

11/5/13
6A

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting - September 24, 2013

An Adjourned Regular Meeting of the San Clemente City Council was called to order on September 24, 2013 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

PRESENT BROWN*, DONCHAK**, EVERT, HAMM, MAYOR BAKER

* Arrived at 5:07 p.m.
**Arrived at 4:10 p.m.

ABSENT NONE

STAFF PRESENT Pall Gudgeirsson, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk; George Aghabegians, Deputy City Clerk.

* * *

PLEDGE OF ALLEGIANCE

Councilmember Hamm led the Pledge of Allegiance.

PUBLIC HEARINGS

A. **Introduction to the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan**

Public Hearing concerning the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan.

Mayor Baker welcomed all in attendance and expressed appreciation to everyone who was involved in the General Plan process, especially the GPAC, Planning Commission, staff, consultant and public.

Community Development Director Holloway explained that the Centennial General Plan is designed to take the City to the year 2028; narrated Slides 1

6A-1

through 9 of a PowerPoint presentation entitled "City Council Hearing: Centennial General Plan, EIR, Climate Action Plan and Bicycle and Pedestrian Master Plan". Mr. Holloway's portion of the PowerPoint focused on the purpose of the General Plan. A hard copy of the PowerPoint presentation, dated September 24, 2013, is on file with the City Clerk. During his presentation, Mr. Holloway explained that Council is being requested to provide General Plan policy direction at this time, noting that a number of on-going Code amendments will follow with implementation occurring from 2014 to 2028; introduced members of Staff, the Planning Commission, and The Planning Center.

Brian Judd, Principal with The Planning Center, narrated Slides 10 through 23 and responded to questions. Mr. Judd's portion of the PowerPoint focused on the process utilized to develop the draft General Plan, community goals and guiding principles, an overview of the General Plan elements, Citygate report recommendations from 2010, and proposed General Plan land uses.

City Planner Pechous narrated Slides 24 through 46 relating to the Urban Design Element and responded to Council inquiries.

Mr. Judd narrated Slides 47 through 48 relating to Trees and Views, as well as Slides 49 through 52 pertaining to the Environmental Impact Report.

Nicole Morse, The Planning Center, continued the EIR presentation by narrating Slides 53 through 63; responded to Council inquiries.

Chris Gray, Transportation Engineer with Fehr & Peers, responded to Council inquiries relating to traffic and circulation issues and associated mitigation measures.

Mr. Judd narrated Slides 64 through 65 relating to the Bicycle and Pedestrian Master Plan, Climate Action Plan, and Centennial General Plan Adoption and Implementation process, and responded to Council inquiries.

During the course of discussion, individual Councilmember(s) expressed personal opinions as follows. The below comments do not necessarily reflect Council consensus:

1. The draft General Plan is an outstanding document that reflects a successful collaborative effort.
2. Consideration should be given to dispersing affordable housing areas more evenly throughout the city.
3. Council should discuss whether the designation of the civic center site should be changed from a civic center designation to residential medium-density with an affordable housing overlay.

GAJ

4. Affordable housing overlays should be included in the key and color-coded on all applicable General Plan maps.
5. Any intensification in Floor Area Ratio on South El Camino Real east of the I-5 to E. Avenida San Gabriel (near the southern Pedro's) would be of concern. It was agreed that the first sentence of Item 16 on Page UD 15 will be expanded to clarify the intent of the section as follows: "We will prepare and adopt urban design guidelines for the South El Camino Real corridor *west of the I-5* to direct building mass and scale and to allow new three-story buildings or building elements that meet specific standards and that protect designated public view corridors."
6. There was a brief discussion on whether the word "safe" should be included wherever sidewalks are referenced. Mr. Judd noted that including the word "safe" was originally suggested, but not included due to concern that it could create liability issues. This issue will be considered later in the meeting.
7. Technical reports should be clearly labeled and linked to the General Plan to facilitate easy public access.
8. The Draft Mobility and Complete Streets Element is bicycle-centric and should be modified to represent a balanced transportation system.
9. Council should be informed of significant legal expenses associated with the Zoning Code, Local Coastal Plan and Specific Plan updates as soon as possible. City Manager Gudgeirsson indicated that a line item for this purpose will be created within the next fiscal year budget.
10. Language should be included in the General Plan and implementation measures that explain that the documents will be reviewed periodically to ensure that the Plan and implementation measures are working and that progress is being made toward achievement of established goals.

Mayor Baker opened the Public Hearing.

