

SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY

JOINT **REGULAR** MEETING

MINUTES

WEDNESDAY, AUGUST 22, 2007
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: Heebner, Kellejian, Roberts, Nichols, and Campbell.

Absent: None.

Also Present: David Ott, City Manager
James Lough, City Attorney
Angela Ivey, City Clerk
Mary Blaise, Interim Comm. Dev. Dir.
Dennis Coleman, Finance Director
Park Morse, Interim Deputy City Mgr.
Chandra Collure, City Engineer
Steve Didier, Management Analyst

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

FLAG SALUTE:

Tiffany Wright led the flag salute.

APPROVAL OF AGENDA:

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

PROCLAMATIONS:

Rideshare Week - Mayor Heebner presented a proclamation for Rideshare Week.

PRESENTATIONS: None**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 to the City Clerk (located on the back table). 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. Items can be referred to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES as per SBMC . (Be aware of the timer lights on the Council dais.)

Marion Dodson stated that there were noise issues due to increased traffic on I-5 and that with the widening project the noise may get worst so a re-evaluation of the issue should be done to make sure that no private property fronting the freeway will have increase noise problems.

Bill Howden said that there was a loop hole in the set setback laws. He said that the setback laws are 25 ft. front and back with the exception that if the street is 50 ft. or wider then the setback could be 25 ft. He said that the setback restrictions should remain the same with no exceptions.

Gerri Retman extended an invitation to the Annual Movie Night event at Fletcher Cove sponsored by the Parks and Recreation Commission.

COMMUNITY ANNOUNCEMENTS:

Council made community announcements.

COMMENTARY:

Council presented council commentary.

CONSENT CALENDAR: (Action Items) (Items 1-15)

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. Waive text reading of ordinances

- A. 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 Kellejian . **Motion carried unanimously.**

2. Minutes of City Council meeting

- A. Approve the meeting Minutes of the Regular and Closed Sessions of the City Council held March 31, 2007, April 11, 2007, April 18, 2007, April 25, 2007.

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

3. List of Demands

- A. Ratify the List of Demands dated June 23 - July 6, 2007; July 7 - July 20, 2007; July 21 - August 3, 2007.

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

4. Monthly Investment Reports

- A. Accept and file the Cash and Investment Reports for the months of January through April 2007.

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

5. 417 and 423 Pacific Avenue - Burns / Matchinske. (Case No: 17-06-18)

- A. Adopt Resolution 2007-084 approving a Conditional Use Permit for construction of an Emergency Request Bluff Retention Device consisting of a sea cave infill of an existing 20+ foot deep sea cave with concrete, and a 170-foot long, 35 foot high, free form,

structural shotcrete tied back wall extending along the base of the bluffs for the properties and geogrid reinforced rebuilt sloping upper bluff located at 417 and 423 Pacific Avenue.

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

6. 311 and 319 Pacific Ave., north of Fletcher Cove - Hajjar Properties. (Case No: 17-06-17)

- A. Adopt Resolution 2007-061 Approving a conditional use permit for construction of a 75-foot long emergency seawall from the elevations of 15-feet to the elevation of 35-feet to support the upper half of the sea cliff and the tow of the sloping upper bluff against failure at 311 and 319 Pacific Avenue, Solana Beach, north of Fletcher Cove (Case No: 17-06-17); Applicant: Hajjar Properties.

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

7. Authorize Additional Payments to Two Property Owners for Soundwall Construction related to the Interchange Project.

- A. Adopt Resolution No. 2007-112 authorizing additional payments to two property owners for the reimbursement of landscape repair costs due to soundwall construction for the Interchange Project.

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

8. Authorizing the City Manager to Execute an Amendment to a Professional Services Agreement with Lori Naylor.

- A. Adopt Resolution No. 2007-113 authorizing the City Manager to amend the professional services agreement with Lori Naylor to increase the amount of the agreement to \$20,355.

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

9. Cost Share Agreement For Implementation of Investigative Order

R9-2006-076 for Lagoons in the Carlsbad Hydrologic Unit

- A. Adopt Resolution No. 2007-117 to approve the Cost-Share Agreement for Investigative Order R9-2006-076 for the Carlsbad Hydrologic Unit and authorize the City Manager to enter into the agreement.

