

**SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY**

JOINT **REGULAR** MEETING

MINUTES

**SATURDAY, MARCH 31, 2007
9:00 A.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: Heebner, Kellejian, Roberts, Nichols, and Campbell.

Absent: None.

Also Present: David Ott, City Manager
James Lough, City Attorney
Angela Ivey, City Clerk
Lori Naylor, Acting Community Development Dr.
Mary Blais, Planning Consultant
Chandra Collure, City Engineer
Dan Goldberg, Principal Engineer

FLAG SALUTE:

Ms. Peterson led the flag salute.

APPROVAL OF AGENDA:

MOTION: Moved by Roberts and seconded by Heebner . **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 to the City Clerk (located on the back table). 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. SOLANA BEACH TRAIN STATION MIXED-USE PROJECT
(CEDROS CROSSING) ENVIRONMENTAL IMPACT REPORT (EIR)
CERTIFICATION (File No. 0600-40)**

- A. Accept public input regarding the Final Environmental Impact Report (EIR).
- B. Adopt Resolution No. 2007-032 certifying the EIR for the Solana Beach Train Station Mixed-Use Project (Cedros Crossing), upon completion of the public hearing, which includes any public input and council discussion.

Mayor Heebner explained that this was a continuation of the public hearing and that Chandra Collure, City Engineer, would begin referencing a slide from the last meeting and adding additional information.

Chandra Collure, City Engineer, said that in reference to the project scoping background for the traffic study in July 2003 there was not a project application that had been made to the City, that there were no fees that had been paid to the City at that time, and that the project application by the applicant was made in June 2004. He explained the history of providing comments, revising the traffic impact study, and that in May 2005 it was determined that the traffic counts were then two to three years old so there was a recount.

Eva Traeger said that she had been a resident in Solana Beach since 1996 and she endorsed the project because she felt that the City was ready for more growth without increasing undesirable growth and that the project incorporates growing the theater and shops which would add a lot as seen in other coastal communities.

Melissa Guzardo read a letter from Kim Conat who is a homeowner who was unable to attend.

Dylan Miller said that he lived on Glenmont Dr. and was concerned about the number of trucks and the volume of material that would be removed from the site and that there was a conflict in the EIR regarding the amount of cubic yards to be removed.

Ana Maria Grace said that she had lived on Granados Avenue for 24 years, that she had a vision of walking three blocks to the theater and enjoying dinner and the shops, and that she was also concerned about a lack of parking and that Council needs to be sure that traffic and parking impacts are mitigated so that the project will be successful for everyone.

Erick Terrill said he lived on N. Rios and that the EIR admitted to negative view impacts and implied that it would be addressed, that there are significantly high ceilings that are higher than 8 feet, that rooftop equipment was planned for the second story which would lead to noise problems so it would be best on the first level, that one graph/map showed a line of potential high levels of pollution with dominant winds, stagnation points and the pulse of pollutants from cars. He said that the EIR did not technically address transport of pollutants from the parking structure and that the peak levels are going to be a detriment to health and that he suggested that the EIR look better at the impact of noise and pollutants and how it would impact local residents.

Jim Bushnell said he lived on Carmelita Place and that he did not support the amount of stuff going into a small place, that the project should be spread out over the area of the train and tracks and onto Highway 101 with an entry for cars from that area as well. Steve Assetti, California Coastal Coalition, (Carrie Downey donated 3 minutes), said that Carrie Downey sat on the SANDAG Shoreline Work group, Dr. Jenkins gave some off-the-cuff comments and represented himself as a principal engineer, said that he was on the design team and had no longer been on the project or the Edison restoration project. He said that Dr. Hani Elwani from Scripps was the project director and had his own engineering company from the beginning and he reviewed Dr. Jenkins comments and responded that in his opinion there would be minor if any impacts and they would be temporary, that the official position of Edison is that they would like the Lagoon addressed in EIR, that they were not opposed to beach replacement, that Dr. Jenkins reference about potential impacts in San Dieguito Lagoon was without any backup research or data, that there are other projects in the area, including Carlsbad, that had no impact, that the five years of monitoring after the SANDAG 2001 regional beach project was completed resulting in no adverse effects to the Lagoon. He said that he had talked to Dr. Elwani and other well-respected engineers and all of them said the impact from this project would be minor/temporary in nature.

Council and Mr. Assetti discussed the fact that one Councilmember had seen a letter from David Kay at Edison who was troubled by this project and had backed

up what Mr. Jenkins said and that he was authorized by Dr. Elwani to represent his input.

