

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, NOVEMBER 12, 2008
6:00 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:

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

Absent: None.

Also Present: David Ott, City Manager
Lisa Foster, City Attorney
Dennis Coleman, Finance Director
Angela Ivey, City Clerk
Wende Protzman, Dir Admin. Serv/Deputy City Mgr
Tina Christiansen, Community Dev. Dir.
Mo Sammak, -City Engineer/Public Works Dir.

FLAG SALUTE:

Mrs. Short led the flag salute.

Councilmember Kellejian asked that meeting be adjourned in the memory of Betty Gallagher.

Councilmember Campbell requested that the meeting end this evening by 9:00 p.m. due to a Coastal Commission meeting tomorrow morning for some Council and staff.

APPROVAL OF AGENDA:

Deputy Mayor Nichols joined the meeting at 6:05 p.m.

MOTION: Moved by Heebner and seconded by Roberts to approve requested that item C.3. be moved to Consent. Deputy Mayor Nichols abstained in the vote due to missing a portion of the discussion. **Motion carried 4/0/1** (Abstain: Nichols.)

PROCLAMATIONS: None

PRESENTATIONS:

(Ceremonial items that do not contain in-depth discussion and no action/direction.)

2. City Plans Map Donation

Mayor Roberts said that 85 years ago a young man came to work for Col. Ed Fletcher, a founder of the City, and worked on the layout of the City in 1923. He said that recently someone approached the City and stated that his father had worked on the City's incorporation and had the original plat map and would like to donate it.

Judy Hegenauer thanked the Whitmarshes for donating the documents to the museum.

Mayor Roberts introduced Bob and Catherine Whitmarsh and presented a Certificate of Appreciation to them for their donation of the original plan maps of the layout of the City in 1923 and presented them with City lapel pins.

1. Public Arts Advisory Commission

Alan Moffson, acting Chair, said that they provided a public forum for arts, presented recommendations to Council, encouraged gifts and private funding, raised funds through the Arts Alive banner program, as well as other functions.

3. Green Recognition

Corey Johnson, Assistant Planner, presented a Powerpoint which recognized three local projects that incorporated unique environmentally conscious elements into their projects at 641-619 Valley Avenue, 313 San Lucas Dr., and 246 N. Cedros. The Community Development Department would be sending Certificates of Appreciation to these projects for their efforts of protecting environments in the area.

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. 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 presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

COMMUNITY ANNOUNCEMENTS:

Council presented announcements.

COMMENTARY:

Council reported commentary.

A. CONSENT CALENDAR: (Action Items)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Waive the reading of Ordinances.

Recommendation: That the City Council

1. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried unanimously.**

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the Special City Council meeting held April 28, 2008.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried unanimously.**

A.3. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for September 27 - October 10, 2008.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried unanimously.**

A.4. Eden Gardens Sewer Pump Station Communication Consultant Contract. (0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2008-188 approving a contract with DLT&V Systems Engineering for designing, supplying, programming and assisting the startup of communication hardware and software for a not-to-exceed amount of \$48,899.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried unanimously.**

A.5. Del Mar Shores Beach Access Stairway Design Proposal. (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2008-181 approving the proposal by Noble Consultants, Inc. in the amount of \$44,718 for preliminary engineering/design of the Del Mar Shores Beach Access Stairway.

include gull sculpture

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried unanimously.**

C.3. Public Art Project - Gull Sculpture. (File 0910-45)

Recommendation: That the City Council

1. Refer the Gull project back to the PAAC for further consideration of public comments including potential design changes and installation sites before providing a final recommendation on the proposed site.

MOTION: Moved by Heebner and seconded by Kellejian. **Motion carried unanimously.**

NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)

B. 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 designees 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 timer light on the Council Dais.

B.1. Conditional Use Permit Request for 521 Pacific Avenue, Case 17-08-05, Applicant: David J. Winkler. (File 0610-60)

Recommendation: That the City Council

1. Report Council Disclosures
2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
3. Find that the Initial Study and Mitigated Negative Declaration (MND) prepared for the project (SCH# 2008061106) has been prepared consistent with CEQA and the 2008 State CEQA Guidelines and certify the Initial Study and MND as a subsequent project identified in the 2003 Master EIR (MEIR), as required by the California Environmental Quality Act (CEQA).
4. Adopt the Mitigation Monitoring and Reporting Program prepared for the project.
5. Adopt Resolution 2008-157 conditionally approving the request for a Conditional Use Permit to repair conduct maintenance and extend the seawall along the coastal bluff below 521 Pacific Avenue.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a Powerpoint of the project.

Mayor Roberts opened the public hearing.

Council reported their familiarity with the project.

