

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **SPECIAL** MEETING

MINUTES

THURSDAY, JULY 19, 2007
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:

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

Absent: None.

Also Present: David Ott, City Manager
James Lough, City Attorney
Tiffany Wright, Legal Counsel
Angela Ivey, City Clerk
Mary Blais, Interim Community Development Dir.
Dennis Coleman, Finance Dir.
Chandra Collure, City Engineer
Lori Naylor, Train Station Consultant

FLAG SALUTE:

Judge Jones led the flag salute.

APPROVAL OF AGENDA:

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

CONSENT:

Items listed on the Consent Calendar are considered routine; however, any

member of the public may address the City Council on an item of concern by submitting to the City Clerk a request to speak form 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 all other Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

1. Minutes of City Council

- A. Approve the Minutes of the Special City Council meeting held March 31, 2007 and the Regular and Special Meetings held April 11, 2007.

This item was removed from the agenda.

2. Ordering the levy and collection of annual assessments regarding the Solana Beach Coastal Rail Trail Maintenance District.

- A. Adopt Resolution No. 2007-107 ordering the levy and collection of annual assessments regarding the Coastal Rail Trail Maintenance District for Fiscal Year 2007/08.

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

Council made community announcements.

PUBLIC HEARING continued:

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. Update on Certification of the Final Environmental Impact Report (EIR) for the Mixed- Use Solana Beach Train Station Project (Cedros Crossing).

- A. Direct staff to re-circulate the sections or portions of the Draft EIR that have been modified for a 45-day public review and comment period;
- B. Direct staff to provide public notification of the recirculation in the form of a City-wide mailer to all property owners and occupants within the City limits and all interested parties and public agencies who provided comments on the Draft EIR; and
- C. Establish a Council Ad Hoc Committee to start reviewing the documents pertinent to the proposed project and to prepare for discussions with representatives of the project.

Greg Shannon, Applicant, stated that he would like Council to form an ad-hoc committee to work with the developer on the project and that there was a tight timeline for the project.

Karen King, North County Transit District (NCTD) President, stated that NCTD was committed to the project, that there was 6 million dollars at risk, that the project approval had to occur before the funds expired, that the vision of the project was conceived 15 or 16 years ago, and that there was a responsibility to the community and region to have a successful project.

Stephen Beck-Von Peccoz stated that he wanted the theater to be a part of the Cedros Crossing project, that re-circulation of the EIR could delay meeting the deadline and funds could be lost, and that he supported the theater to be included in the project.

Dan Chambers stated that he supported Council to move the project forward, that mitigation measures could reduce the significant impacts, and that several impacts could be mitigated with the applicants agreement to the proposed mitigations.

Michael Dyer stated that the City of Del Mar passed up the opportunity to have the train station in the past, that Solana Beach took advantage of the opportunity, that retail was enhanced by having the train station, and that the EIR should be certified without re-circulation.

Bill Glockner (Coosa group – 15 minutes donated by Jan Quinn, Joan Crawford, Al Asher, Sam Goldfield) submitted an editorial from the July 12th edition of the San Diego Union Tribune. He stated that the author summed up what the City had to lose if the project did not move forward, that the City would lose grant funds, that there would not be many other options to receive grant funding, and

that the City would lose one million dollars of sand on the beach. He stated that the project would contribute funds towards the City's revenue, that the City's revenues would fall short in about three years, that the City did not have a downtown area, that the area would be the cornerstone of the City, and that parking would always be a problem for the City. He stated that building a bigger parking garage would be a step in the right direction, that the City needed affordable housing to be in compliance, that there could be mitigations negotiated with the developers, and that the Council should approve the project.

Ron Warthen not present when called.

Torgen Johnson (Margaret Paltro donated 3 minutes) presented a Powerpoint. He stated that he made a prior presentation regarding the scale, mass, and character of the project and that he added human scale in the consultant's graphic images to demonstrate the scale of the project, that the project was not in character with the City, that the land was a prime piece of real estate, that the project was larger than Horton Plaza, and that the final approved project should define the City.

Council discussion ensued regarding adding human scale images in the re-circulated EIR document.

Joseph Ford (Tracey Weiss donated 3 minutes) stated that he was addressing issues sent in an email by Tim Coughlin, that the issues being addressed were in response to comments from the public, that the City had an active City Council, that issues in the document included traffic counts, the Closure of Cliff St., that the scale of the project had not been adequately addressed, and that the scale was not in character with the project.