Gail Burke, San Clemente, suggested that the City needs regulations for home occupation permits and opined that the City's business license program needs improvement.

Kirk Kegel, San Clemente, described the impacts to himself and his home business when his neighbor acquired chickens; noted that the problem did not subside when his neighbor relocated the chickens 100 feet from his home; urged that chickens not be permitted in the City.

6A-3

Brenda Miller, San Clemente, voiced concern that Policy M-1.01.c of the Draft Mobility and Complete Streets Element undermines the City's stated intention to become a complete streets town in letter and spirit, since it implies that complete streets is the exception and not the rule; opined that the subject Policy is also in conflict with Policies M.1.04 and M-2.16.

Michael Metcalf, San Clemente, spoke on the importance of complete streets; voiced concern that some language in the Mobility and Complete Streets Element conflicts with public policy and noted that he sent Council an email that identified his specific concerns; cited, as an example, that Policy M-1.01.a states "Accommodate public transit, motor vehicles, bicyclists, skateboarders and pedestrians within the public right-of-way wherever feasible"; opined that the words "wherever feasible" provide an opportunity to bypass City policies.

Larry Culbertson, President of the San Clemente Historical Society, stated that nearly 2,000 persons signed a petition urging that building height in the historic Downtown be limited to two stories; distributed a petition signed by 23 persons who support limiting future buildings in the historic Downtown area to two stories; stated that a survey taken in 2009 revealed that 86% of respondents believe that the top goal for the City should be to retain the City's unique village character; stated that 96% of the buildings on the 100 and 200 blocks of Del Mar are one or two story, which represent pedestrian scale; spoke in opposition to mixed use development on small lots.

Patricia Holloway, Founder of the San Clemente Tree Foundation, voiced concern that the City has not always guarded mature trees and, as a result, homeowner associations have been able to cut down public street trees; displayed photographs of sycamore trees being removed in the Rancho San Clemente neighborhood; urged that the City re-commit itself to preserving street trees when it updates its scenic corridors plan; recommended that the City adopt a tree preservation ordinance and become a Tree City USA.

Don Kunze, San Clemente, stated that the Planning Commission never addressed open space in its consideration of the General Plan; spoke in support of retaining open space, including the Marblehead Coastal property, and questioned whether the public is allowed to use the trails on Marblehead Coastal; inquired about the allowable re-use of the El Camino Real Market property after it is sold and the number of stories that will be allowed.

Alan Korsen, San Clemente, stated that the Vision and Strategic Plan of 2009 stated that preservation of the heart and soul and character of the City's historic Downtown is the top priority for the vast majority of residents; spoke in opposition to three-story development in the Downtown T-zone; voiced concern that intensification of development will negatively impact the City's aesthetics, small town character, sense of community, civic pride and traffic.

6A-4

Mark McGuire, San Clemente, questioned the accuracy of the Draft Land Use Element Map since it reveals a mixed use overlay in North Beach with an FAR of 1.0, even though a higher FAR is allowed for other mixed uses in that area; stated that property at the upper end of Avenida Pico is designated in the Talega Specific Plan as Commercial, but can never be developed because it serves as habitat for the gnatcatcher; recommended that the property be re-designated as Open Space; commented on the importance of following through with zoning modifications after the General Plan is adopted; suggested that Staff's Centennial General Plan Adoption and Implementation Flow Chart should be modified to reflect that the Land Use Plan/Specific Plans will be updated before the Local Coastal Plan is adopted.

Georgette Korsen, San Clemente, spoke in support of limiting building height in the heart of the Downtown to two stories to reflect resident values; supported the goals of the San Clemente Tree Foundation to protect trees, increase the City's tree canopy, and promote adoption of a Tree Preservation Ordinance.

Don Prime, San Clemente, stated that San Clemente's "unique village character" has never been defined and related that his support for unique village character should not be interpreted as support for a ban on three-story development in the Downtown; conveyed hope that Council will consider the unintended consequences of a ban on three-story development and urged that Council not take away property rights.

There being no others desiring to speak to this issue, the Public Hearing was closed.

MEETING RECESSED

Council recessed at 7:00 p.m. and reconvened at 7:36 p.m., with all members present.

