

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
July 16, 2014 @ 7:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA**

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**1. CALL TO ORDER**

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Vice Chair Brown led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Wayne Eggleston, Barton Crandell, Michael Smith, and Kathleen Ward; Chair pro tem Jim Ruehlin, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
John Ciampa, Associate Planner  
Amber Gregg, Associate Planner  
Sharon Heider, Beaches, Parks & Recreation Director  
Dennis Reed, Beaches & Parks Manager  
Zachary Ponsen, Senior Civil Engineer  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS**

**A. An Update by Taylor Morrison Homes Concerning the Marblehead Coastal Residential Development (Bonigut)**

Phil Bodem, representing Taylor Morrison Homes, provided an update on the development of the Marblehead Coastal Project. At his time, Taylor Morrison Homes, which is a publically held building company, has no plans to propose significant changes to the originally approved submittals. Some minor changes include potentially relocating the "Ocean Club" community building, eliminating the approved custom lot program with

standard tract homes on all lots, and revising the interior of the homes to better reflect current market trends. In addition, he advised Taylor Morrison Homes will uphold commitment to construct one story homes on lots adjacent to Colony Cove, as well as retain existing setbacks, home heights, architectural styles, home footprints, and color palettes. He provided an update on the project timeline, including anticipated trails, parks, and streets completion dates; noted they are in the process of submitting new architecture for the original custom lots. He invited the Commission to contact him if they have any questions and offered to arrange for private walking tours.

Report received and filed.

## 5. MINUTES

### A. Minutes from the Planning Commission Regular Study Session of July 2, 2014

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY CHAIR PRO TEM RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of July 2, 2014, as presented.

### B. Minutes from the Planning Commission Regular Meeting of July 2, 2014

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER WARD, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of July 2, 2014, with the following revisions:

Page 2, 4<sup>th</sup> paragraph, replace "10:00 a.m." with "3:00 p.m."

## 6. ORAL AND WRITTEN COMMUNICATION - None

## 7. CONSENT CALENDAR - None

## 8. PUBLIC HEARING

### A. 2316 South El Camino Real – Conditional Use Permit 13-249/Architectural Permit 13-251/Site Plan Permit 13-252 – La Ventura Event Center with a Shared Parking Agreement (Gregg)

A request to consider a new commercial building for a special event facility totaling 5,500 square feet at 2316 South El Camino Real and a shared parking agreement with the City of San Clemente for parking located within 300 feet of the project site. The project is located in the Neighborhood Commercial zoning district (NC3) and the legal description

is Lots 3 and 4, Block 10, Tract 852, and Assessor's Parcel Number 690-446-17, and the City owned properties legal description is Lot B of Tract 938.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, "La Ventura Event Facility, Interpretation 13-505, Conditional Use Permit 13-249, Architectural Permit 14-251, and Site Plan Permit 13-252, dated July 16, 2014," including site history and project description as well as site, landscaping, and architectural plans. Parking consists of 18 on-site and 22 off-site for a total of 40 spaces allowing an occupancy of up to 160, with proposed plans to operate a valet parking service to avoid traffic circulation on adjacent Avenida San Gabriel. The building is sited to minimize noise impacts to adjacent residents. An interpretation that would allow a courtyard wall taller than six feet to be considered an accessory structure is proposed in order to create an outdoor room. The project has been modified in response to revisions suggested during Design Review Subcommittee review and the use is consistent with the General Plan Policies and Objectives. Staff recommended approval of the request as conditioned.

In response to questions from the Commissioners, Associate Planner Gregg indicated how the valet parking attendants will cross the street while parking/retrieving cars; advised that no amplified sound would be allowed in the outdoor room in order to minimize noise impacts to adjacent businesses and residences; noted the project is conditioned to require adjacent intersection modifications to be identified at a later date by Engineering Division staff.

Zachary Ponsen, Senior Civil Engineer, described goals for the adjacent intersection with the modifications to be made by the applicant; discussed currently allowed turns on and near the subject site; noted many of the access requirements/restrictions are related to Orange County Fire Authority (OCFA) regulations.

Don Kappauf, the applicant, was available for questions. He advised that the existing large tree adjacent to the flower shop will remain; described how the valet service would operate and indicated its path through the site to avoid exiting onto Ave. San Gabriel; noted the valet service would turn the cars around so that patrons exiting the site would only use the El Camino Real access; advised that the valet service would be required when a certain threshold of guests is met, while hosts of small parties could opt to let their guests self-park; noted that adjacent uses that have indicated to him a willingness to share parking have indicated an unwillingness to have the City as a third party due to concerns about future restrictions.

