

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **SPECIAL** MEETING

MINUTES

TUESDAY, NOVEMBER 10, 2009
6:00 P.M.

SPECIAL

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

CALL TO ORDER AND ROLL CALL:

Mayor Nichols called the meeting to order at 6:00 p.m.

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

Absent: None.

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

Johanna Canlas, City Attorney, stated that there was no action to report for Closed Session.

FLAG SALUTE:

Mayor Nichols led the flag salute.

APPROVAL OF AGENDA:

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

PROCLAMATIONS:**PRESENTATIONS:****1. H1N1 Presentation and Introduction of New Fire Management Personnel**

Mark Muir, introduced Mary Murphy, EMS Coordinator.

Mary Murphy, EMS Coordinator, CSA 17, registered nurse, presented a powerpoint on H1N1. She stated that the information on the flu was changing daily, that San Diego had the first reported case of H1N1 in the U.S., and that this strain had never been seen before. She described the symptoms of the flu, stated that there had been 30 fatalities in the County from the flu, how the flu was spread, what to do if someone thought they had the flu, when to seek emergency care, and what preventive actions to take.

Mark Muir, Fire Chief, introduced the Fire Management Team. He provided a packet to the Council regarding the organization of the new Fire Management Services and spoke about the financial efficiencies of the new combined Fire Management Program.

2. Fletcher Cove Reef Presentation

Heather Schlosser, Army Corps of Engineers (ACOE), presented a powerpoint on a multi-purpose reef at Fletcher Cove. She stated that there were erosion issues at Fletcher Cove, that the Corps began an appraisal report in 2004 to evaluate innovative shoreline protection measures, and that in 2007 the initial appraisal report was incorporated into the Regional Shoreline Management Program. She stated that the overall intent of the study was to review ways to minimize erosion in the area, that the intent of a reef was to retain sand longer on the beach, that phase one was complete, and that it was fully funded.

David Cannon, Everest Intern Consultants, continued the powerpoint. He stated that the design for the reef was an oil piers design, that the design was evaluated and assessed for the Fletcher Cove area, that the width and height of the crest and length of the reef and the distance of the reef offshore determined the size of the sailent on the beach, and that those were the primary factors that determine the effectiveness of the reef retaining sand on the beach. He stated that the reef was a pressed elevation at sea level, that it would be 270 feet long, and that he was not sure what type of material the reef would be comprised of.

Heather Schlosser stated that it was a conceptual design, that potential environmental impacts had not been reviewed, that research would be needed

on the type of material that would be used, and that phase two would involve reviewing the environmental impacts, construction of the reef, as well as the impacts of the reef up and down the coast. She stated that the program did not require cost share for the study or construction, that the Corps would monitor the reef, that the City would be responsible for maintenance, that the Corps would spend \$5 million total on research and construction of the reef, that phase two would begin fiscal year 2010/11, and that if funding was available construction would begin in fiscal year 2011/2012.

Council, Staff and ACOE Consultants discussion ensued regarding holding a public hearing regarding the project for phase two, concerns from the public, whether the reef was removable, altering the design of the reef while it was in place, the design of the reef and the relationship to waves and surfing, optimizing the reef for surfing and habitat, and funding for phase two of the project.

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 made community announcements.

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 Roberts and seconded by Heebner. **Motion carried unanimously.**

A.2. Minutes of the City Council.

Recommendation: That the City Council

1. Approve the Minutes of the Regular and Special City Council meetings held May 27, 2009.

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

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

Recommendation: That the City Council

1. Ratify the list of demands for October 10, 2009 through October 23, 2009.

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

A.4. Award Marsolan Underground Utility District Streetlight Replacement Project, Bid No. 2009-06 (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-128
 - a. Awarding the construction contract for the Marsolan Underground Utility District Streetlight Replacement Project, Bid No. 2009-06, in the amount of \$13,560 to HMS Construction, Inc.
 - b. Approving an amount of \$2,440 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.

MOTION: Moved by Roberts and seconded by Heebner. **Motion carried**

unanimously.

A.6. External Website Link Policy (File 0410-90)

Recommendation: That the City Council

1. Adopt Resolution 2009-131 establishing an External Website Link Policy for providing links to outside entities on the City's official website.