During the ensuing discussion, Mr. Judd and Staff responded to inquiries raised as follows:

Planning Consultant/Staff Responses to Council Questions/Comments

1. ***Affordable Housing:*** Three properties, east of the I-5, have been identified in the General Plan for Affordable Housing overlays. Methods to encourage affordable housing city-wide will be evaluated as part of the Housing Element update. The proposed Land Use Map will be modified to include graphics to show the location of the Affordable Housing Overlays.
2. ***Designation of Current City Hall Site:*** Whether or not the civic center site should be changed from a civic center designation to a residential medium-density designation with an affordable housing overlay is a policy call for Council. Mr. Judd offered to prepare a listing of pros and cons

6A-5

associated with maintaining the civic center designation versus changing the designation to residential medium-density with an affordable housing overlay.

3. **Land Use - South El Camino Real East of I-5:** No land use changes, changes to building heights, or changes to allowable stories are proposed for this area. The first sentence of Item 16 on Page UD 15 will be expanded to clarify the actual intent of the section as follows: "We will prepare and adopt urban design guidelines for the South El Camino Real corridor *west of the I-5* to direct building mass and scale and to allow new three-story buildings or building elements that meet specific standards and that protect designated public view corridors."
4. **Use of the Word "Safe" to Describe Sidewalks:** While the City strives to design its streets and sidewalks in a manner that is as safe as possible, using the word "safe" in the General Plan could be problematic. The word "safe" is vague, could create liability problems, and could result in people attempting to block projects on the grounds that the sidewalk in front of a project is not safe enough and hence not in compliance with the General Plan. Council requested that Staff evaluate whether reference to "safe" sidewalks should be included in the City's mission, values or guiding principles.
5. **Availability of the January 2013 Mobility and Complete Streets Element Technical Background Report:** The Technical Background Report is included in the Draft General Plan EIR Appendices and is available on the City's website, CDs attached to the Draft EIR, and the Public Library. Staff/Consultant will follow-up to ensure that the Traffic Report is clearly labeled and easy to find.
6. **Relocation of Implementation Measures:** Implementation Measures will be relocated from the General Plan to the Strategic Implementation Program. Implementation Measures will be prioritized in the Strategic Implementation Plan.

Planning Consultant/Staff Responses to Questions/Comments from the Public

1. **Business License Program:** This is not a General Plan issue, but something that the City could look into if desired.
2. **Chickens in the City:** The issue of whether or not chickens should be allowed in the City is not a stated policy in the General Plan, but is addressed as an implementation measure. The implementation measure states that the City will study the issue and consider possible Zoning Ordinance amendments after adoption of the General Plan. No policy commitments are proposed in the General Plan.

G.A.G.

3. **Mobility and Complete Streets Element:** Policies 1.04 and 2.16 are not in conflict. The goal of the Mobility and Complete Streets Element is to create a balanced transportation system that takes into account people driving cars, people utilizing public transit, bicyclists and pedestrians. Having a level of service goal for automobiles does not preclude the City from effective multimodal planning. Public Works Director Cameron explained that San Clemente, and other Orange County cities, have traditionally used Level of Service D as their standard for intersections. If the City lowers its Level of Service standard from D to E, it is saying that it would allow much more traffic in the City than is currently allowed. The language in the Mobility and Complete Streets Element recognizes that the city may wish to introduce multimodal street improvements that may result in a reduction in intersection capacity.
4. **Utilization of the Phrase "where feasible" in the Mobility and Complete Streets Element:** The terminology in question follows the environmental laws of the State of California and the federal government. If the General Plan lacks flexibility, it could preclude projects unless the General Plan is amended.
5. **Identification of Open Space Areas in the General Plan:** Figure LU-1, the Land Use Plan, identifies open space areas. No development opportunities are proposed for areas currently designated for open space.
6. **Story Levels for Mixed Use Areas on S. El Camino Real East of the I-5:** The Mixed Use designation for S. El Camino Real east of the I-5 currently has a two-story limit and no change is proposed.
7. **Building Heights Downtown:** Council discretion.
8. **Mixed Use Overlay in North Beach:** Staff and the Consultant will determine whether the proposed FAR of 1.0 for this property is consistent with surrounding mixed use areas.
9. **Change in Designation for Property on Upper End of Avenida Pico to Open Space:** Council expressed an interest in changing the designation of the property at the far end of Avenida Pico from Commercial to Open Space, and requested that staff communicate with Talega Associates to obtain its input on this proposal.
10. **Timing of the Local Coastal Plan and Specific Plans:** The City is not committing to the order in which the Local Coastal Plan (LCP) and Specific Plans will be processed. It was noted that processing the LCP through the Coastal Commission may be a lengthy process.