Eric Wagner, representing Iva Lee's Restaurant, the proposed caterer for the event center, advised that the outdoor courtyard would only be used

for presentations, ceremonies, smokers, or those that would prefer to sit outside. The outdoor room is located far from residences, and self closing doors could be considered to ensure minimum noise escaping from the main reception area.

Associate Planner Gregg indicated that many of the parking/valet parking details will be worked out with City Council when the lease is negotiated.

Chair Darden opened the public hearing.

Rani Lu, resident, requested the Commission delay approval for this proposal until the parking/valet plans are finalized; expressed concern regarding impacts to nearby residents who are already impacted by nearby bars and the adjacent new Cotton's Point Senior Apartments. She questioned how much noise would be generated by vendors unloading/loading equipment after hours; opined that the valet staff would not use crosswalks but instead will jaywalk in order to swiftly park/retrieve cars; commented that the Commission would not be upholding the City's mission statement if they approved this project.

Tara Fuentes, resident, opposed the project due to traffic, parking and noise negative impacts; questioned whether residents on East San Gabriel had been notified of the proposed project; opined that the neighbors will be negatively impacted by this project 7 days a week, from early in the morning until late at night.

Toni Dietz, resident, opposed this project due to negative impacts on the neighborhood; note the full impact of the senior apartments is not known at this time because they are not fully occupied.

Laura Engeman, resident, opposed this project due to major negative impacts to the neighborhood including increased traffic, circulation and density as well as negative noise impacts. She opined the valet and self parking traffic will take the path of least resistance and exit onto Ave. San Gabriel rather than make three point turns to go back out onto El Camino Real; advised there is much traffic and accidents along El Camino Real when the I5 freeway is backed up and/or during weekend traffic. She is also concerned about the noise impacts from eating/drinking/talking from people that prefer to congregate outside the facility.

Randy Dietz, resident, is in favor of developing the empty lot, but does not feel this is the right project. The senior center has already compromised the ingress/egress safety of residents. He questioned what would happen to those that ignore the instructions not to access or park along Ave. San Gabriel, and whether sheriff deputies paid to do City work would be put into service to police private areas. The street was originally one way only and is very narrow and dangerous; there is no extra street parking available especially as many of the senior apartment employees are

electing to park on the street. . The City should not allow development that will negatively affect residents that are the core of the neighborhood.

Will Yarbrough, resident, opposed the proposed project due to noise impacts as well as impacts from parking and traffic congestion. The project will destroy the peace of the neighborhood and create an unsafe environment for all. He questioned the event center operator's ability to prevent patrons from parking on the street and/or using Ave. San Gabriel as egress/ingress.

Janelle Mercero, resident, lives directly next door to the site with her husband and four children. Negatives arising from the existing state of the property include police activity in the parking lot, border patrol activity, disreputable activities generated by gang members, those running/speeding from the law, drug dealers, homeless those recently released from jail/prisons, etc. She requested the City help to clean up the area.

Shashona Reynolds, resident, noted her biggest concerns are increased traffic, loss of parking and loud noise impacts. Because she works in the event industry, she is well aware of the negative impacts associated with this kind of use.

Brenda Miller, resident, did not express support or dissent for the project, but reminded them that traffic calming measures could be used to solve many of the concerns expressed during public testimony including installing roundabouts which have been proven to reduce traffic accidents and other cutting edge and/or safety counter measures when the street is viewed from a complete streets perspective. Additionally, the street could be put on a road diet which would increase safety for all, increase efficiency of traffic, and change the culture of the roadway so that no one mode of travel has the idea that they are dominant.

Chuck Nary, one of the owners of The Spanish Village adjacent to the subject property stated that there is an existing agreement between the tree property owners, but that a modified parking agreement is in the works with the subject property owner that will address concerns regarding parking, traffic, etc. They are in the process of developing a parking agreement that focuses on maintaining adequate parking for tenants and their patrons.

Chair Darden closed the public hearing.