This item was pulled from the agenda.

A.7. Resolution of Denial of a SUB/DRP/SDP for 823 Vera Street (Case # 17-08-24 Applicants: Kettering and Davis) (File 0600-40)

Recommendation: That the City Council

1. Adopt Resolution 2009-133 denying the request for a Minor Subdivision, Development Review Permit, and Structure Development Permit at 823 Vera Street.

MOTION: Moved by Roberts and seconded by Heebner. **Motion carried 4/1** (Noes: Kellejian.)

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. Development Review Permit (DRP) for 365 Pacific Avenue (Case No. 17-09-10 Applicant: Di Noto) (File 0600-40)

Recommendation: That the City Council

1. Report City Council disclosures;
2. Conduct the Public hearing: Open the Public Hearing, Receive Public Testimony, Close the Public Hearing;
3. Find the project categorically exempt from the California Environmental Quality Act pursuant to Section 15301 of the 2009 State CEQA Guidelines; and
4. If the City Council makes the requisite findings and approves the Project, adopt Resolution 2009-099 conditionally approving a Development Review Permit to remodel an existing single-family residence on property at 365 Pacific Avenue.

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, consultant, presented a powerpoint.

Council and Staff discussed that fact that the structure was already non-conforming to the SROZ (Scaled Residential Overlay Zone), that it was constructed about 35 years ago, and that the increase in the first floor was due to doors and windows but did not change the existing footprint in mass.

Mayor opened the public hearing.

Council disclosed their familiarity with the project.

Tom DiNoto said that he wanted to reinforce the person and family behind the permit and application, and that this would be his home for his family, that he wanted to make an attractive enhancement in the community and environmentally aware remodel, and that he asked for approval for a permanent home for many years.

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

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

B.2. Amendment to Development Review Permit (DRP), Structure Development Permit (SDP) and Planned Unit Development (PUD)

at 505 North Cedros Avenue, Case # 17-09-04, Applicants: Tad and Christa Keyser. (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. Finding the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
4. If the City Council makes the requisite findings and approves the project, adopt Resolution 2009-122 conditionally approving an amendment to DRP/SDP/PUD (Case No. 17-01-03) for a remodel/addition of an outdoor deck on an existing single-family, three-story residence at 505 North Cedros Avenue.

David Ott, City Manager, introduce the item.

Rich Whipple, Principal Planner, presented a powerpoint reviewing the project.

Council and Staff discussed whether there were rules of what could be placed on the deck, that the structure and area proposed was visible from Highway 101, that the original deck was hidden in 2001 so it was not an issue to address then, that it was not visible before so there were not any conditions to monitor what was placed on the deck, that the area has CC&Rs and that there was no evidence of a HOA, that the project initially approved included roof decks on all units and no 3rd story living space but an element as a roof access since the council made it clear that they did not want 3rd story living space, that the substantial conformance was passed without much discussion, that the developer chose to eliminate all roof decks on all units and eliminate all 3rd story roof access on all units but gave these 6 units access the right to have a 3rd story living space not previously approved by Council, that it was missed or snuck through, that if the PUD (Planned Unit Development) had set standards and the Council changes the standard for one unit then the other units may have rights.

Council and City Attorney discussed that it appeared that uniformity was related to the group itself, all residents were part of the PUD that would be part of this decision, that if it was allowed then others could come to ask and Council could consider making allowances, that setbacks changed because of some incentives including affordable units, that there was a conformity to standards set as part of

the PUD that was approved, that the conformity stated how each unit was to look theoretically, that if they approved and changed the PUD then the same issue would be open all the row homes, that the City could not require the community to form a homeowners association (HOA), that this was a discretionary process and could condition the structure, and that the building code regulate the railing required.

Council reported their familiarity with the project.

Mayor Nichols opened the public hearing.

Tad Keyser, applicant, resident, said that they take care of their homes, that the intention was to have a little more living space since they spend time in the back alley, that it would augment and differentiate their space, that he did not want to place large plants or umbrellas on the deck, that the only other units that would even be able to do something similar would be units identical to his, that the others would have different issues since they have no 3rd floor access or would have to go off the side to access the area, and that he wanted to a more viable living space.