6 A. 7

Council reviewed the Land Use Element by page and provided the following directions. Council indicated that those areas not raised for discussion can be assumed to be accepted as written.

Land Use Element Page	Issue	Council Direction
LU-3	Primary Goal #3 states "allow for some intensification of commercial and industrial districts to maintain economic vitality, while preserving or enhancing their character." Concern was expressed that the verbiage as written implies that intensifying uses necessarily creates economic vitality.	Verbiage to be modified to read as follows: "allow for some intensification of commercial and industrial districts while maintaining their character."
LU-4	Concern was expressed that height and story level restrictions are not included in Table LU-1 (General Plan Land Use Designations Summary Table). Mr. Judd indicated that this information will be included in the final General Plan.	The column in Table LU-1 relating to "Maximum Number of Stories/Building Height" is to be completed in final General Plan.
LU-11	One of the goals on this page states "support the goals and policies of the Economic Development Element". Council pointed out the importance of keeping cross-referenced elements synchronized if changes are made to an element.	Point was acknowledged by Staff and the Planning Consultant.
LU-12 and LU-13	Council discussed whether or not the Mixed Use designation on the 100 and 200 blocks of Avenida Del Mar should remain.	No change to language as written. Staff to study height limits for Avenida Del Mar in greater detail. Established height limits can be incorporated into an implementation measure.
LU-13	Goal states "Promote and support mixed use development...". Discussed whether "Allow mixed use development..." would be more appropriate than taking an advocacy position.	Goal to be modified to read "Promote and support development that is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips and associated air pollution and offers convenient and affordable housing opportunities for all income levels, in the mixed use zone."
LU-16	A suggestion was made that LU-5.02 should be modified to reference "Fueling Stations" as opposed to "Gasoline Stations" so as to stage for alternative fuels.	LU-5.02, as well as any other reference in the General Plan to "gasoline stations", will be replaced with "fueling stations".

6A-8

<p>LU-21</p>	<p>Council questioned whether the Talega Business Park was excluded intentionally as a Focus Area.</p>	<p>Staff and the Planning Consultant are to broaden the policy goals, as appropriate, to include the Talega Business Park, Target, Plaza Pacifica and Shops at Talega. It was noted that it may be desirable to develop separate policy goals for retail versus commercial uses.</p>
<p>LU-25</p>	<p>Council discussed LU-10.02 (Miramar Theatre Rehabilitation) which reads as follows: "We encourage the rehabilitation and adaptive reuse of the historic Miramar Theatre as a movie theater, performing arts center or other high quality cultural use". A suggestion was made that the policy should not be specific given the challenges of the site.</p>	<p>Policy LU-10.02 is to be shortened to read as follows: "We encourage the rehabilitation and adaptive reuse of the historic Miramar Theatre."</p>
<p>LU-25</p>	<p>Council referenced LU-10.04 (Beach Access) which reads as follows: "We preserve and enhance safe, convenient pedestrian and bicycle linkages to the shoreline for community and visitor access." Suggested adding the word "vehicle".</p>	<p>LU-10.04 to be expanded to read as follows: "We preserve and enhance safe, convenient <i>vehicle</i>, pedestrian and bicycle linkages to the shoreline for community and visitor access."</p>
<p>LU-25</p>	<p>Council noted that LU-10.05 (Ocean Views) reads as follows: "We preserve the General Plan-designated public view corridor from Avenida Pico through North Beach and encourage new development along El Camino Real to take advantage of ocean vistas." Council noted the desirability of including visual depictions in the General Plan to demonstrate scenic view corridors. It was noted that electronic versions of the General Plan will be searchable and will include links to large maps and other information.</p>	<p>General Plan to include full-page size photographs/maps identifying scenic view corridors.</p>

