

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **SPECIAL** MEETING

MINUTES

WEDNESDAY, JANUARY 16, 2008
5:00 P.M.

CITY COUNCIL CHAMBERS
635 S. HIGHWAY 101,
SOLANA BEACH, CALIFORNIA

The City Council acts as the City of Solana Beach Redevelopment Agency and the Public Financing Authority.

CALL TO ORDER AND ROLL CALL:

Mayor Kellejian called the meeting to order at 5:05 p.m.

Present: Kellejian, Roberts, Nichols, Campbell, and Heebner.

Absent: None.

Also Present: David Ott, City Manager
Leticia Fallone, Deputy City Clerk
Dan Goldberg, Interim City Engineer
Lori Naylor, Project Consultant
Tiffany Wright, Attorney

FLAG SALUTE:

Deputy Mayor Roberts led the flag salute.

APPROVAL OF AGENDA:

MOTION: Moved by Roberts and seconded by Heebner to approve the agenda. **Motion carried unanimously.**

PUBLIC HEARINGS

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 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. Please be aware of the three-minute timer light on the Council Dais.

1. Consideration of Certification of the Final Environmental Impact Report (EIR) for the Mixed-Use Solana Beach Train Station Project (Cedros Crossing) (File 0600-40)

Recommendation: That the City Council

- A. Adopt Resolution 2008-14 certifying the Final EIR for the Mixed-Use Solana Beach Train Station Project (Revised) upon deeming that the EIR is substantially complete.

David Ott, City Manager, stated that the last time the draft Environmental Impact Report (EIR) was before Council was on July 19, 2007, that the EIR was re-circulated and public comment on the document began on August 17th and ended on October 1st. He stated that there were delays with funding of the EIR and the that final draft EIR was before Council for approval.

Lori Naylor, Project Consultant, presented a power point presentation on the back ground of the EIR process for the project. She introduced Consultants who worked on the EIR who included; Jones and Stokes, Wilson and Company, Lindscott and Greenspan, Austin Foust Associates, Moffat and Nichols, and Westin Solutions.

Council and City Manager discussion ensued regarding time spent on the project, that the City began working on the project about two years ago, and that the average length of time to certify a project of this complexity took about two – four years. Council and City Attorney discussion ensued regarding the EIR process, what steps would follow if the EIR was

certified at this meeting, and what would be required to certify the Environmental Impact Report.

Claudia Unhold, Jones and Stokes, EIR Project Manager, presented a power point presentation addressing environmental impacts and mitigations for traffic and parking issues.

Council and City Manager discussion ensued on the possible closure of Cliff St. and how the closure of the street was addressed in the EIR.

Council and City Attorney discussion ensued on how to address references to the North County Reparatory Theater in the EIR document which was no longer a part of the project.

City Staff and Council discussion ensued regarding the project that was approved in 1991, that the current project proposed double the residential units, and that Council was not bound to the decisions made by the previous Council.

Tiffany Wright, City Attorney, stated how references made by the previous Council could be struck from the EIR and that the 1991 project was included in the EIR for reference purposes.

Catherine Rodman stated that she supported the certification of the final EIR, that the City needed to comply with the Pearl Settlement, that the project provided the opportunity to comply with the Housing Element, and that it would bring affordable housing to the City.

Gary Martin (group 15 min: John Scales, Linda Scales) stated that accurate information was needed to provide a good project, that he wanted a project that was a unique retail destination and compatible with the community. He stated that he supported rail transit, that he was concerned about lack of parking in the area, that the project proposed 517 spaces, and that more parking spaces would be required at the completion of the project. He stated that there was a significant impact in the amount of spaces needed and that the project contributed to the shortfall of parking spaces in the area. He stated that the parking options identified in the EIR and by NCTD were not feasible and that more spaces should be added to the project to support mass transit. He stated that the parking shortage prevented ridership and would affect businesses on Cedros and Highway 101.

Council and City Attorney discussion ensued with Mr. Martin regarding the lack of adequate parking for the project and how the lack of parking was not considered a significant impact in the EIR. The City Attorney stated that the parking analysis was adequate for CEQA purposes, that Council could determine at the project approval whether or not the parking should be considered a significant impact, and that Council had to support determinations with findings and evidence.

Brian Fish, Luce, Forward, Hamilton, and Scripps Law Firm, stated that he was the legal counsel for Shea Properties. He stated that there were law cases that stated what an EIR had to address and that studies had to be done to address impacts posed by the current project, and that future potential impacts could not be analyzed for EIR purposes.

Marco Gonzalez (group 15 min: Kristine Schinder, Elizabeth Borst) stated that the Council had discretion in many areas of the project, that many aspects of the project were out of scale with the community, that there was a long term parking impact, that the parking impact was not mitigable, and that Council had the discretion to address the parking issue at this time.