Associate Planner Gregg clarified that the proposed use is conditioned with similar conditions applied to other event facilities adjacent to Residential zones, including a condition that after 10:00 p.m., event vendors would have to finish any loading or unloading in the morning. She indicated the space for large trucks to off/on load adjacent to the kitchen

and suggested the Commission consider adding conditions to address potential negative impacts. In addition, the project is conditioned to require all patrons to leave within one half hour of the end of the event and vendors to leave within one hour. The Commission can require to do a noise study if they desire; the project will be required to comply with the City's Noise Ordinance. With regard to suggestion that access to and from Ave. San Gabriel to the site be chained off, she noted that the City cannot require it to be barricaded due to a private agreement between the parties. Additionally, she advised that the City's Traffic Engineer is considering pedestrian crossing along all sides of the street, which will allow the valet parking attendants to cross on one side, eliminating the need to traverse two crosswalks in order to access the public parking areas. She suggested nearby residents with traffic concerns contact Tom Frank, Transportation Engineering Manager, to see what improvements can be made regardless of the outcome of this project.

Zachary Ponsen, Senior Civil Engineer, advised that the adjacent intersection will be required to be converted by the applicant into a four way intersection with turns allowed in all directions.

#### Interpretation Discussion:

Amber Gregg, Associate Planner, reviewed the staff recommendation, a recommendation that the Commission find that the proposed 12-ft walls surrounding the open courtyard be interpreted to be an "accessory structure" or "accessory building", which will allow it to be the same height and setbacks as the primary building.

The majority of the Commission agreed with the staff recommendation, with the exception of Commissioner Ward, who felt that the 12-foot wall would not be pedestrian friendly and should be limited to 6-feet tall. In addition, she commented that although the site is zoned "Neighborhood Serving Commercial" the proposed use will bring others into the area rather than support the existing neighborhood.

#### Conditional Use Permit Discussion:

Commissioner Eggleston commented that this area has many existing problems with traffic and parking. He expressed disappointment that the City's Traffic Engineer could not be present this evening to answer questions he has regarding intensification of use in the area, ingress and egress, as well as circulation on site. There is no noise study, and he believes residents will be negatively impacted by noise generated by the use. Because the area residents' health and safety will be negatively impacted by the proposed project, he is unable to make the required findings and cannot support the use.

Chair pro tem Ruehlin felt that with the intensification of use on this site, residents may be unable to find parking on their street as many patrons of the event center might prefer parking on the street rather than parking on site or using the valet services. Although he believes the proposed intersection improvements may alleviate some of the traffic issues, he does not have enough information about traffic and the valet service to understand potential impacts. On the other hand, developing the vacant lot may eliminate some of the criminal behavior that exists on site. He established from staff that in the past some complaints about the Casino were received and addressed by staff with revisions to the Casino operation, such as limiting the hours, etc. He did not feel it would be too much to request a sound study from the applicant.

Commissioner Crandell commented that not enough information was available at this time to make a finding that the use would not generate negative impacts. In order to make a sound decision, he would need a sound study, more information from the City's Traffic Engineer, and more information about the intersection improvements as well as the fire lane requirements. He suggested adding a condition regarding self-closing doors to the site plan permit.

Commissioner Ward agreed that not enough information is available to make a decision, and can't see how the project would work without impacting neighbors. She is concerned about street parking for residents and the existing traffic congestion due to the Pedro's Tacos Restaurant. She believes that many would prefer to park on the street rather than drive up the narrow driveway. She was also concerned that residents on East San Gabriel may not have been notified of tonight's meeting.

Vice Chair Brown commented that the applicant tried to make the project work on the site by downsizing it, reaching out to adjacent properties for parking solutions, trying to improve the area, and adding great features for the event site. Many elements of the proposal however, need more work and/or specification to protect the neighborhood. He agreed that a noise study was needed, and suggested the project be revised with improvements, additional studies, more information, and signed parking agreements for further consideration. He believes the project is worthwhile and there is a need for this type of service in the community, but his concerns and those expressed by his fellow commissioners must be adequately address in order to earn his support.

Commissioner Smith commented that although he finds the idea intriguing, he finds the site problematic. A use such as the one proposed needs more parking, better access, a larger site, and improved circulation. Because this type of use typically generates intense traffic at the beginning and end of any event, it is especially important that traffic circulation on site is adequately provided. It is an interesting project, but he does not believe it can be accommodated on this site without major

issues with parking, noise, and traffic. Parking agreements with adjacent properties do not add up to the amount of parking space needed in his opinion, even if it meets the development standards. He suggested the project could be improved with better site plans, more parking, and more convincing information that the project will not negatively impact the adjacent neighborhood.