John LeGrange said he lived at N. Rios since 1972 and that he had noticed the differences in the water sediment during diving trips in the area, that some was classified as silt and clay which becomes mud, that the EIR does not contain any adequate examination of environmental effects of putting that much mud on the beach, that the effects of silt being suspended and then settled in deeper water would probably settle on hard-bottom ecosystems which are adversely affected by fine sediment. He said that these type of studies should be included in the EIR.

Mayor Heebner stated that Council was asking questions about the EIR but that it did not imply disapproval of the project but instead they were doing their job of reviewing and analyzing.

Brian Mooney, EIR Consultant, said that all comments are helpful and positive by exploring and examining issues to make sure that they had been addressed and determine if any adverse effects could be mitigated. He introduced Chris Webb regarding beach replenishment and Walt Crampton from Terra Costa who ensured that everything was addressed in reviewing the analysis.

Chris Webb, Moffat and Nichol, ocean engineering firm, said that he assessed compatibility of sand for replacement for purposes of nourishment and secures approvals and permits in order to generate sand. He said that the comment in the EIR regarding the sand however it is not final in the draft EIR. He said that grain-size and chemistry information was not complete in the draft EIR and that in order to assess quality of material, that testing/sampling/analysis was submitted to the Army Corps of Engineers for their analysis and they approved it. Regarding a concern about silt and clays in the material, it contains 16% on average and the permit agency is limited to 20% for a coastal zone for this site.

Council, staff and Mr. Webb discussed the San Dieguito Lagoon project, that the finer the grain size the quicker and farther it travels, that silt is not sand, that fines would be rapidly dispersed (turbidity) which would result in discolored water which means it is closer to the shore or it will spread and settle in quieter deeper water, that turbidity is the visual obstruction which is cloudy water, whether cloudy water is detrimental to birds if they can't see fish and that light could be blocked for plants in water, that it already happens in this area from flooding in the San Dieguito river, that approximately 55% of material would go toward the lagoon and 45% would go the other way especially in the summer and fall, that there have been other projects larger than this one that were close to a lagoon and there was no measurable impact, that the reason that the grading material would be placed south of the Fletcher Cove is because that is where SANDAG has put their sand and where it has been monitored for years and had not been

found to have any impact, and that this placement is a concept called opportunistic beach fill if there is material that is predominantly 75% sand and this is well within those guidelines, that the testing and analysis was done according to federal requirements and they approved it since it would be chemically clean with no measurable impact and some turbidity which would be short-lived.

Discussion continued regarding the upper deposit of the two layers of sediment being between 15 and 20 feet, that it is possible to separate the sands and the fines in the upper layer, that it would be recommended that the top portion be placed below the mean high tideline at low tide that the material is picked up and dispersed underwater and into a water column where it would not be on the beach and the lower level would be placed on the beach as it was done in 1998, that there are multiple ways to place sand, that it would be more aesthetically pleasing and create a lower level of turbidity as recommended for placement since sand is mixed with silt, that the grade separation project's grading was placed at Fletcher Cove, that the regional project placed sand south of Fletcher Cove and the surfgrass and since it was less sensitive, that the 45% going North on this project would not be enough to make impact on the more sensitive area since it is so small even though summer swells do affect the area, that the fines nourish the beach's physical profile, that the timing of placement was based on the grunion season, and that the permit agencies would also look at beach access when that process begins.

Scott Jenkins reviewed his credentials, restated his earlier comments, and said that his conclusions were from the past borings and not from recent ones since he was not aware there were any additional borings.

Council and Mr. Jenkins discussed assumptions that everything below 5 feet is suitable for beach disposal, whether there was data for material 5-17 feet and whether it was analyzed for beach replenishment, that direction that the material will move including north or south or the lagoon, what time of the year that material can be placed on the beach, the habitat along Solana Beach, the episodes of materials moving in blobs and lumps, that he was not speaking on behalf of Southern Cal. Edison but on his own professional experience, that even perfect sand would increase sand influx into San Dieguito Lagoon which would require higher maintenance and was not included in the report, that data provided by a past Sandag project analyzing long shore wave data for 20 years off of Del Mar and Solana Beach which would be reliable data, and that any impact to the sand would be addressed and the City Engineer had not approved it yet since it would be part of the permit approval process.

Mayor Heebner recessed the meeting for a break.
Mayor Heebner reconvened the meeting.

Brian Mooney, EIR consultant, said that the courts dictate that CEQA is the residing agency to provide guidelines even though different professionals may disagree on potential impacts, that the EIR is a document to ensure that the citizens are aware of the issues so they may supply additional concerns or information that would be helpful in the final permitting of the project, that the EIR is not a scientific document even though it requires the use of scientific information to provide review and mitigation suggestions, and that it discourages extensive information and is not an exhaustive document.