Council and Applicant discussion ensued regarding the common area that people have to agree to maintain and that there was one other common area that as well maintained, that he had reviewed the CC&Rs and that they were not relevant to this project, that Staff did not review the private CC&Rs as part of the City's approval process, that the PUD governs everything so it was not allowed unless Council amends, that he had spoke with neighbors and received one positive email, that the first 13 units are rentals, and that relevant properties to south and north had not issues.

Craig Frieuhauh, architect, presented a powerpoint reviewing the project and the code section regarding the PUD.

Council and Applicant discussed that the Applicant would be willing to accept conditions about what was placed on the area including a maximum height, that he intended to use in place of his current use of the alley way, that conditions would include tall trees and heating lamps as well as hanging out bathing suits and towels over the side, and that conditions would protect against any issues with cluttering the look from outside.

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

Council and Staff discussed limiting Plans 2 with conditions, to consider obtaining the residents of the PUD, consider adding some articulation, to condition what goes on the deck with limitation of height, to consider requiring contact and

consensus among the members in the PUD, that it was a discretionary permit, that there was not a governing body to address the issue of future issues since there was not an established HOA, that a condition could be placed that would required that all owners approved the change, and that this was the only PUD in the City which was a set of rules for these homes.

Council and Staff discussion continued regarding that each new request could have different circumstances so it would still be a discretionary decision for Council so it was not appropriate to recommend for all units, that the box look could be fixed with a faux roofline, that the issue of larger group was an issue since when the applicant purchased the unit there were certain standards, that back up material stated that all 22 rooftop decks were eliminated to preserve privacy issues, that a more fair way would be to incorporate changes for the entire PUD, that the deck was not designed into the mix so whether it would create an unintended result like overlooking an area that intended during the original design, to have the entire PUD request an amendment.

Council and Staff discussion continued regarding that getting everyone to sign off on one thing could be almost impossible, that maybe six units could reach consensus, that this community was made of different kind of designs, that each proposal would have to be addressed individually, to provide more architectural details to meet the phrase harmonious, that one Council approved the PUD and to open and amend it would be changing it without everyone's involvement, and to get the owners sign off and acknowledge the change.

Councilmember Roberts made a motion to send back to staff for 1. to come up with standard for what can be on the deck including no suits hanging on railings and 2. form of articulation from the application.

Council discussed the reference to the elimination of the roof decks at the design of the PUD which established rules, to obtain consensus among owners, and to review limitations on the deck and that the Applicant provide articulation in a redesign.

Council continued discussion regarding obtaining feedback from owners to give them all an opportunity to respond regarding the proposal, whether they can access all owners by mail or to consider certified mail, that Council should not become this development's homeowners association, to consider denying it and wait for the entire group to bring the proposal forth since it should be initiated by them, and that Council was being asked to review one instance.

Council and Staff discussed continuing the project for time for the applicant to obtain input from all the members in the PUD, that then the project and the input could be considered, to obtain input that here was no objection to the the proposed changes without including the issue of particular articulation, that the

deck concept would have to sold to 22 units, and to utilize the plans as proposed, and that the Staff would assist in drafting the language to propose to the owners.

Council reached consensus by raising their hands in favor or re-opening the public hearing in order to continue the project to a date certain for January 13th.

Council and Applicant's architect discussed sending the notifications certified mail, consider making extra effort to knock on doors so that bringing it back without any responses would put the Council in the same position, to add a time limit to the letter, and that if there were 20 supporters and only one that said no that Council would continue the discussion.

MOTION: Moved by Roberts and seconded by Kellejian to continue the item to January 13, 2010 asking the applicant to contact the members of the PUD in order to obtain some feedback so that Council could make an informed decision with their input and directed staff to assist the applicant with language for their mailers, directed staff to work on potential language for conditions, and directed the applicant to consider providing some form of articulation to the current design.

Motion carried unanimously.