Jack Hegenauer (Judy Hegenauer donated 3 minutes) stated that it was premature to re-circulate the EIR, that the document should be sent back for additional analysis, that the previous consultants did not address questions from the community, that mitigation for the parking shortage had not been proposed, that the theater would need a solution to the parking shortage, and that Staff should analyze questions and issues from the community rather than re-circulating the EIR at this time.

Carl Turnbull stated that he was representing the S. Cedros Property Owners Association, that the primary concern was parking and traffic, that a result would be the loss of 42 parking spaces on Highway 101, that this would harm businesses, that there was a current parking shortage on Cedros, that the trailer park should be developed, and that there should be a moratorium on construction.

Lydia Shen stated that she supported the project, that in Europe there are many

developments around train stations, that the EIR should not be re-circulated, that there should be an ad-hoc committee to work with the developer, and that the project could be a wonderful place for the residents to enjoy.

Charlene Schrader presented a petition signed by businesses and residents. She stated that there was a concern about traffic and parking around the project area, that the proposed project did not provide adequate parking, that the scale of the buildings were not compatible with the surrounding area, that the negative impacts of the project would harm the surrounding businesses, that the project should be downsized, and that the businesses were an important revenue source for the City.

Jay Sarno (Libba Jackson D-Ambrosi donated 3 minutes) stated that he represented North Coast Reparatory Theater, that there had been several discussions with Staff on the parking issues, that the theater relied on selling tickets to fund the theater, that they were willing to work with the City for a parking solution, that they had been an arrangement with the City of Encinitas that included no parking restrictions before they committed to staying in Solana Beach, and that the City of Solana Beach made the same arrangement with the theater.

Council and Jay Sarno discussed parking option for the theater.

Don Miller stated that Council should formulate an ad-hoc committee and then re-circulate the document.

Victoria Cypherd stated that the reduced massing project was larger than the original proposal. She stated that the project should be scaled down, that she supported the theater, that there was originally one theater and now there were two, and that the Council did a detailed review of the Environmental Impact Report.

Lance Schulte, NCTD, stated that there was an urgency for taking action on the project due to the expiration of the grant funds in June 2008, that the project had to be completely approved by the City and the Coastal Commission by April 2008, and that there was a tight timeline for the project.

Eric Terrill stated that the EIR should be re-circulated, that Lomas Santa Fe was already congested, that the project would impact traffic in the area, that there should be a study on how the traffic surveillance system would work, that there would be off-street parking impacts from the project, and that there would be visual impacts to the surrounding area due to the bulk and scale of the project.

Gerri Retman stated that there was no dispute whether a project should be built on the NCTD site, that all parking and traffic impacts should be adequately

mitigated, that the Council should not be pressured by the media, that the impacts identified by the EIR could be addressed by a Council Ad Hoc Committee, and that portions of the EIR with new information should be re-circulated.

Gary Martin (Group 15 minutes donated by Susan Murfin, Gordon Johns) stated that the Council members were volunteers, that the community had to realize that the Council was there to protect the community's interests, and that this meeting was occurring due to the consultants inadequate job on the EIR, that there were impacts from the double-decker buses, that the community wanted an analysis of the impacts of double-decker buses, that the EIR did not address the issues requested by the community, and that he submitted a letter to the Council asking for analysis of several issues regarding the project including offsite parking for the theater, that the consultants were working for the community and should provide a response to key issues requested.

Marion Dodson stated that she had followed the project since its inception, that the City had no control over double -decker buses, that they were out of the City's jurisdiction, that there should've been an ad hoc committee a long time ago, that parking issues would always be an issue for cities, that the City had discussed a parking garage on the distillery lot, and that the Council should discuss concerns of the project with the developer.

Bart Ziegler stated that he had concerns about the traffic impacts from the train station project.

Mayor Heebner stated that the meeting was not to certify the Environmental Impact Report (EIR), that March 31st was the public hearing for this item, that Council had additional questions regarding the project, that a fourth party traffic engineer would be giving a presentation to address questions, that comments would be taken from the public on the new information presented, and that Council would be determining at the meeting whether or not to re-circulate the EIR.