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

10. Professional Service Agreement with Infrastructure Engineering Corporation for Preparation of Construction Documents to Replace Streetlights within the Boundaries of the Barbara/Granados and Pacific/Circle Underground Utility Districts.

- A. Adopt Resolution No. 2007-118 authorizing the City Manager to Enter Into a Professional Service Agreement with Infrastructure Engineering Corporation for Preparation of Construction Documents to Replace Streetlights within the Boundaries of the Barbara/Granados and Pacific/Circle Underground Utility Districts

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

11. First Amendment to the Professional Services Agreement between the City of Solana Beach and Jones & Stokes Associates, Inc., to provide Project Management Services.

- A. Adopt Resolution No. 2007-114

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

12. Appropriate \$819,900 to the State Grant Revenue Account (244-4680) and to the Lomas Santa Fe at I-5 Interchange Project, Budget Unit 244-9356-6510-6530, Project No. 9356-6661.

- A. Adopt Resolution No. 2007-120

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

13. Authorize the destruction of obsolete records.

- A. Adopt Resolution No. 2007-111 authorizing the destruction of obsolete records as per the City's Records Retention Schedule.

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

14. Professional Services Agreement between the City of Solana Beach and SourcePoint to prepare the City's Annual Housing Report.

- A. Adopt Resolution No. 2007-116

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

15. Contract with the City of Del Mar to provide I.T. technical support to the City of Solana Beach.

- A. Authorize the City Manager to sign and Information Technology Support Agreement for FY 2007/2008 not to exceed \$33,000.

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

PUBLIC HEARINGS continued: (Items 16-20)

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.

16. 241 Pacific Ave., North of Fletcher Cove - Sharon A. Hawkins (Case No.: 17-057-15)

- A. Continue the hearing to the September 19, 2007 Council meeting for a request for emergency issuance of a Conditional Use Permit for construction of a 50-foot long, caisson and tieback upper bluff retention system to support the mid and upper bluff against failure at 241 Pacific Avenue, North of Fletcher Cove (Case No.: 17-057-15; Applicant: Sharon A. Hawkins).

MOTION: Moved by Roberts and seconded by Kellejian to continue the hearing to September 19, 2007. **Motion carried unanimously.**

17. 354 Pacific Ave. - Cenci Properties, LP (Case: 17-07-06 DRP/SDP)

- A. Continue the public hearing to the September 19, 2007 Council meeting requesting a Development Review Permit and Structure Development Permit to demolish an existing single-family residence and construct a new single-family residence with 2,480 square feet of gross floor area on property located at 354 Pacific Avenue, Solana Beach (Case: 17-07-06 DRP/SDP; Applicant Cenci Properties, LP).

MOTION: Moved by Roberts and seconded by Kellejian to continue the hearing to September 19, 2007. **Motion carried unanimously.**

18. Re-certifying the Master Environmental Impact Report for an additional five years.

- A. Adopt Resolution 2007-121 adopting the Environmental Checklist and addendum and certifying the Master Environmental Impact Report for the Solana Beach Shoreline and Coastal Bluff Management Strategies for another five years.

David Ott, City Manager, introduced the item.

Tiffany Wright of Remy, Thomas, Moose and Manley presented a powerpoint reviewing the history of the Master Environmental Impact Report (MEIR) and the need for the recertification for the Solana Beach Shoreline and Coastal Bluff Strategies.

Mayor Heebner opened the public hearing

Darren Hamilton requested that Council re-certify the MEIR, that his parents have had great difficulty in getting a seawall constructed to protect their property, and that recertifying it is the first step in the 10 year effort.

Linda Charles said that without the MEIR it had been difficult to make the smallest repair and that there is no space on the beach to walk without nearing the unstable bluffs and risking a safety issue.

Diane Garber said that she lived on Pacific Ave. and that the MEIR used more aggressive assumptions than prior studies, that it included ways to pay for sand replenishment and buff retention, that only after the programs are implemented will the City know the results, that they could be re-examined and be recertification in 5 years with any new information, and urged Council to re-certify the MEIR.

Ann Baker said that she lived on Pacific Ave. and said that if the City did not re-certify the MEIR that it would be an injustice to the property owners.

Larry Susnow asked Council to approve the MEIR, explained the science behind sand replenishment, and that the science shows that the sand is coming down the rivers and moves down the coast rather than from the bluffs.

