existing single-family home is proposed to be demolished in connection with the creation of a two-unit residential development, two units may be developed pursuant to this subsection.

Section 6. Subsection 16.48.050.C (Urban Lot Split) shall be amended as follows:

- C. New unit size shall conform to the base zoning standards of the lot(s). Maps shall show the footprints of existing and proposed structures.

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Section 6. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, which exempts minor alterations in land use limitations which will not result in any changes in land use or density. The City Council further finds that there is no possibility that the activity may have a significant effect on the environment and that therefore, pursuant to Section 15061(b)(3) of the CEQA Guidelines, the Ordinance is exempt from the provisions of CEQA.

Section 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code Section 36933.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Solana Beach, California, on the 10th day of December, 2025; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Solana Beach, California, on the 14th day of January 2026, by the following vote:

AYES:	Councilmembers –
NOES:	Councilmembers –
ABSTAIN:	Councilmembers –
ABSENT:	Councilmembers –

LESA HEEBNER, Mayor

APPROVED AS TO FORM:

ATTEST:

JOHANNA N. CANLAS, City Attorney

ANGELA IVEY, City Clerk