Bruce Berend (group 15 min: Tom Walters, Chris Walters) presented a power point presentation. He stated that he had concerns about the parking at the project, that parking should be considered a significant impact in the EIR, that NCTD should have provided long term parking solutions for the rail transit, and that NCTD did not want to participate in the parking solution of the project. He stated that Council should amend the EIR to show parking as a significant impact to the area.

Peter Lambrou (group 15 min: Gene Walker, Paula Shaw) presented a power point presentation on parking elasticity. He stated that charging for parking would impact peoples' behavior, that they would park in neighborhoods and walk longer distances to avoid paying for parking, and that parking fees were being discussed for the site. He stated that people would park in "no parking" zones or in short term ridership parking on overflow days, that an analysis of the parking elasticity study should be done, and that NCTD could charge for parking for additional revenue. He stated that the EIR should address the parking impacts on neighborhoods and restaurants.

David Ott, City Manager, stated that NCTD had publicly stated at Council meetings that there would be no paid parking at the project site.

Council discussion ensued regarding paid parking at the Solana Beach parking lot and that NCTD stated that a study would be conducted to evaluate paid parking at transit sites north of Solana Beach.

Gordon Johns (group 15 min: Linda Costello, Janell Johns) presented a power point presentation. He stated that he had concerns regarding parking issues at the site and that the project did not comply with the Highway 101 Specific Plan requirements. He stated that he had concerns with passenger pick up and drop off at the site, that additional spaces were needed to accommodate the amount of cars and taxis, and that there were not enough parking spaces allocated for construction workers and equipment. He stated that the project was subject to the Specific Plan requirements and the project was not in compliance with the requirements. He stated that Council should revise the EIR to require the project to comply with the Highway 101 Specific Plan.

Council, City Manager and Staff discussion ensued regarding the projects compliance with the Highway 101 Specific Plan requirements.

Lori Naylor, Project Consultant, stated that the Highway 101 Specific Plan stated how mixed-use could be incorporated into a project and that the commercial aspect of the project was primary and the residential aspect was secondary when residential units were part of a commercial district. She stated that the project had horizontal and vertical mixed-use components, that it was the only property in Solana Beach where horizontal mixed-use was discussed in the Specific Plan or the Zoning Ordinance, and that the City considered the project as one contiguous project for the entire site. She stated that the project met the residential densities for mixed-use development over the entire site, that since the developer was providing affordable housing on the site he was able to request a density bonus in accordance with State law and he could also request economic incentives which could exempt him from certain development standards. She stated that the project was considered a mixed-use project, that the mixed-use development standards applied to the project, and that a ten foot set back was not required from the right-of-way under the Highway 101 Specific Plan standards.

Council and Staff discussion ensued regarding the projects' compliance with the Highway 101 Specific Plan, the residential components of the project, whether or not the developer had asked for a density bonus, and whether or not the project complied with the Highway 101 Specific Plan

since the developer had not requested any concessions from the State.

Tiffany Wright, City Attorney, stated that the purpose of the EIR was to address environmental impacts and that Council was not bound by the determinations in the EIR for the project approval.

Council, City Attorney, and Staff discussion ensued regarding language in the EIR and whether language could be modified to address that the project should be designed to comply with the Highway 101 Specific Plan.

Mayor Kellejian recessed the meeting at 7:55 p.m.

Mayor Kellejian resumed the meeting at 8:02 p.m.

David Zito stated that he had concerns regarding the mitigation in the EIR for parking during construction and that there would be a significant loss in parking spaces during the construction phase.

Torgen Johnson (group 15 min: Lindsay Bazett, Susan Murphin) presented a power point presentation. He stated that the project was only one of many configurations for this site, that the project had significant aesthetic impacts to the surrounding neighborhoods, that the bulk, scale and height of the project was not compatible with the area, that a human scale was required to get a sense of the height of the project, that the project design should be compatible with the character of the surrounding area, and that the aesthetic impacts should be addressed in the EIR.

Tim Coughlin (group 15 min: Ira Opper, Nancy Brown) stated that long term transit parking was a goal of the project, that there was a lack of parking for the project, that additional parking spaces would be needed yearly to accommodate growth, and that the project was not compatible with the surrounding area. He stated that Cliff St. would be impacted by the project and should be closed, and that eventually there would be paid parking at the site. He stated that the project had to be approved quickly in order to retain the grant money and that Council would have to put conditions on the project so it would be compatible with the community.

Jack Hegenauer (group 15 min: Judy Hegenauer, Dean Rodmich) presented power presentation on the EIR impacts and mitigations. He stated that the long term parking solution was a goal of the project, that the project would produce additional congestion at Highway 101 and Lomas Santa Fe, that there would be added traffic on Cliff St., and that a 517 space parking garage was not adequate for the project. He state that

there was a lack of pick up and drop off areas, that parking during the construction phase would not be sufficient, and that the project violated the Zoning Ordinance and Specific Plan. He stated that the project was not compatible with the surrounding areas and that references to the 1991 project should be deleted from the EIR.