6A-9

<p>LU-32</p>	<p>Council referenced LU-13.01 (Alleys/Paseos) which reads as follows: "We consider improvements to our alleyways to provide alternative pedestrian and bicycle routes." Concern was voiced that language relating to alleys and paseos varies throughout the various Focus Areas (for example, LU-10.10 includes the same sentence as LU-13.01, but includes the words "where appropriate" at the end.) Discussed the possibility of 1) strengthening the verbiage since alleyways and paseos will be utilized for pedestrian and bicycle movements, and 2) expanding the verbiage to reference the possibility of adjacent property owners assisting in the improvement of alleyways and paseos (possibly similar to the City's sidewalk program). Discussed the possibility of including the word "vehicles" in the Policy.</p>	<p>Verbiage relating to alleys and paseos is to be made consistent throughout the downtown Focus Areas. It was noted that some of the paseos are simply pass-throughs for pedestrians and bicyclists and hence the inclusion of the word "vehicle" would be inappropriate. Also, part of the intent of the Policies is to evolve vehicle-centric alleyways to accommodate other modalities (such as bicycles and pedestrians). The Planning Consultant and Staff are to develop language that will better explain the intent of the language.</p>
<p>LU-37</p>	<p>Council referenced Land Use Implementation Measure #3 which states "Examine the feasibility of a shuttle or trolley type transit system that connects San Clemente's key destination areas (e.g., North Beach, Del Mar/T-Zone, Marblehead and Pier Bowl) with public transit and bicycle routes." Discussed the possibility of including "residential areas" in this statement and/or modifying the verbiage to be more resident based as opposed to visitor based.</p>	<p>Language to be modified to read: "Consider a community-serving shuttle or trolley type transit system that connects San Clemente's key destinations (e.g., North Beach, Del Mar/T-Zone, Marblehead and Pier Bowl) and residential areas with public transit and bicycle routes."</p>
<p>LU-37</p>	<p>Council referenced Land Use Implementation Measure 12 which reads as follows: "Work with U.S. Postal Service to explore opportunities to close, or to relocate the post office located on Avenida Pico to a more appropriate location to provide opportunities for improved circulation and new development opportunities with a master plan for the Pico Plaza area." Discussed omitting the words "to close" or striking Measure 12 in its entirety.</p>	<p>Land Use Implementation Measure 12 to be modified to read as follows: "Work with U.S. Postal Service to explore opportunities to relocate the post office located on Avenida Pico to a more appropriate location to provide opportunities for improved circulation and new development opportunities with a master plan for the Pico Plaza area."</p>
<p>LU-37</p>	<p>Council referenced Land Use Implementation Measure 10 which reads as follows: "Identify a local champion for fostering an arts and design business incubator district." Council discussed whether or not the implementation measure's arts/design emphasis, and lack of specificity relative to the duties of the local champion, are appropriate.</p>	<p>Land Use Implementation Measure 10 to be amended along the lines of the following: "Foster and support local efforts to invite art and design businesses consistent with the vision of the Los Molinos district."</p>
<p>LU-37</p>	<p>Council referenced Land Use</p>	<p>Council cautioned about the</p>

G A -10

	<p>Implementation Measure 14 which reads as follows: "Develop new flexible use standards in the Zoning Ordinance to accommodate changing market demands." The Planning Consultant explained the intent of the Policy.</p>	<p>importance of remaining sensitive to adjacent residential uses.</p>
LU-38	<p>Council referenced Land Use Implementation Measure 24 for South El Camino Real (west of I-5) which reads as follows: "Create new development standards for mixed use, including stand-alone corridor residential uses." The Planning Consultant explained the intent of the Policy. Staff noted that the current zoning for the area allows for stand-alone corridor residential uses.</p>	<p>No change to language as written. Issue to be considered in conjunction with the Zoning Ordinance update.</p>
LU-38	<p>Council referred to Land Use Implementation Measure 15 which reads, in part, as follows: "We will identify a qualified public or private sector professional to help manage or enhance the retail "synergy" of Downtown land uses and work with the DBA and Downtown property owners to identify funding sources for such a position..." . Discussion ensued relative to the entity that would identify the professional, the party responsible for funding the position, and whether verbiage of this nature (as expanded to reference the entire city) is more appropriately located within the Economic Development Element.</p>	<p>Land Use Implementation Measure 15 is to be deleted in its entirety.</p>
LU-38	<p>Council referenced Land Use Implementation Measure 16 which reads as follows: "Initiate a General Plan catalyst project by funding improvements for the rehabilitation and reuse of the Miramar Theater." Council disagreed with the measure inasmuch as it calls for the City to initiate the project.</p>	<p>Land Use Implementation Measure 16 is to be deleted in its entirety.</p>