Deputy Mayor Nichols stated that 24 months ago his employer worked for the applicant on a remodel, and that the City Attorney advised that there was no conflict due to the contractual relationship being outside a 12 month period, therefore, he would participate.

David Winkler, applicant, stated that rocks were on the beach when the applicant acquired the property in 2001, that there was a condition that the rocks would be removed when he purchased the property, that he had asked the Coastal Commission to permit the rocks to remain on the beach to protect the bluff but his request was denied, and that other options had to be considered.

Walt Crampton, project engineer, stated that he worked on the project since 1987, he showed various photographs of the bluff, that rocks were placed at the base of the slope in 1998, and that the Coastal Commission required the rocks to be removed and a more contemporary design solution be added. He stated that edge waves created a problem for the seawall, that water jets shot up 30 ft. and caused erosion, and that the placement of the rocks had stopped the edge wave problems. He stated that there were concerns of bluff collapses, that the bluff needed to be stabilized, that there were proposed solutions for wave deflectors to assist with the edge wave issues, that there was a lot of work done on the visual impact of the seawall, and that the seawall would look natural.

David Winkler, applicant, stated that his intention was to color contour and texture the sea wall to look like the existing bluffs and that he hoped Council would approve the project so he would not worry about losing his home.

Ron Lucker stated that he supported this project and that he had a concern about the exposed mid-bluff clean sands layer on the south side collapsing.

Council and Walt Crampton, project engineer, discussed the wave deflector that would deflect the waves outward as opposed to hitting the seawall.

Council and Leslea Meyerhoff, consultant, discussed whether a wave deflector was needed to prevent erosion at this site, that the proposed maximum height of the seawall was 27 ft., and that the reduction of height might have required the wave deflector.

Jim Nolton, Geo Pafica, stated that the rocks were placed at the beach to mitigate the wave issues, that the wave action would go straight up the wall and continue to erode the wall, and that the additional height of the wall and the wave deflector were necessary for the project.

Council discussion ensued with the applicant regarding the need for the deflector, whether the wave deflector could be engineered to look more natural, that there were various ways that the wave deflector could look, that he wanted the deflector to be natural, and that council wanted a more natural looking wave deflector.

David Winkler, applicant, stated that the seawall should be constructed to match the contiguous look of the seawall and that it was his goal to match the existing look of the seawall.

Leslea Meyerhoff, stated that one of the Land Use Plan workplan tasks was to develop a preferred bluff solution for the lower, mid and upper bluffs, that the solutions would be presented to Council for review, that the solutions would address design, color, and other aesthetic issues of seawall construction.

MOTION: Moved by Heebner and seconded by Roberts to close the public hearing.
Motion carried unanimously.

MOTION: Moved by Campbell and seconded by Heebner to approve with modifications. **Motion carried unanimously.**

B.2. Development Review and Structure Development Permit Request for 545 Stevens Ave., Solana Beach Self-Storage (Case 17-06-03, Applicant: Propotech, George Hunt. (File 0600-40)

Recommendation: That the City Council

1. Report Council disclosures.
2. Conduct the Public Hearing: Open the public hearing, Receive public testimony, Close the public hearing.
3. Certify that the Initial Study and Mitigated Negative Declaration prepared for the project has been prepared consistent with CEQA and the 2008 State CEQA Guidelines and certify the Initial Study and Mitigated Negative Declaration.
4. Adopt the Mitigation Monitoring and Reporting Program prepared for the project.
5. Adopt Resolution 2008-140 conditionally approving the request for a Development Review Permit and Structure Development Permit to redevelop an existing self-storage facility for the continued use with a larger storage capacity at 545 Stevens Avenue.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a Powerpoint.

Councilmember Campbell announced that he missed the meeting held in August but had reviewed the meeting video and the report and had discussed with the City Attorney his ability to continue to participate.

Council and staff discussion ensued regarding the elevation and what was covered by the embankment and what area was excavated to allow access, that excavation of 25 ft. down from the current level of the site would be done to be level with the existing pad, that the northern side would be seen less since the embankment would cover the portion that was below grade, that there were not standards in the City for driveways, that it was a desire to line up the driveways however these driveways must be reviewed on a case by case basis from an operational point of way, that it was not uncommon to have a driveway like this on Stevens, and that the City asked the applicant to provide a detailed design of the exact location and width and that traffic engineers were satisfied.

Council, staff and consultant discussed whether a no left turn out of the driveway would assist and that the applicant had agreed to accommodate the request and that the geo-grid walls would be acceptable but if the calculations did not work out they would have to use a different solution.

Council, staff and consultant discussed the potential moving of the transmission tower and that staff contacted SDG&E and asked what it would take to move it north or south and that either direction had complications including leaving the public right of way and placing it on private land requiring an easement or another direction would require so much clearance that it would place increased tension on the lines and create complications and costs.