David Ott, City Manager, stated that Council could choose not to re-circulate the document and that there would have to be another meeting scheduled for certification of the document.

Brian Mooney, Project Director, Jones and Stokes, presented a Powerpoint presentation. He stated that there had been several previous meetings on this topic, that he was assisting the City in providing a final EIR document that adequately addressed all the environmental issues of the proposed project, and that there would be other consultants available to address various concerns of the project such as, beach sand replenishment, visual aesthetics, and traffic and parking issues.

Chris Webb, Moffatt and Nichols, presented a Powerpoint addressing questions on the sand replenishment component of the project. He stated that he had been assessing the project for potential impacts from dispersion of the beach fill and impacts to the San Dieguito Lagoon, that the potential identified impacts included sedimentation at the lagoon entrance channel and turbidity in the ocean and the lagoon, that sedimentation could cause the lagoon mouth to close, that research showed the quantity of sediment was low enough that it would result in a very shallow layer of sedimentation at the lagoon mouth, that it would not cause a discernable impact and not cause the lagoon mouth to close, that the replacement sand would be coarser than the current beach sand, that the sand would not impact the lagoon mouth, and that the final EIR would provide an analysis on the issues he presented.

Claudia Unhold, Project Manager, Jones and Stokes, presented a Powerpoint. She stated that there were various questions on the aesthetics of the reduced massing alternative project plan, and that the City retained the services of IBI Group to produce visual simulations of the project. She stated that the Council requested an analysis and evaluation of a presentation given by a community member at the March 31, 2007 meeting and that information would be provided in the presentation.

Claudia Unhold, Project Manager, Jones & Stokes, continued the presentation which included slides of photos from the presentation made by a resident at the March 31, 2007 meeting. She stated that there were some inaccuracies in the information presented by the resident. She showed several photo simulations of the projects from various different views. She stated that a new mitigation measure was recommended to require the project to mitigate for visual impacts by requiring a conceptual landscaping plan to be approved at the same time as the overall approval of the project.

Joe Foust, Austin Foust Associates, presented a Powerpoint. He stated that he was the fourth party reviewer for traffic engineering issues related to the project, that the Santec guidelines should be followed when reviewing the project, that new traffic counts were conducted for summer conditions, that traffic volumes that were used for the traffic impact study were representative of traffic on the middle and eastern ends of Lomas Santa Fe, that summer traffic was significantly higher on Lomas Santa Fe and Highway 101 than were reported and analyzed in the traffic study, that more mitigation would be needed at the Lomas Santa Fe/ Highway 101 intersection, that mitigation could be provided by a traffic surveillance system on Lomas Santa Fe which included a closed circuit television system to monitor traffic counts in the area, and that the project would have an impact at the I-5 and the North Bound off ramp to Lomas Santa Fe.

Council discussion ensued with Joe Foust and the City Manager on traffic

issues, fair share cost calculations of the project and special events that would impact traffic around the project area.

Joe Foust, Austin Foust and Associates, stated that the train station ridership growth rate projection was 10% a year, that Amtrak predicted that their ridership would increase 50% in the next 5-10 years, and that the Coaster has had a 10% ridership growth per year. He stated that the traffic study research predicted that coaster ridership would increase 13% by the year 2030, that the recent growth of the train ridership exceeded the rates reported in the Traffic Impact Study, and that there would be no available parking to share with the theater.

Lori Naylor, Project Consultant, presented a Power point. She stated that the City had an environmental protection ordinance, that certifying the EIR would not indicate that the project was approved, that the certification hearings for the EIR document began in March, and that this meeting was to review new information presented and to determine whether the new information would trigger re-circulation of the EIR. She stated that the California Environmental Quality Act (CEQA) guidelines required the EIR to be re-circulated if there was significant new information added to the document after public notification was given on the draft EIR, and that re-circulation would not be required if the added information was only for clarity purposes. She stated that new information included additional aesthetic mitigation measures, that there was a recommendation for no shared parking at the theater, and that additional traffic surveillance measures were recommended for Lomas Santa Fe. She stated that staff recommended re-circulation of portions of the EIR that included new information and to establish a Council Ad-Hoc committee to work with the project developers.