GA-11

<p>LU-38</p>	<p>Council referenced Land Use Implementation Measure 21 which reads as follows: "Develop an Access Enhancement Plan to reduce congestion, possibly including shuttle services and bicycle facilities." Planning Consultant defined "access enhancement plan" and explained the intent of the measure. In response to Council concern that establishing too many measures could be problematic from an implementation standpoint, the Planning Consultant noted that the implementation measures will be prioritized and phased at a later date. Additionally, Staff pointed out that a concerted effort was made by the Planning Commission and GPAC to establish implementation measures to support each identified policy.</p>	<p>"Access Enhancement Plan" is to be replaced with a more-understandable term.</p>
<p>LU-38</p>	<p>Council discussed adding the words "and pier" to the description of the Pier Bowl and to also include an implementation directive that recognizes that the City will protect the historic resource since the RDA is no longer in existence. Staff pointed out that page BPR-13, Implementation Measure 12, reads as follows: "Continue to maintain and enhance the City's beaches and Municipal Pier and seek outside funding sources to help support these efforts."</p>	<p>References in the General Plan to the "Pier Bowl" are to be expanded to include the words "and pier", where appropriate. Policies to be added that provide for the preservation and enhancement of the pier as well as pier maintenance.</p>
<p>LU-38</p>	<p>Council referenced Land Use Implementation Measure 22 which reads as follows: "Working with the Chamber of Commerce, Downtown Business Association, Pier Bowl Merchants' Association, property owners and business (sic), support efforts to develop economic development tools to aid in the area's continued revitalization."</p>	<p>Land Use Implementation Measure 22 to be revised to replace the word "business" with "businesses and other organizations."</p>
<p>LU-39</p>	<p>Council discussed Land Use Implementation Measure 26 which reads as follows: "Consider traffic calming strategies in the neighborhood retail center (between Avenida Cadiz and Esplanade)." Concern was voiced with regard to the locational specificity of the measure.</p>	<p>Land Use Implementation Measure 26 to be revised to read as follows: "Consider traffic calming strategies in the area."</p>

6A-12

<p>LU-39</p>	<p>Council referred to Land Use Implementation Measure 28 which reads as follows: "Develop a new streetscape and landscaping plan and Safe Routes to School program to implement the Mobility and Complete Streets Element and Bicycle and Pedestrian Master Plan." Council noted the significant costs associated with implementing the subject measure. A point was raised that if the City applies for Safe Routes to School grant funding, and the grant application is denied, that the City may be obligated to fund the improvements or risk liability. Staff noted that there is a section in the Bicycle and Pedestrian Master Plan on Safe Routes to Schools. Discussed whether language relating to Safe Routes to Schools should be deleted.</p>	<p>Staff is to meet with City legal counsel to determine if there is merit associated with deleting reference to "Safe Routes to Schools" from the General Plan and Bicycle and Pedestrian Master Plan.</p>
--------------	--	---

Council continued discussion of the General Plan to the Council meeting of October 1, 2013.

ADJOURNMENT

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adjourn at 9:38 p.m. to an Adjourned Regular Meeting to be held on October 1, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 4:30 p.m. The business meeting will commence at 5:00 p.m.


 CITY CLERK of the City of
 San Clemente, California

 MAYOR of the City of
 San Clemente, California

6A13

11/5/13
6A

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting - October 8, 2013

An Adjourned Regular Meeting of the San Clemente City Council was called to order on October 8, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

PRESENT BROWN, DONCHAK, EVERT, HAMM, MAYOR BAKER

ABSENT NONE

STAFF PRESENT Pall Gudgeirsson, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk; George Aghabegians, Deputy City Clerk.

* * *

PLEDGE OF ALLEGIANCE

Councilmember Hamm led the Pledge of Allegiance.

PUBLIC HEARINGS

A. **Introduction to the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan**

Public Hearing concerning the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan.

Mayor Baker provided introductory comments and invited public commentary.

Michael Luna, on behalf of the Architectural Guild of South Orange County, stated that Ole Hanson allowed three and four story structures; asserted that buildings that are set back on upper levels facilitate ocean vistas; opined that two-story mixed use development is not viable and urged that property owners be allowed leeway so they can expand their square footage and utilize Spanish architecture.

6A-14

Barbara Rojas, San Clemente, asserted that three-story structures will not negatively affect the T-Zone's village character and charm; opined that restricting growth in the Downtown area will deter prosperity and urged that Council support the Planning Commission's recommendation.

Larry Culbertson, President of the San Clemente Historical Society, referenced a letter that he sent to Council last week that opposed three-story mixed use development on Avenida Del Mar; reviewed six mixed-use developments on Avenida Del Mar and their impact on parking and village character.

Suzanne Schwartz, San Clemente, stated that Ole Hanson's dream included three and four-story buildings; stated that she owns property on Avenida Cabrillo and Avenida Del Mar and desires to construct a three-story building on Avenida Del Mar with proper setbacks and conditions; advised that she plans development with retail on the lower level, office uses on the second level, and residential on the top level; stated that mixed use development is being encouraged across the country to discourage vandalism.