Council, staff and consultant discussion ensued regarding the potential danger of the entrance of the driveway at this location, the consideration of placing stop signs on Stevens the slow traffic for this project would not meet the stop sign warrant analysis, that any driveway had to yield to the traffic, that the City Engineer did not see this driveway as unsafe even though it may be a inconvenient to the users of the project, and that the consequence of lining up the driveway with Genevieve was too great.

Council, staff and consultant discussion continued regarding architectural improvements to the facade including an additional tower element and the utilization of a tan/beige utilizing a more neutral color palate.

Council, staff and consultant continued discussion regarding the driveway, that when staff accepted the applicant's proposal for the driveway they were not aware of SDG&Es actual issues, that staff mentioned early in the submittal the recommendation of moving the driveway but it was not a feasible approach due to

the anchoring of the pole, that the State Map Act would prevent agencies from requiring these types of utilities be undergrounded but 69KB were exempt to that requirement, that staff realized the difficult anchoring process and recently confirmed it with SDG&E, that the moving of the pole would require other property owner user rights, and that the applicant would have to return with final grading and engineering plans and provide a curb cut that would need to include sidewalk reconstruction for ADA access.

Mayor Roberts opened the public hearing.

Council reported their familiarity with the project.

Dave Bubnash, representative for the applicant, said that they took the last comments to study the project and addressed the concerns which included landscaping and added screening for the residential side of the project, that the color on the rendering was much lighter than they were going to use which was a warm earth tone color, that they were going to aim for LEED certification and want the color to match that level of prestige, that originally they had the driveway more aligned with Geneveive and due to comments from staff they met with SDG&E who stated that they were not interested in moving that pole due to complications, that the applicant's traffic engineer worked with the City's traffic engineer to find a solution with the best possible striping fix.

Kim Carroll, architect, stated that self storage was the lowest traffic generator of any type of use including residential with less than 30 trips a day, that they originally came in with their driveway aligned and SDG&E made it clear that it would not happen, that they changed the color to be more earth tone, that they were installing landscaping that included native Southern Californian that use little or no water, and that they were thinking of using permeable concrete causing less water run-off than is currently being created.

Council, staff and applicant discussion ensued regarding the retaining wall, to consider utilizing some coastal natives like Torrey Pines and Coast Live Oaks which would do better in the long run, to consider eliminating the Cottonwood since they tended to buckle sidewalks, suggested a softening of the entry with landscaping, and the potential use of a deed restriction to ensure certain issues were completed and maintained.

Gary Martin (time donated by Jack Hegenauer) said that he was concerned about the appearance that this project could have long term impact in the area due to the significant frontage on the street, that how it looked and functioned was important to the area, and concern about the height of the geogrid wall and the screening.

Council and staff discussion continued regarding the retaining wall, height and the amount of exposure seen on the outside of the project.

Gary Martin continued addressing his concerns with traffic issues, that a double pocket would not do the job, that the storage facility had a lot of contractors working out of it, and that not all proposed landscape and trees were appropriate for the site.

Mayor Roberts recessed the meeting at 8:33 p.m. and reconvened at 8:41 p.m.

Deputy Nichols stated that his proposed motion would be 1. to extend the trees further to south and add approximately three additional trees, 2. change tree types on the legend, as approp for our exact location, eliminate cottonwood, 'and replace with Torrey Pines and Coastal Live Oaks, 3. place the larger trees lower on the site and more southern where the building would be the tallest, 4. the consideration of a no left turn and construct the median to prevent it from concurring, 5. a condition a deed restriction for landscaping for all trees in the plan and that they could not be removed but could be updated, 6. utilizing a small retaining wall, if needed 7. the use of earth tone colors

Councilmember Heebner stated that she would second the motion and clarified that the left hand turn would be for everyone, that there be a rasied landscaped median, and asked about the businesses across the street who would not be abel to turn.

Mo Sammak, City Engineer, stated that there were ways to make sure the businesses were not negatively affected by the median.

Mayor Roberts stated that he could not support the project due to the entrace issue.

Council, staff and applicant discussion ensued regarding the driveways for emergency access, that the intention of some layout was to allow more ground floor access in order to maintain a comptetitive edge on Stevens Dr., that the no left turn addressed a lot of concerns, consider allowing a left turn to cross a fast street, and to consider eliminating the median and could add it later if needed.

MOTION: Moved by Nichols and seconded by Heebner to close the public hearing.
Motion carried unanimously.

MOTION: Moved by Nichols and seconded by Heebner to approve with modifications mentioned by Mayor Nichols earlier. **Motion carried 3/2** (Noes: Roberts, Campbell.)