Ron Lucker said that two relevant studies published by the UCSD Ashford Study said that the contribution of sand by the bluffs for a healthy beach was insignificant and that staff should put the studies into perspective.

David Winkler (Carol Childs donated time) said that he participated on the work on the Local Coastal Plan and in the Ad Hoc meetings, that the staff report was well done to evaluate the changes and the issues at hand regarding the laws, that it is important to re-certify to prevent a gap in coverage, and that the LUP had provisions that are included in the EIR for future changes.

Mark Shire said that the sand comes southward rather than from lack of a bluff failure to replenish it, that there had not been any substantial changes to the laws since the last certification and that lack of coverage would be catastrophic and therefore it should be recertified.

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

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

Mayor Heebner stated that there are two projects requesting development review permits, McCormick and Contasti. She said that both of the projects will require findings as they pertain to the project. She said that they are requests for development review permits and that Council has a legal obligation to apply the ordinance to these projects and that square footage is not the only issue

since Council must make all the findings as they are stated in the development review ordinance which includes the matter of compatibility with the immediate vicinity. She stated that maximum square footage is an objective calculation that is calculated by staff and is calculated for reference but does not guarantee the maximum. She stated that pre or post Ordinance 357 is not the issue but instead the development review for each specific project.

Mayor Heebner asked the applicants to present the project that was submitted for review. She said it was not Council's intention or job to redesign projects. She said that if an applicant has questions about their project meeting the findings that they may consider pulling the project in order to redesign and then have it resubmitted at the next possible agenda.

19. 134 South Granados Avenue (Case No.: 17-06-33; Applicants: Tim & Ann McCormick) (File No. 0600-40)

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Adopt Resolution 2007-046 conditionally approving a Development Review Permit and Structure Development Permit to construct a new two-story residence with a basement and associated grading on a vacant lot located at 134 South Granados Avenue.

David Ott, City Manager, introduced the item.

Kathy Johnson, Assistant Planner, presented a powerpoint of the project and said that the project met the standards under which it was submitted, prior to Ordinance 357 approval, as well as the new current standards.

Mayor Heebner opened the public hearing.

Ann McCormick, applicant, said that she did not have a formal presentation, that staff presented the project well, and that they had changed their project in the spirit of Ordinance 357.

Jim Bushnell stated that he lived on Carmelita PI. and that he opposed the project regarding his review of the average sizes of homes in the area.

Victoria Schall said that she lived on S. Granados, is a real estate broker and that approved plans from Council increases the value of properties, that Council should ensure that any fence on the back of a lot allow the adjacent property their view, that the project was not compatible with the neighborhood in home

sizes, that the largest home was 3,381 sq. ft. in the area and this was 6,000, that the applicant shaved off some space and added decks, and she asked Council to limit the project to 4,000 sq. ft. inclusive of the deck and basement.

Gerri Retman said that she lived about 8 homes away, that she opposed the project having reviewed the sizes of homes in the area, that the applicant removed 587 sq. ft. and added 650 sq. ft. of deck, that it is a bulk and scale issue, that other homes in the area approached neighbors for input in relation to how it affected the area, and that it would be ideal if the applicant did the same.

Mayor Heebner read a letter submitted to the Council from Jane Coffin, who opposed the project, and said that the bulk and scale and density and mass affecting her backyard is the most concerning issue. She said that it is not compatible with the neighborhood.

Michael Montgomery, applicant's architect, responded to the public comments stating that as the building was pulled back reducing square footage the area cleared a space for a deck space to reduce some appearance of bulk and that the basement is a truly buried.

Mayor Heebner explained her perspective on the findings and specifically read the finding of relationship with adjacent land use from the code.

Council, applicant, and the architect, discussed the stormwater management plan to catch roof and deck drain off into the recovery system and the use of a semi-permeable driveway brick, the efforts towards passive solar including solar panels that would not tilt on the roof or extend above the roof line, that all equipment would be located in the basement including HVAC and pool, that the architectural preference was very contemporary, that their design efforts were to enhance their views without affecting any neighbor's views, that they minimized hard scape and bulk and utilized more transparent materials, and that their project would be located across the street from two very contemporary style homes.