Brian Mooney, Jones and Stokes, presented a Powerpoint. He stated that the new information added to the EIR would be considered substantial, that the aesthetics, transportation and traffic, and the geology coastal process sections would be revised and re-circulated for public review, and that the final document would be brought back to Council at a later date for certification.

Council discussion ensued with Tiffany Wright, Legal Counsel, regarding the CEQA process required for the certification of the EIR document and requirements for re-circulation of the document.

Council and Consultants discussed requirements for re-circulation, the completeness and sufficiency of the draft EIR, and how Council would determine whether the added information was considered substantial to trigger re-circulation of the document.

Council discussion ensued regarding mitigation measures for the aesthetics of landscaping for the project.

Jim Lough, City Attorney, stated that if the document was to be re-circulated there would be a 45 day public comment period for the citizens to comment on the EIR.

City Council discussion ensued on the recommended mitigation measure of the traffic surveillance system, mitigation measures for double-decker buses, whether there could be conditions applied to double-decker buses, and that there should be an analysis on the impact of double-decker buses on the surrounding neighborhoods.

Council discussion ensued with Consultants regarding various issues on the EIR document such as traffic, aesthetics, off-site parking for the theater, and whether the reduced massing alternative project was compatible with the character of the surrounding area.

Mayor Heebner recessed the meeting at 8:27 p.m. for a break and reconvened the meeting at 8:35 p.m.

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

Council discussion ensued whether or not re-circulation of the EIR document was required, whether the added information were significant impacts that required mitigation, that there was concern regarding the theater parking, and how the Council would handle the EIR approval and the project approval.

Council discussion ensued regarding Staff researching questions presented by the public and forming a Council ad-hoc committee, whether the EIR and project could be certified at the same meeting, how staff would address questions brought forward in Gary Martin's letter, that Council could direct staff to research those questions, that the 45 day review period would not prevent the ad-hoc committee from meeting, and that the review period would allow the public time to review the added information in the document.

Mike Mooney, stated that Joe Foust found the traffic analysis to be adequately analyzed, that Gary Martin's letter stated that the traffic was not adequately addressed, and that an analysis could be done on what impacts would occur if the double-decker buses were removed.

David Ott, City Manager, stated that some of the questions and concerns in the letters could be addressed with the ad-hoc committee.

Council discussion ensued regarding the formation of the ad-hoc committee, the criteria that would be required to participate on the committee, and that several councilmembers were interested in serving on the committee.

MOTION: Moved by Campbell and seconded by Heebner to recirculate the areas the sections that have been modified and proceed with notifications. **Motion carried 4/1** (Noes: Kellejian.)

David Ott, City Manager, stated that the time lines were to have the document available for re-circulation by August, that after the public review period comments had to be responded to, that the comments had to pertain to the new information that was being re-circulated, that the process of re-circulation could be completed by November, that Council could look over the goals of the draft EIR for any desired changes.

Lori Naylor, City of Solana Beach, Project Consultant, presented a power point presentation. She reviewed the goals for the train station project that were adopted by the City Council in 2000. She stated that there were seven goal adopted in 2000, that there were some goals in the draft EIR that did not coincide with the 2000 adopted goals, and that Council could decide what goals should be included in the EIR.

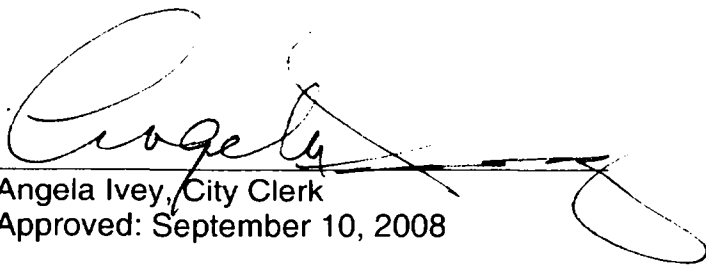
Council discussion ensued regarding what goals would be included in the EIR and that the current goals would remain in the re-circulated EIR.

Council discussion ensued regarding the formation of the ad-hoc committee and which council members would serve on the committee.

MOTION: Moved by Heebner and seconded by Campbell to appoint Mayor Heebner and Councilmember Nichols to an ad hoc committee. **Motion carried unanimously.**

ADJOURN:

Mayor Heebner adjourned the meeting at 9:45 p.m.


Angela Ivey, City Clerk
Approved: September 10, 2008