Eric Terrill (3 min donated by Bruce Allen) presented a power point presentation regarding concerns about the EIR. He stated that traffic would be increased in the area, that the traffic flow was complex in the project site area, that the EIR did not detail the bus turn -around on Cedros, and that the EIR was not complete. He stated that the EIR did not discuss the roof tops as a source of noise for the project, that the loft housing faced the east which was inconsistent with the neighborhood, and that parking in the area was already being used to capacity. He stated that the EIR did not do a sufficient job in testing air quality and failed to address that the parking garage would be a source of pollution.

Peter Zahn stated that he had concerns regarding the EIR, that the theater components should have been removed from the EIR, that the amount of parking spaces for the project was unclear, and that he was concerned about the validity of the data supplied by NCTD and the developer.

Marion Dodson stated that the approval of the 1991 project was a long process, that the site was selected because it could be an Amtrak and Coaster station, and that it was chosen to be the center of the City. She stated that there were existing parking problems around the City, that the NCTD parking lot was already full, and that parking problems would get worse without a parking garage.

Council discussion ensued regarding how to certify the EIR without triggering re-circulation of the document, that Council wanted their intentions to be clear in the document, and whether edits could be made to the document for clarity.

Tiffany Wright, City Attorney, stated that Council had to consider how the edits would be included in the document in terms of production of the document. She stated that re-circulation of the EIR would be triggered if there were changes to the project, if new information was presented that would lead to new significant environmental impacts, or if there were feasible mitigation measures that would reduce the impacts of the project.

Council and City Attorney discussion ensued regarding addressing the

publics' concerns on the EIR, that long term parking solutions for transit riders should be the fundamental goal of the project, that the goals established between NCTD and the City should be separated from the goals of the developer, and whether the language in the EIR could be modified to include the fundamental goal to provide long term parking solutions for transit riders.

Council discussion ensued regarding parking issues related to the project, that Council needed additional information on the traffic surveillance system, and that traffic was an unmitigable significant impact. Tiffany Wright, City Attorney, stated that the goal of the EIR was to provide information to the Council, that Council could direct Staff to research additional information if required, and that the mitigation measures addressed in the EIR needed to be viewed within the context of the entire project.

Council and City Attorney discussion ensued on the traffic concerns being unmitigable and the Council could make these determinations at the time of project approval.

Council, City Manager, and City Attorney discussion ensued regarding how Council could address concerns in the EIR at the time of the project determination, that Council wanted to add clarifying language to the EIR to document concerns of unmitigable impacts in the document, that Council wanted to document that certain mitigations were not acceptable at this time, and that Council could make decisions about whether or not impact mitigations were acceptable or not at the project approval, that Council could exercise their discretion on concerns at that time. The City Attorney stated that the purpose of the EIR was to present impacts and possible mitigations of impacts to the public, that it allowed for public comment, and that the public comment process was a part of the CEQA process.

Lori Naylor, Project Consultant, stated that if the City reviewed a project and found no significant unmitigated impacts that there was a process in CEQA to go through, that if Council did not agree with the mitigation measures they could adopt a statement of overriding considerations, and that certain findings would have to be made in order to adopt the statement.

Council directed staff to add language to the resolution citing the statute that stated that Council was the decision maker and not bound by the determinations in the EIR, and that Council could make final determinations and findings at the project approval for clarifications in the EIR.

Council discussion ensued regarding the particulate matter of the sand that would be excavated at the site and brought to the beach and whether mixing the small and large grains would assist in keeping the sand on the beach longer.

Chris Webb, Moffat and Nichols, stated that mixing the sand would not cause the sand to stay on the beach longer, and that the grain sizes from the site were more coarse compared to the existing grain on the beach, and that sand brought over by the site would not cause a significant impact in terms of plumes in the water.

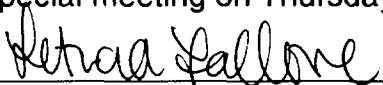
Council discussion ensued with Staff regarding whether the impact on the quality of air was adequately addressed in the EIR.

Michael Slavick, Jones & Stokes, stated that the air quality analysis was done adequately, that it addressed emissions released in the air by vehicles, and that vehicles today had better emission systems. He stated that a health risk analysis was conducted to analyze the diesel particulate matter in the air from the trains since the trains would be so close to residential units, that the analysis indicated the risk level was low, and that the project would not pose a significant impact to residents in terms of air quality.

Council discussion ensued with the consultant on options for ventilation for the parking garage to assist with the air quality produced by vehicles.

ADJOURN:

Mayor Kellejian adjourned the meeting at 10:00 p.m. to an adjourned special meeting on Thursday January 17, 2008 at 5:00 p.m.



Leticia Fallone, Deputy City Clerk

Approved: April 9, 2008