Chair Darden commended the applicant for his efforts to design an appealing building that would enhance the neighborhood; suggested additional modifications may be possible to address parking, noise and traffic impacts; agreed that a noise study would be necessary before a decision could be made; thanked Ms. Gregg for her efforts to help the applicant create a working plan. She suggested additional information regarding traffic, parking, and noise impacts, as well as completed parking negotiations, more information about the valet service, and a completed noise study should all be available in the event this project was continued and revised for future consideration.

Jim Pechous, City Planner, informed that the applicant has indicated a preference that the Commission table the project rather than continue it to a date certain. If/when the project is resubmitted he will ensure proper noticing and inclusion of the information requested.

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO TABLE 2316 SOUTH EL CAMINO REAL – CONDITIONAL USE PERMIT 13-249/ARCHITECTURAL PERMIT 13-251/SITE PLAN PERMIT 13-252 – LA VENTURA EVENT CENTER WITH A SHARED PARKING AGREEMENT.

**[AGENDA ITEM TABLED.]**

## **9. NEW BUSINESS**

### **A. Policy Regarding Requests to Relocate or Replace Public Trees for Private View Purposes (Heider)**

Consideration of a policy regarding requests to relocate or replace public trees for private view purposes. The City Council has requested that the Beaches, Parks and Recreation Commission, Planning Commission, and Golf Course Committee conduct public meetings on this issue to obtain input and recommendations. The recommendations and criteria developed by the Commissions and Committee will be presented to Council for its consideration at a future Council meeting.

Commissioner Smith recused himself from considering this agenda item to avoid the appearance of a conflict of interest and left the meeting room.



Sharon Heider, Beaches, Parks & Recreation Director, summarized the staff report. In response to requests from citizens, the City Council requested staff gather input from the Planning Commission, Beaches, Parks, and Recreation Commission, and Golf Committee for input on whether the City should consider tree removal to provide, maintain, or restore private views. She reviewed existing City policies, clarified Council direction and defined narrow applications, and discussed view restoration/preservation procedures in cities with view protection policies. Included in the staff report was sample language that could be added to the City's Policy and Procedure Manual that would allow replacement or relocation of City park or street trees under certain conditions. Criteria would then be developed to identify appropriate trees and/or circumstances. Staff recommended the Commission provide a recommendation to Council whether or not to amend the existing tree policy. If the Commission recommends amending the tree policy, staff recommends formation of a subcommittee consisting of Planning Commission, Beaches, Parks, and Recreation Commission, and Golf Committee members to develop the criteria.

John Ciampa, Associate Planner, read existing Tree Policy language regarding trees in public corridors from the General Plan; noted additional language dictates that the City should make every effort to preserve public trees before removal.

Jim Pechous, City Planner, advised that the City has development of a Tree Ordinance as a Strategic Implementation Project as part of its General Plan.

In response to questions, Director Heider advised that because the City's beaches are considered parks, any direction made with regard to public trees in the City's parks will also be applicable to public trees on the City's beaches; advised Council specifically excluded the Palm Trees on El Camino Real, and streets other than residential, but additional clarification regarding tree medians would have to be obtained from Council during the criteria establishment process; noted trees managed by homeowners associations would not be included in the policy; clarified Council indicated most interest in trees located on beaches, parks, and the golf course, reservoir/utility sites and residential streets.

Commissioner Ward pointed out that she found out through research that the City of Palos Verdes has a \$900 option for the removal of public trees for the purpose of view restoration in addition to the over \$5,000 option cited in the staff report.

Dennis Reed, Beaches and Parks Manager, informed that most of the City's streets are public and the City maintains the majority of median trees. At this point in the process, the Commission is being asked whether they would like to explore changing the existing policies. Much of the

criteria to establish where, when and which trees would be included in the new process would have to be worked out at a later date. In addition, because there are many exceptions regarding how both private and public trees are maintained, the policy would have to address those situations as well. He estimated that the City maintains about 16,000 trees, not including those on the City's golf course. In response to questions, he noted that some of the trees at Verde Park are owned by the school district and others by the City.

Chair Darden opened the public hearing.