Donald Prime, San Clemente, asserted that banning third stories will jeopardize the paseos, courtyards, fountains and other details that accompany Spanish Colonial Revival architecture since property owners will not give up ground-floor square footage if they are limited to two stories; commented that many Downtown buildings are reaching the end of their lifespans and voiced concern that banning three-story development will serve as a disincentive to quality redevelopment.

David Kenworthy, San Clemente, pointed out that Ole Hanson's office was three stories; stated that the City's topography is conducive to quality three-story development.

Gregg Lipanovich, San Clemente, noted that Hotel San Clemente is three stories and questioned the fairness of not allowing other property owners to develop at the same height.

Dennis Eckel, San Clemente, commented on the importance of retaining the economic viability of the Downtown area, especially in light of the fact that the Marblehead Coastal development will provide competition; spoke in support of development flexibility.

Jim Eckel, San Clemente, stated that development guidelines are so stringent that no new buildings have been developed on Avenida Del Mar for 30 years; opined that limiting development in the T-Zone to two stories would be unfair to property owners and counter productive in maintaining the City's small town charm, vibrancy and ability to plan for future needs.

Martin Schwartz, San Clemente, stated that he owns property in the Downtown and desires to invest in the community; related that there is no incentive for him to develop if he can't capitalize from his investment; stated that three-story development can contribute to the community in a positive way.

Brian Judd, The Planning Center, distributed and reviewed revised Table LU-1, (General Plan Land Use Designations Summary Table), noting that information related to the maximum number of building stories and building heights has been incorporated; responded to Council inquiries. A hard copy of revised Table LU-1 is on file with the City Clerk.

During the course of discussion, individual Councilmember(s) voiced opinions as follows. The below statements do not necessarily reflect Council consensus.

1. Concern was voiced that mixed use development with small areas of ground floor commercial square footage may not fulfill the spirit of mixed use. Staff noted that the Zoning Code provides more-detailed information in this regard. Council requested that the mixed use formula for minimum ground floor commercial square footage be further evaluated as part of the Zoning Code update.
2. Concern was expressed that reducing the number of allowable building stories on Avenida Del Mar to two stories might constitute a "taking" of value. City Attorney Goldfarb opined that a reduction in the number of allowed building stories would not constitute a "taking" or spot zoning, and offered to research the matter to confirm the accuracy of his position.
3. A suggestion was made that the issue of story levels on Avenida Del Mar should be posed to the electorate at the November 2014 General Municipal Election. An opposing viewpoint was expressed that the subject issue is an appropriate decision for Council.

Mr. Judd explained a PowerPoint slide entitled "How Implementation Measures Fit Into the General Plan Process" and responded to Council inquiries. A hard copy of the subject slide is on file with the City Clerk.

MEETING RECESSED

Council recessed at 6:52 p.m. and reconvened at 7:20 p.m., with all members present.

GA/KC

Council reviewed the revised Table LU-1 (General Plan Land Use Designations Summary Table), Urban Design Element, Historic Preservation Element, and Economic Development Element and provided direction as follows:

General Plan Section	Issue	Council Direction
Revised Table LU-1 (General Plan Land Use Designations Summary Table)	Propriety of a 45' height limit associated with residential development in the Pier Bowl.	Issue to be considered in connection with the Pier Bowl Specific Plan and Zoning Ordinance updates. Area property owners to be notified. It was noted that regulations in the Pier Bowl Specific Plan can be more restrictive than regulations in the General Plan, but cannot be less restrictive.
Site 32 on Proposed Land Use Changes Map	Council noted that five lots at 1300 North El Camino Real are proposed to change from Neighborhood Commercial to Mixed Use.	Council requested that Staff determine whether Council previously took action to not support Mixed Use at the subject location.
Table LU-1, Land Use Designation MU 3.1	Council discussed the issue of two versus three story development in the 100 and 200 blocks of Avenida Del Mar and/or the portion of El Camino Real that is within the T-Zone. Mr. Judd suggested, and Council agreed, that any specific direction in height for this area be accomplished through the creation of a separate zoning designation that would effectively reduce the 45' height limit by one story in look and feel and to create implementation measures that would promote quality development.	MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-2 (COUNCILMEMBERS DONCHAK AND EVERT VOTING NOE), to direct Staff to consider an alternate Zoning Designation for the Avenida Del Mar/T-Zone area that will effectively create a height restriction of some type, in line with historical precedence and Council's direction, and that the designation provide a framework for an exception process in case topography allows for a third story.
Page UD-3	Council referenced UD-1.07 which reads in part as follows: "We design our sidewalks to accommodate pedestrians in a manner that meets City standards and we seek to ensure they are ADA compliant, well lit, safe, comfortable and consistent in style and construction materials."	Council modified UD-1.07 to read as follows: "We design our sidewalks to accommodate pedestrians in a manner that meets City standards and we seek to ensure they are ADA compliant and consistent in style and construction materials for the district in which it is located."
Page UD-3	Council referenced UD-1.08 relating to Wayfinding. Council voiced concern with the "No Parking" sign on the trash enclosure at the rear of Nick's on Avenida Del Mar.	Staff to return to Council with a signage plan to address signage similar to the one on the trash enclosure behind Nick's on Avenida Del Mar.
Page UD-6	Council concurred with UD-2.11 that states "We encourage the undergrounding of overhead utilities infrastructure in gateway areas."	Council directed that special assessment districts, not limited to gateways, be encouraged.