A.5. Award construction contract for the Fletcher Cove Pump Station Vault Maintenance, Bid No. 2009-07 (File 0400-10)

Recommendation: That the City Council

1. Adopt Resolution 2009-127
 - a. Awarding the construction contract for the Fletcher Cove Pump Station Vault Maintenance Project, Bid No. 2009-07, in the amount of \$20,770, to A.B. Hashmi, Inc.
 - b. Approving an amount of \$4,230 for construction contingency.
 - c. Authorizing the City Manager to execute the construction contract on behalf of the City.

Mayor Nichols pulled this item from Consent for discussion.

David Ott, City Manager, introduced the item.

Mayor Nichols stated that he pulled this item for discussion due to correspondence he received from the public regarding concerns of the restrooms, the pump station providing a remedy for the issues at Fletcher Cove, and the existing sewer lines at Fletcher Cove.

Mo Sammak, City Engineer, presented a PowerPoint. He stated that there were

two utility rooms on either sides of the restrooms, that if there was a channel at the back of the restrooms to catch any drainage that spilt on the floor, that the drainage went to a sand trap, that the toilets and sinks were connected into an underground pump station, and that there had been several clogs in the pipeline due to the inefficiency of the pipe. He stated that three of the clogs caused spillage on the bathroom floor, one spilled into the park, but no spills had gone to the beach, that there were clogs in the pipe due to sand in the pipe, that a new man hole would be built to allow the system to be flushed up hill and to clean out the sand. He stated that a secondary system would be a sand trap to intercept sand from the showers and bathrooms, that from the sand trap it went to the low flow diverter and pumped to S. Sierra Ave.

Council and Staff discussion ensued regarding the role of the Regional Quality Board in this issue, that the board was aware and supportive of the City's proposed solution, that cleaning products were extracted with a vacuum cleaner, and whether a new pipe could be installed as another solution.

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

David Ott, City Manager, introduced Battalion Chief Mike Gibbs who would be working with the City through the consortium.

WORKPLAN COMMENTS:

(Adopted June 24, 2009)

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 reported compensation.

COUNCIL COMMITTEE REPORTS:

Council made committee reports.

Regional Committees: (outside agencies)

- a. City Selection Committee - Roberts (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 - Roberts, Kellejian (alternate) and any subcommittees

- 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 - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate) and any subcommittees.
- 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)

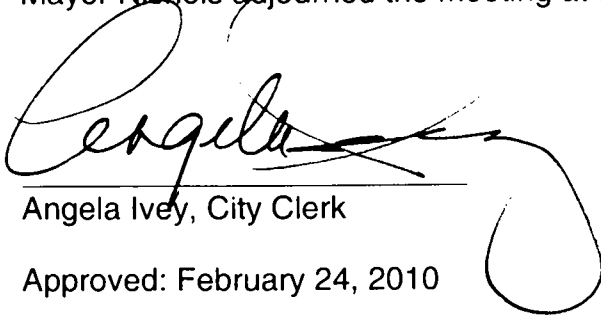
- a. Business Liaison Committee - Roberts, Campbell.
- b. Highway 101 / Cedros Ave. Development Committee - Nichols, Heebner.
- c. I-5 Construction Committee - Heebner, Roberts.
- d. Public Arts Committee - Roberts, Nichols.
- e. School Relations Committee - Roberts, Campbell.

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

- a. Army Corps of Engineers & Regional Beach Nourishment - Kellejian, Campbell. Expires December 9, 2009.
- b. Development Review - Nichols, Heebner. Expires November 18, 2009.
- c. Environmental Sustainability - Roberts, Heebner. Expires December 9, 2009.
- d. Fletcher Cove - Campbell, Heebner. Expires November 18, 2009.
- e. La Colonia Park Needs Assessment - Nichols, Heebner. Expires May 26, 2010.
- f. Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 10, 2010 or at the California Coastal Commission adoption.
- g. NCTD / Train Station Site Project Ad Hoc Committee - Nichols, Heebner. Expires January 13, 2010.
- h. View Assessment - Nichols, Heebner. Expires August 25, 2010

ADJOURN:

Mayor Nichols adjourned the meeting at 9:10 p.m.



Angela Ivey, City Clerk

Approved: February 24, 2010