Curly Snider, resident, stated that it makes economic sense for the City to help him preserve his views, as he will get more money when he sells his home, and the City will in turn get more taxes. He circulated a petition during the 1980's for the City to establish policy to remove/maintain trees in order to preserve views and still feels it should be done.

Chris Stewart, resident, read a letter from an adjacent neighbor in favor of removing the eucalyptus trees from Reservoir #1 that rise up 70 to 80 feet over the water tank. Ole Hanson intended and the City was designed to take advantage of Ocean Views. The City is not being a good neighbor to its residents when it allows trees to grow out of control on City property and block the views of others.

Bill Stewart, resident, stated that when he bought his home, it had a panoramic ocean view that is now blocked by eucalyptus trees that serve no purpose. He suggested the City remove the trees and plant bushes in their stead.

George Brody, resident, stated this his views have been lost to eucalyptus trees allowed to grow up to 80 to 100 feet tall in Verde Park. In addition to view loss, they pose a safety hazard as well. They are extremely flammable and fragile due to their oil. They are not on the approved list for new plantings, and their branches can fall off on windy days. Children or adults could be hurt or killed by falling branches, needlessly adding to the City's liability. He requested the City consider replacing the 25 or so trees in Verde Park with trees from the City's approved plantings list for both safety and view restoration reasons.

Jerry Collamer, resident, was not prepared to discuss this issue intelligently and requested his time be given to Patricia Holloway. Chair Darden indicated that all speakers present this evening would only be granted 3 minutes to speak in the interests of fairness to all.

Gary Headrick, resident and representative from San Clemente Green, spoke in favor of delaying discussion/action on tree removal/replacement to preserve views until such time as the City's Tree Ordinance is crafted in a well thought out manner with adequate representation of all involved.

Robert Steele, resident, spoke in favor of removing the too high eucalyptus trees near the golf course as they have taken away his views. He has considered suing the City under a taking a view claim. In addition, eucalyptus trees are very dangerous in the event of fires as they explode as they are ignited and exacerbate fires. When they were notified by OCFA to clear brush from their property because it was a fire hazard, they took care of that. He does not understand why the City is not required to be a good neighbor, clean up debris piled up from years of neglect, and cut down neglected trees that have grown over 80 feet tall and take away views that once belonged to him.

John Hazeltine, resident, quoted scientific studies indicating that green trees and nature calm people that are stressed and reduce symptoms in children with ADHD. He suggested residents would rather look out their windows and see trees instead of houses. Public trees should be correctly maintained and cleaned up. He recommended the Commission avoid a piecemeal approach and wait until the Tree Ordinance is crafted before taking any action. He felt it would be to the detriment of the public for the City to remove trees to accommodate some unhappy homeowners.

Georgette Korsen, resident, asked the Commissioners to be stewards of the City's trees for the benefit of all. The City should maintain its trees to allow their beauty to commune with nature. She is not in favor of homeowners associations petitioning the City to cut down trees to enhance private views because the entire community will be instantly robbed of its valuable resources. She suggested a compromise whereby the City's trees could be pruned more often and the tallest trees reduced. Perhaps those homeowners that benefit the most could contribute financially.

For the record, Chair Darden announced that she had met with Patricia Holloway earlier for a discussion of this issue.

Patricia Holloway, resident, commented that the responsibilities of the public leadership is to protect public access, not protect private views by cutting down trees. Homeowners associations control trees on association-owned properties and should not have the power to control public trees. If Broadmore offers to pay for removal of 40-year old trees to create views, other trees, like those at Casa Romantica, will also be at risk. If the City creates a policy for some tree removal, it invites lawsuits from those that would blame the City's trees for blocking their views. She encouraged formation of the Tree Ordinance first, as it will provide many benefits, establish better tree trimming schedules, and phase out undesirable species. She encouraged the City to pledge to maintain and plant new trees, as well as create an environment that fosters appreciation for the benefits that trees provide. If a subcommittee is appointed, she asked that San Clemente Green be allowed to participate.

Bob Joseph, resident, opposed changing policies to include language that would allow tree removal for private views as it would set a bad precedent and start an avalanche of complaints that may result in the downing of one tree after another. He encouraged modification of language that will protect trees and strengthening of language regarding tree maintenance. He believes those actions will address most of the complaints that have been made to date.