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

Councilmember Campbell disclosed that he lived on Carmelita Pl., but outside of 500 ft. radius, and that he did have concerns about compatibility.

Councilmember Roberts said that he reviewed findings, the various sizes of homes in the area and future potential build outs and stated that that the fence issue should be addressed.

Deputy Mayor Kellejian said that the project is 1,000 sq. ft. less than Council

could approve for the property cased on pre Ordinance 357 restrictions, that there are homes in the area with more square footage, and that Council recently approved another project in the same size arena.

Mayor Heebner reviewed what is existing and what is potential for the sizes of homes in the area in relation to the lot, that it is too large for the neighborhood and does not fit in, compared some other lots and their current build out and how it would affect the neighborhood compatibility, that the reduction was not enough for this neighborhood in order to fit in, and that she was not sure she could make the 2nd finding regarding adjacent homes.

Councilmember Nichols explained that he appreciated that the applicant did reduce the project, that there are a few larger homes, that he had a list of conditions that he would like see included in order to approve it which included reviewing any glass reflectiveness issues, a fence designed in a manner to not block views, the tree in the southeast corner of the lot be relocated further down the slope to prevent view issues, that stormwater issues be addressed and that solar panels be handled, and that the deck not be allowed to change the area to a temporary enclosed area in the future.

Councilmember Campbell stated that he would not be able to make the compatibility finding so he would not vote to approve the project but that if it were approved that additional issues be addressed including fence height restrictions and landscape height restrictions.

Mayor Heebner said that she will not be able to make the finding and would not vote to approve the project due to the bulk and scale being out of compatibility with the neighborhood.

MOTION: Moved by Kellejian and seconded by Roberts to approve with conditions stated by Council in this discussion including fencing not to exceed 36", that vegetation not block any views from Brookdale, that only the use of standard non-reflective glass be allowed, that no temporary structures be constructed, that the fence not be constructed a solid material such as wood but instead a more transparent material, and that the tree planned for the top of the slope be relocated and not exceed the height of the slope. **Motion carried 3/2** (Noes: Heebner, Campbell.)

Mayor Heebner recessed the meeting at 8:27 p.m. for a break and reconvened at 8:40 p.m.

20. 360 North Granados Ave. (Lot 10) - Andrew & Annette Contasti and Joe Hernandez (Case: 17-07-04 DRP/SDP)

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Determine if the proposed project to construct a new 3,728.25 square-foot two-story residence (which excludes 400 sq. ft. of garage area) is within the scale of residential structures within the surrounding LMRd zoned residential neighborhood.
- C. If so, adopt the attached Resolution 2007-109 approving a demolition of a an existing church and conditionally approving a Development Review Permit and Structure Development Permit to construct a new single-family residence on Lot 10 at 360 North Granados Avenue.

MOTION: Moved by Roberts and seconded by Heebner to continue this hearing to September 19, 2007. **Motion carried unanimously.**

STAFF REPORTS: (Item 21-23)

Submit speaker slips to the City Clerk.

21. Support for the "Calling for 2-1-1" Act (S 211/HR 211).

- A. Adopt Resolution No. 2007-110 supporting Federal legislative bills S 211 and HR 211 and authorize Staff to submit a contribution of \$2,000 to 2-1-1 San Diego for Fiscal Year 2007-08.

David Ott, City Manager, introduced the item that had requested support for the 2-1-1 program.

Councilmember Roberts stated that the program came to Sandag to present and that Solana Beach was one of the two first cities to adopt the support of the the program.

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

22. Support for Senate Constitutional Amendment 12 to Add Stormwater Fees to the List of Exemptions under Proposition 218.

- A. Adopt Resolution No. 2007-115 supporting SCA 12 and send

letter of support to Senator Tom Torlakson.

David Ott, City Manager, introduced the item regarding support of a Senate Constitutional amendment to exempt stormwater fees from the Prop 218 requirement.

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

23. Parks and Recreation Commission Member Appointment.

- A. Make one appointment to the vacant position on the Parks and Recreation Commission with a term expiration date of January 2008.

David Ott, City Manager, introduced the item.

Nik Giovinazzo, applicant, said that he had served at La Colonia park and served on the commission when the City was formed, that he had been called to substitute for the former Parks and Recreation supervisor, and that he had worked with the City for 16 years.