Council and Mr. Mooney's discussion continued regarding whether California Edison was contacted to comment on the project, that they were not an agency but instead a utility and that comments from governmental agencies were solicited, that the EIR had a more extensive public review period of 80 days instead of 45 days which would be the time period that anyone could comment, that if Council would like them to be solicited for comment on letterhead that he would do that, and that the project is largely governed by the Army Corps of Engineers.

James Lough, City Attorney, reminded Council to not discuss this matter outside of the public hearing and that all discussions need to be on the record.

Bob and Christa Stahl said that the final decision should rest on what was the best for the community, that the project was eye-pleasing, culturally good, public transit, and it will compliment the existing upgrades, that the developers will do their best to minimize parking problems, and that Council should approve it so it can be implemented in a timely manner.

Converse Evans (time donated by Michelle Rios) said that the North Coast Repertory was vital to the community, that the project was important for parking at the train station, that losing this project could subject the City to any undesirable parking structure that NCTD could build and that in the future this project could be the crown jewel of the community.

Gordon Johns presented a powerpoint presentation reviewing the importance of aesthetics, the list of significant impacts, that the project did not convey the sense of bulk, scale, or height, that his calculations determined that it would provide 25 residences on a lot the size of his home, that it would be 6 stories of development and have significantly adverse impact, and that Torgen Johnson was very qualified and would bring new insight about the EIR.

Torgen Johnson (time donated by Linda Costello, Susan Murphin, and Chuck Franz) said that many people feel frustrated at the slow planning process, that there are negative impacts of this project and they were not identified or mitigated in the EIR, presented illustrations of developments with medium density housing, and presented an example of computer generated images of the

proposed project, that it would be 6 football fields long and 5 stories high, that it did not fit the character of the area, that it will be a huge wall with no room for landscape, that it was a \$70 million dollar project, and that the EIR should provide graphic presentations.

Joe Washtowski said that Mr. Johnson's presentation seemed biased and out of perspective, that it was not so noisy living on Lomas Santa Fe, that it was a smart growth opportunity that made sense for the long term effects of Solana Beach, and that the mitigation seemed logical.

Council and Mr. Mooney discussion ensued whether presented illustrations were accurate or biased, that the EIR consultants should have the opportunity to replicate those images, and that Council would like to see a reasonable 3-D simulation that portrayed what it would look like.

Council and Greg Shannon, applicant, discussion ensued regarding providing a 3-D simulation, that Mr. Shannon did not think it was appropriate to show a simulated model of the project since it was not required for CEQA and that the approval of the project was not the issue at this point, and that Council felt it would be necessary in order to make a conclusion regarding significant impacts and how they could be mitigated.

Peter Lambrou said that he lived on Barbara Avenue, that the project was a 99 year project but that parking was projected to the year 2030, that Oceanside exceeded parking in less than 10 years, that there would not be any expansion possible after it is built, that the way to mitigate for the North County Repertory Theater is to limit the ticket sales, and that the 1991 project plan was much better.

John Keating said that he conducted a third party review to ensure that the City's standards were protected, that the tube counts were done by an industry-wide method that provides the best data, that bad counts were not used in the analysis but that all counts were included in the technical appendix so it was a complete record, that they were collected for different seasons, and that the EIR accurately concluded that the school season had the highest volume of traffic than any other season.

Council and Mr. Keating discussed that two locations had the largest cross-traffic and that there was an impact at Lomas Santa Fe and Highway 101 identified and mitigated for that was properly analyzed for school and fair season but that the school season was the more critical season and was used instead of the fair season.

Council, Mr. Mooney and Mr. Keating discussed the actual physical aspects of the area, using the worst case situation, that looking at an analysis for all four

seasons is not appropriate for this type of analysis, why the school intersection was used when it was at the lowest volume, reviewed the charts on the powerpoint, that the methodology used was the appropriate one for this project and study area, that the backup at intersections farther away are included if it is part of the impact due to the flow through, that choosing to use another season even though it would not meet the CEQA guidelines would become more speculative, that factual findings are critical, and whether using data and analysis in unprecedented ways would affect the guidelines and conclusions.

Council and consultants discussion ensued regarding analyzing the intersection closer to the project, that analysis included the school but only for the 9 months it is in session and the summer traffic due to increased ridership with the fair bus shuttle but that both increase in trips was relatively small, that standards were used to meet criteria so that they are not speculative, reviewing the methodology of analyzing the project based on a catchment area and sign the trend line which eliminates the short term ups and downs in order to forecast the average overall trend, what ridership is based on, skepticism about live theatre v. movie theatre with influx throughout the day and that that worst case scenario seemed to be out of the peak time for the theatre showing time, and that NCTD (North County Transit District) control their parking issues including enforcement.

