

CAPISTRANO BAY DISTRICT
AGENDA REPORT
October 23, 2008

Manager's Reports

ITEM I.2

Planning Meeting with City Regarding Beach Road Development Standards

Director Southwick and Manager Russell met on October 1st at city hall with City Manager Doug Chotkevys and Director of Community Development Kyle Butterwick to discuss concerns on the part of the District and the Beach Road community with the inconsistency among city planners in implementing various Beach Road-specific development standards. Discussed at the meeting were the following topics:

10% remodel guidelines for non-conforming homes

The District has always felt this was much too restrictive and prevents most owners from adding something simple like a closet or a bathroom. The city agrees and will be much more open to a reasonable and fair interpretation to the benefit of the applicant – but a zoning code amendment increasing this to more than 20% is very unlikely.

Railroad Parking and Building Heights

The city currently allows for shorter driveway setbacks down in the southern portion of the community where the lots are more shallow (35581 to 35811). This makes sense for those particular homes but the city has allowed this to be applied to homes in the northern part of the community (35083 is a perfect example) where lots are extremely deep. The city agrees that this allowance for shorter driveways should be very carefully implemented and applied only in the extreme cases as identified in the current zoning code.

Additionally, the *mezzanine* concept (almost like a 3rd story) was originated to provide some relief to those same homes with shallow lots who opted to maintain a standard 20' driveway setback. Rather than take the shorter driveway, the intent was to encourage them to keep the standard driveway for parking and then be allowed to go a bit higher with the house to make up for the loss of living space on the first floor taken up by a 20 foot driveway and a garage. This concept has never been properly implemented by the city and until now there has never been anyone in the city interested in taking a good look at it.

Residential Water Runoff

Property owners should be allowed or actually required to discharge at least half of the runoff from their property out onto the sandy beach where it can percolate down into the

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sand before it reaches the ocean. The city currently requires ALL runoff to go to the street – in some cases the city even requires drain catch basins on the private property to filter this runoff before it gets to the street. The big flaw in this concept is that these catch basin filter mechanisms require some maintenance but there is no process in place to require this maintenance and the filters simply clog up after the first year and cease to function. The city says they can look into a better designed drain filter but as for discharging runoff out onto the beach there is nothing they can do – this is a requirement of the state water resources control board and it is not the city’s doing. Staff recommends we begin communicating with the local San Diego Regional Water Quality Control Board and try to make some progress on this topic.

Corrosion-Resistant Rebar and Concrete for Caissons and Foundations

New homes coming up out of the ground should be required to use corrosion-resistant reinforcing steel and resistant admixtures in concrete caissons and foundations to prevent future structural damage from the effects of oxidizing rebar. After 20 years rebar can split open a concrete caisson from the inside and accelerate its failure rate. The city actually agreed 100% with this argument.

Caisson Requirements for Beach-Side Patio Deck Support

It is absolutely crazy that the city can make one owner use caissons under their patio then turn around and approve 2 or 3 other projects without caissons. Such is the case with the new homes at 35621 and 35625. Neither were made to install caissons under the patio decks but the owner of 621 put them in anyway knowing the deck should have the proper support. The deck at 35625, on the other hand, has no caissons and this past January the deck collapsed from the erosion of the supporting sand underneath. The city assured us that this is now a standard requirement on all new projects.

Uniform FP-3 Elevations for New Homes

In 1996 I had the opportunity to work with a planner from the city who actually had an understanding of the need for standardizing the FP-3 elevations in our community. She moved on the following year and there has not been another planner or planning manager who showed any interest nor has any progress been made on this. The concept is to evaluate the FP-3 elevation for groups of homes, say 10 at a time, to all be at the same elevation, then the next set of homes to be at the proper elevation for that section of beach. This tends to “smooth” the transition between homes and maintain a more consistent first floor height. The city seemed very interested in this concept and would like to look further into it.

The city recognizes that there are problems with having outside contracted planning and building dept. services and are getting away from outsourced services in this area. Many contracted workers have been hired and converted over as city employees. The new

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Director of Community Development, Kyle Butterwick, came from the City of Laguna Beach and brings with him many years of dealing with development in a coastal environment and the City Manager, Doug Chotkevys, has shown on several occasions that he is genuinely interested in issues relating to our community. This is a welcome change of attitude at city hall from the days of Ed Knight, former Director of Community Development and City Manager John Bahorski, both of whom despised dealing with Beach Road. Mr. Butterwick closed the meeting explaining that he would be addressing these issues with his staff and would like to have Manager Russell in attendance during some of those meetings to help provide background information to help promote a positive result.