C. STAFF REPORTS:

Submit speaker slips to the City Clerk

C.1. La Colonia Park & Community Center Conceptual Design Presentation. (File 0400-10)

Recommendation: That the City Council

1. Receive the report from Van Dyke Landscape Architects and City staff.
2. Provide direction on moving forward with the project based on one of the options presented or combination thereof.

This item was adjourned to a future agenda.

C.2. Master Arts Policy Revisions - Council Policy No. 17. (File 0410-90)

Recommendation: That the City Council

1. Adopt Resolution 2008-187 approving proposed revisions to City Council Policy No.17 - Master Arts Policy.

This item was adjourned to a future agenda.

C.4. Extension to Development Review and Structure Development Permit at 614 Mar Vista Dr., Case 17-06-12, Applicant: Ryan Gonzales. (File 0600-40)

Recommendation: That the City Council

1. Grant the request for an extension beginning on November 8, 2008 to set a final expiration date of November 8, 2010 for the approval of 17-06-12 DRP/SDP for the construction of a new 3,838 square foot (including garage), two-story residence on property at 614 Mar Vista Drive.

This item was adjourned to a future agenda.

C.5. Adopt (2nd Reading) Ordinance 391 - Guidelines for Reviewing the Placement and Construction of Wireless Communication Facilities (WCFs). (File 1000-50)

Recommendation: That the City Council

1. Find the project exempt from the California Environmental Quality Act pursuant to Section 15305 and/or 15308 of the State CEQA Guidelines; and
2. Adopt (2nd Reading) Ordinance 391, amending Title 17.60.120.G, of

the Solana Beach Municipal Code, establishing new regulations for the review, placement, construction, and modification of wireless communication facilities.

MOTION: Moved by Roberts and seconded by Nichols. **Motion carried unanimously.**

Mayor Roberts read the title of the ordinance.

David Ott, City Manager, announced that all other items would adjourn to the next meeting.

C.6. Year-End Budget Adjustments for Fiscal Year 2007-08. (File 0330-30)

Recommendation: That the City Council and the Redevelopment Agency Board of Directors:

1. Adopt Resolution 2008-194 revising appropriations in the Fiscal Year 2007-08 Budget.
2. Adopt Resolution 2008-195 revising revenue estimates and appropriations for the General Fund and Asset Replacement Fund.
3. Adopt Resolution RDA 034 revising the appropriations in the Fiscal Year 2007-08 Budget.

This item was adjourned to a future agenda.

C.7. California Air Resource Board's Proposed Regulations. (File 0480-70)

Recommendation: That the City Council

1. Receive report and provide comments and direction to Mayor Roberts in regards to sending a letter of support for the two regulations being proposed by the California Air Resource Board.

This item was adjourned to a future agenda.

WORKPLAN COMMENTS:

(Adopted June 25, 2008)

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 at the next regular meeting of the legislative body.

COUNCIL COMMITTEE REPORTS:

Regional Committees: (outside agencies)

- a. City Selection Committee - Kellejian (meets twice a year).
- b. County Service Area 17 - Campbell, Nichols (alternate).
- c. Escondido Creek Watershed Authority - Nichols, Roberts (alternate).
- d. League of Ca. Cities' San Diego County Executive Committee and its Subcommittees - Roberts, Kellejian (alternate).
- e. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
- f. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Kellejian, Roberts (alternate).
- g. North County Dispatch JPA - Nichols, Campbell (alternate).
- h. North County Transit District - Roberts, Heebner (alternate).
- i. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
- j. SANDAG & its' subcommittees - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).
- k. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
- l. San Dieguito River Valley JPA - Roberts, Nichols (alternate).
- m. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
- n. 22nd Agricultural District Association Community Relations Committee - Campbell, Roberts.

Standing Committees: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Kellejian, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

Ad Hoc Committees: (All Primary Members) (Temporary Committees)

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires January 9, 2009.
- b. Development Review - Nichols, Heebner. Expires November 29, 2008.
- c. Environmental Sustainability - Roberts, Heebner. Expires January 9,

2009.

- d. Fletcher Cove - Campbell, Heebner. Expires November 28, 2008.
- e. La Colonia Park Needs Assessment - Nichols, Heebner. Expires June 13, 2008.
- f. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 12, 2009 or at the California Coastal Commission adoption.
- g. Solana Beach Mixed-Use Train Station Project Ad Hoc Committee - Nichols, Heebner.
- h. View Assessment - Nichols, Heebner. Expires August 28, 2009

ADJOURN:

David Ott, City Manager, reported that all unheard items would be removed from the agenda. Mayor Roberts adjourned the meeting at 9:05 p.m. in memory of Betty Gallagher.

A large, stylized handwritten signature in black ink, appearing to read 'Angela Ivey', is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping tail that loops back under the main body of the name.

Angela Ivey, City Clerk

Approved: 08-26-2009