Claudia Unhold presented a powerpoint presentation to address the questions on aesthetics from the last meeting including mitigation for the view from the Coastal Rail Trail that would include vines on the fence and planter boxes which would require NCTD approval, what maintenance issue it may present, the view corridors in relation to elevation, further mitigation by placing vines on the Coastal Rail Trail fence, that an air quality ventilation analysis was performed, and that they don't typically look at architectural specifications to mitigate this level of aesthetics.

Mayor Heebner recessed the meeting for lunch at 12:30 p.m.
Mayor Heebner reconvened the meeting at 1:35 p.m.

Council and consultants discussed whether 90% of parking spaces used up would trigger ridership growth, that the double-decker buses line up on NCTD's property but if they lined up on City property that City would have to decide how to handle it, race season parking issues, that NCTD controls their site and usage, to hire someone from outside the San Diego region to review the traffic study to see if the optimization that's being offered as mitigation is reasonable, whether it was correct that if an issue is not in keeping with CEQA criteria that Council does not need to address it, and that the general plan does say that streets should be maintained at level of service C in off peak hours. Council discussed their interest in seeing a 3-D model of the project to get a better idea of the aesthetic issue.

Council discussion continued regarding the analysis that used Cliff Street as a collector street even though it was not, that the existing parking is greater than what was shown, whether the generations included the employees of the theatre, that all the requirements for parking are based on square footage, each type of establishment's square foot assumes employees plus customers on site, that for a theater the number of seats determines the trip generation, staff and consultants will provide a break down of how the parking is calculated since it is a multitude of different sources that shows a ratio for each use and the generation break down, a request to look at an analysis of what effect the parking would be for Amtrak customers and not coaster riders, whether to charge the community for work time parking and/or long-term overnight usage, that a gap study is made up of counts taken from the gaps between spaces being counted for the cars that entered within the gap area from a side street. Council and City Attorney discussed whether the public hearing should be closed at this time.

James Lough, City Attorney, explained that the public hearing should be closed if there was no new information to be heard and should not remain open to hear repetitive input, that reopening the public hearing to hear the traffic optimization issue would be warranted. He responded to more questions and stated that the purpose of CEQA is to fast-track issues that may have environmental impacts to a project, that the perception of the length of time for the hearing and ongoing testimony should be considered, that if Southern California Edison showed up at the next meeting to provide information that the public hearing could be reopened, and that closing the public hearing would show intent to comply with CEQA timing.

Council, City Attorney, Consultants, Applicant and Staff discussed using a fourth party review company outside of San Diego Riverside region that would not have affiliation with any traffic consultants in the area or works, that independent analysis from an outside geographical region would be ideal, that many requests have never been asked for in a City EIR and asked for a 30 day timeline instead of using what was completed at that time, that the scope of the EIR appeared to have dramatic changes.

Greg Shannon, applicant, said that he was concerned that Council had now changed the scope of the EIR dramatically, that there were two scoping meetings, that anything longer than a 30 day period would adversely affect the project, that analysis could be done forever and that this is not the practice of CEQA.

Council explained that they are trying to be sure that they have enough information to make a very important decision for the community and that they had given the experts a list of things they need in order to make a decision.

Staff, Consultant and Applicant discussed the fact that a LOSC analysis from general plan on off-peak hours would require a whole new collection of data and more time, whether it was a requirement of the City and therefore should be included in the EIR, and whether special requests by Council are acceptable in the interest of ensuring that the LOSC at non-peak hours are appropriate.

James Lough, City Attorney said that Council can request the LOSC study however he wanted to also do some additional research on this issue.

Council, Mr. Mooney, and Mr. Lough discussion ensued regarding the difference between the thresholds of significance under the EIR and goals of the General Plan, that the EIR addresses mitigation for significant adverse effects, that General Plan goals are used to determine the approval or disapproval of the project, that the planning issues and the environmental issues should be addressed separately, that the LOSC analysis could be put off until the project consideration.

Mr. Keating said that he had staffing issues that would not allow him to do the 4th party review beyond what he was presently committed to.

Mr. Mooney explained that if another consultant is desired for the additional review that they would need 45 days.

Council reached consensus to set the next public hearing for May 29, 2007 at 6:00 p.m.

MOTION: Moved by Roberts and seconded by Kellejian to close the public hearing and continue the item to May 29, 2007 at 6:00 p.m. **Motion carried unanimously.**

ADJOURN:

Mayor Heebner adjourned the meeting at 6:04 p.m.


Angela Ivey, City Clerk

Approved: 8/22/07