Alan Korsen, resident, was opposed to allowing public trees on City properties to be cut down in order to preserve private views. He noted some of the City's trees were planted under the direction of Ole Hanson. He does not believe the ability to pay for the tree removal should be a consideration as the trees belong and hold value to the public at large. While he served on the GPAC, there was no mention of potential to cut down trees in order to preserve views. He supported formation of a Tree Ordinance to regulate the maintenance/removal of trees as set forth in the General Plan.

Carol Wonderleigh, resident, advised that the Broadmore Homes' CC&R's state that all residents have to maintain their trees at between 17 to 23 feet high in order to preserve views for all and when she bought her home she felt that she would always have her views due to these rules. Now she doesn't have a view because the trees in Verde Park obscure them. She believes the City should be required to keep its covenants with all residents and maintain trees as they should be maintained.

Edward Beyer, resident, lost his view over 25 years ago when the trees in Verde Park grew to obscure it. He believes the problem is due to City negligence and lack of understanding that ocean views are valuable assets. Ole Hanson had a vision for the City that it would be a Spanish Village by the Sea with ocean views. He does not understand why the City and so many of its residents work so hard to preserve historic homes while not considering Ole's vision and dream that all have ocean views. The City's most valuable asset is the Ocean, not its trees. He wants to be able to enjoy viewing the ocean from his home once more, rather than driving to the beach and paying for parking.

Donald Prime, resident, spoke against changing the tree policy at this time as it may be a piecemeal approach that may have unintended consequences. Both the GPAC and Strategic Implementation Plan recommend development of a comprehensive and holistic tree policy. The City has wisely avoided over the years to protect private views; that is a slippery slope that might lead to untold staff hours, disputes between neighbors, etc. He urged the Commission to waiting until development of the Tree Ordinance to address this topic.

Brenda Miller, resident, suggested that formation of a tree policy that addresses public trees may create two separate but unequal groups in town. The lucky ones are those with views blocked by public trees. They have a remedy to address the blockage. Those with views blocked by trees located on private property would not have the same remedy. She acknowledged how difficult the situation is, yet cautioned to try and be fair to all and develop rules that can be legally sustained.

Chair Darden closed the public hearing.

Commissioner Ward read language from a policy established in 1983 that states that the Parks & Recreation Commission voted 5-0 to establish height limits on trees on public property. Director Heider agreed to research that policy and report back.

Commissioner Ward suggested it was reasonable to look at the policy, even if it just results in trees being thinned or cut back rather than cut down. She suggested a person on staff could be tasked with being arbitrator to enforce the guidelines and referred to a letter from former resident Ronald Coleman, State Fire Marshall, stating that eucalyptus trees are fire hazards. She asked why the trees at Reservoir #1 were allowed to grow so tall and noted that residents have no recourse against the City when their views are blocked. She does not believe the City is being a good neighbor when it allows that to happen. Views are essential for monetary as well as serenity reasons. She urged the City to move forward, study what other Cities have done, take care of its overgrown trees, and designate a staff member to enforce guidelines and provide assistance. The process should also include appeal processes as well.

Dennis Reed, Beaches and Parks Manager, advised that the City is on a 7-year maintenance cycle for trees, noting that some are maintained earlier and others later depending on their location. They use guidelines established by the International Society of Arboriculture, including trimming less than 20%, no topping, and no removal of foliage. The trees in Verde Park are just about to be trimmed according to the established cycle. The trees at Reservoir #1 are trimmed by a landscaping contractor. He is not sure why trees were planted near the reservoir instead of bushes. He will check with the Utilities Division and the Fire Marshall for additional information and report back.

Vice Chair Brown agreed that the City's trees at Reservoir #1 and Verde Park are not well maintained. He recommended the City address this issue while developing the Tree Ordinance, but suggested in addition, the City should be a good neighbor and address the safety concerns and perhaps establish more aggressive maintenance in areas where needed and/or remove species that are no longer approved for planting. He is not in favor of establishing a subcommittee in general as it can get very open-ended on a convoluted issue such as this, as well as taking a lot of staff's

time. He supported fast tracking landscaping plan/more aggressive maintenance for Verde Park and Reservoir #1 to increase safety/address fire hazards as well as a lengthy process to explore in depth the formation of Tree Ordinance.