Rian Heernan, applicant, said that he moved to the City and grew up in San Diego, that he wanted to participate in the community, that he had been attending all the events and had some input to contribute to parks and recreation.

Phillipe Lemois, applicant, said that he once lived in Del Mar area and that he had lived in Solana Beach for some time now and wanted to get involved.

Susan Murphin, applicant, said that she lived in Solana Beach for 31 years and that she had participated in working on community events.

MOTION: Moved by Heebner and seconded by Roberts to appoint Susan Murfin. **Motion carried unanimously.**

ORDINANCE INTRODUCTION: 1st Reading (Item 24)

Submit speaker slips to the City Clerk.

24. An Ordinance To Prohibit the Sale and Distribution of Novelty Lighters in Solana Beach.

- A. Introduce Ordinance No. 367 prohibiting the sale of novelty

lighters in the City of Solana Beach.

David Ott, City Manager, introduced the item.

Dis Abelman, Deputy Fire Chief, reviewed some of the reasons for fires and showed examples of novelty lighters.

James Lough, City Attorney, read the title of the ordinance with the modifications presented to Council.

MOTION: Moved by Roberts and seconded by Campbell to approve the introduction of the ordinance. **Motion carried unanimously.**

WORKPLAN COMMENTS: (Adopted June 27, 2007)

Material is located in front section of agenda binder.

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 made disclosures.

COUNCIL COMMITTEE REPORTS:

Please state the committee you are speaking to before making each report.

Regional Committees: (outside agencies)

Council made committee reports.

1. **California Cities Contract Association (CCCA) - Roberts, Heebner (alternate).**
2. **City Selection Committee - Kellejian (meets twice a year)**
3. **County Service Area 17 - Campbell, Nichols (alternate).**
4. **Escondido Creek Watershed Authority - Nichols, Roberts (alternate).**
5. **League of Ca. Cities' San Diego County Executive Committee and its' Subcommittees - Roberts, Kellejian (alternate).**

6. League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).
7. League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Roberts, Kellejian (alternate).
8. North County Dispatch JPA - Nichols, Campbell (alternate).
9. North County Transit District - Roberts, Heebner (alternate).
10. Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).
11. SANDAG & its' subcommittees - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).
12. SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).
13. San Dieguito River Valley JPA - Roberts, Nichols (alternate).
14. San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).
15. 22nd Agricultural District Association Community Relations Committee - Roberts, Campbell (alternate).

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

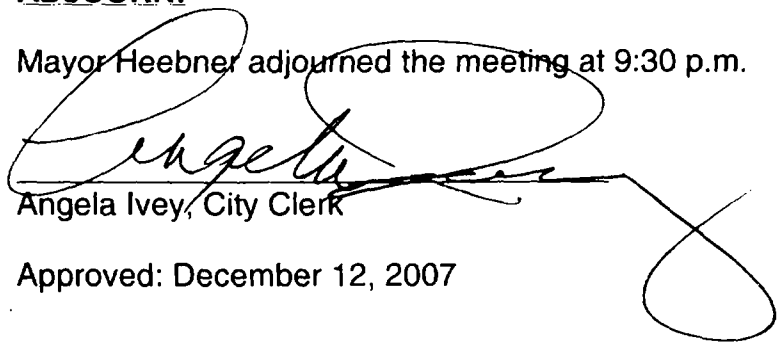
1. Business Liaison Committee - Roberts, Campbell.
2. School Relations Committee - Roberts, Campbell.
3. Public Arts Committee - Roberts, Nichols.
4. Traffic Transportation - Heebner, Kellejian.
5. Highway 101 / Cedros Ave. Development Committee - Heebner, Nichols.

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

2. **Sand Replenishment Alternative Review - Kellejian, Campbell. Expires November 8, 2007.**
3. **Views and Vegetation Subcommittee - Roberts, Nichols. Expires November 8, 2007.**
4. **Development Review - Heebner, Nichols. Expires November 29, 2007.**
5. **La Colonia Park Needs Assessment - Heebner, Nichols. Expires June 13, 2008.**
6. **Condo-Hotel - Heebner, Campbell. Expires October 24, 2007.**

ADJOURN:

Mayor Heebner adjourned the meeting at 9:30 p.m.



Angela Ivey, City Clerk

Approved: December 12, 2007