Chair pro tem Ruehlin reiterated personal experience he's had trying to get neighbors to cut down trees in order to preserve views. He is not in favor of protecting private views, and would not want the City to get in the middle of disputes between neighbors. Listening to the public testimony, he feels there are three distinct issues that need to be addressed. With regard to complaints this evening, he suggested new landscaping plans be established for the Verde and Reservoir #1 which may lead to solutions for those problems in the short term. Safety issues related to eucalyptus trees should also be addressed. He agreed that establishing a Tree Ordinance based on thoughtful and careful consideration and taking all factors into account would be the best way to solve the problems in the long term.

Commissioner Crandell supported a two-phased approach to both address immediate issues as well as develop the Tree Ordinance as identified in the Strategic Implementation Plan of the General Plan. He is not opposed to forming a subcommittee to discuss potential solutions, as much input and information must be shared between departments. He cautioned that the City should not avoid protecting views just because it may be difficult to accomplish. People bought properties and paid a lot of money for their views. He supported formation of a subcommittee to share thoughts and potentially come up with a short term plan as well as going forward as set forth in the General Plan with a Tree Ordinance.

Commissioner Eggleston advised that in his work as a residential appraiser, he has viewed the same condominium three times in 10 years. The view has slowly been obscured over the years, and with his last appraisal, he deducted 15% due to the view loss. In addition, he recounted a fire in the Santa Monica mountains when the eucalyptus trees exploded during a fire. He believes this is a health and safety issue, and suggested both Verde Park and Reservoir #1 be studied to determine if something could be done immediately to increase safety for residents. He supported forming a subcommittee and volunteered to be on it. He agreed there are some sacred areas that should not be drastically changed such as along El Camino Real, the palm trees on the beach, and Casa Romantica area. He supported immediately addressing Verde Park and Reservoir #1, as well as remaining on course with formation of the Tree Ordinance as outlined in the Strategic Implementation Plan. He does not support homeowner association intervention in setting or enforcing policy, and does not believe that HOA dues should be used for maintenance on property that does not belong to them.

City Planner Pechous summarized consensus direction from the Commission as follows:

- Stay the course and address view issues in the Tree Ordinance as directed in the General Plan's Strategic Implementation Plan (within the next three years); giving staff the opportunity to study and evaluate all the issues and come up with long term solutions as part of the Tree Ordinance.
- Direct staff to look at alternative landscape solutions for Verde Park and Reservoir #1 to address safety issues, fire hazards, maintenance of trees in the short term.
- Use existing processes to consider alternatives and/or address issues with the Verde Park and Reservoir #1 sites.

IT WAS MOVED BY CHAIR DARDEN, SECONDED BY COMMISSIONER CRANDELL, AND CARRIED 5-1-1, WITH COMMISSIONER WARD OPPOSED AND COMMISSIONER SMITH ABSTAINING to recommend to City Council that:

1) The issue of tree removal to improve private views be considered within the larger context of a comprehensive tree ordinance (as called for in the General Plan and Strategic Implementation Plan), rather than in isolation.

2) The City address the safety concerns of the neighbors of Verde Park and Reservoir #1 through the existing processes, consider amending the Park Plan and Reservoir Site Plan--perhaps using a phased approach-- to transition these areas away from eucalyptus to the City's current approved plant palettes, and the City consider immediately beginning aggressive maintenance of the sites, including pruning and Fire Inspection for fuel removal.

The Commissioners in favor of the motion confirmed that this language correctly reflected the motion they adopted.

Commissioner Ward commented that she opposed the motion because the proposed action would not adequately address the fire and safety issues associated with Verde Park and Reservoir #1 in a timely enough manner.

**[ACTION SUBJECT TO CITY COUNCIL APPROVAL]**

**10. OLD BUSINESS – None**

**11. REPORTS OF COMMISSIONERS/STAFF**

**A. Tentative Future Agenda**

**B. Minutes from the Zoning Administrator meeting of July 2, 2014**

- C. Staff Waiver 14-264, 100 Avenida Presidio
- D. Staff Waiver 14-265, South Fnd Ridgeline Trail
- E. Staff Waiver 14-269, 1607 Calle Lago A
- F. Staff Waiver 14-270, 831 Via Suerte 102

Vice Chair Brown reported that the Coastal Advisory Committee met last week to welcome its new members and elect leadership. He announced that he was elected Chair at the meeting.


**12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED to adjourn at 11:53 p.m. to the Regular Study Session of the Planning Commission on August 6, 2014, at 6:00 p.m. at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

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Julia Darden, Chair

Attest:

  
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Jim Pechous, City Planner