6A-17

Page UD-6	Council referenced UD-2.10 that reads "We require visual screening of blank walls, trash bins, and parking facilities..."	Council directed that unsightly or excessively large parking lot signs be addressed in the Urban Design Element, as well as being addressed in the updated sign regulations.
Page UD-7	Council referenced UD-3.06 that reads as follows: "We require Police Department review of uses that may be characterized by or historically associated with high levels of noise, nighttime activities, and/or rates of crime; and impose appropriate conditions or land use and design controls to prevent adverse impacts on adjacent 'sensitive uses'."	The word "sensitive" was deleted from UD-3.06.
Page UD-7	Council referenced UD-3.03 that reads as follows: "We require that new uses and buildings, characterized by differing functions, activities, density, scale and massing, to provide mitigation, landscaped buffers and/or setbacks between uses to prevent or mitigate adverse impacts."	UD3.03 was modified to read as follows: "We require that new uses and buildings, characterized by differing functions, activities, density, scale and massing, to provide mitigation, landscaped buffers and/or setbacks between uses to prevent or reduce adverse impacts."
Page UD-10	Council referenced UD-5.11 that related to Three-Story Mixed Use Buildings.	This section is to be modified to coincide with Council's earlier direction. Please refer to the motion on Page 4 of these minutes relating to height in the Avenida Del Mar/T-Zone area.
UD-11	Council referenced UD-5.14 that reads as follows: "Building design should consider the interplay of a third story with the site's natural topography, public view corridors and adjacent building profiles so that canyonization is avoided."	Council modified UD-5.14 to read as follows: "Building design shall consider the site's natural topography, public view corridors and adjacent building profiles so that canyonization is avoided."
UD-11	Council referenced UD-5.15 that reads as follows: "To modulate large building facades, provide architectural interest and maintain pedestrian scale, Downtown building forms, facades and footprints should be designed to visually reflect original Downtown lot patterns and spacing."	UD-5.15 to be modified to replace the word "should" with the word "shall".

UD-13	Council referenced UD-6.06 that reads as follows: "We require that street trees planted along designated public view corridors have narrow form and open structure to allow greater visual access. Street trees should be carefully placed and/or properly pruned, following best arboricultural practices, to achieve the desired goals without interruption of significant public views." Council discussed adding "non-public public spaces" (e.g., water tanks) to this policy. The definition of "non-public public spaces" in the General Plan would be described as areas that are publicly owned but not accessible to the public and would specify that it only applies to City trees on non-public public spaces.	Council noted that UD-6.06 is specific to Public View Corridors and, therefore, "non-public public spaces" would not fit into this Policy since it does not relate to public views. It was agreed that this topic will be considered in conjunction with the City Tree Ordinance.
UD-16	Council referenced Implementation Measure #16 that relates to the preparation and adoption of urban design guidelines for the South El Camino Real corridor.	Staff is to modify this section to clarify that it pertains to the area west of the I-5.
UD-16	Council referenced Implementation Measure #29 that reads as follows: "Examine code enforcement procedures and development conditions of approval to ensure appropriate maintenance and preservation of trees on private property and the encroachment of public trees on private property."	Implementation Measure 29 is to be omitted in its entirety.
HP-5	Council referenced HP-3.05 that reads as follows: "We maintain the Mills Act program as an incentive for historic preservation". Discussed the possibility of strengthening the verbiage in this Policy.	A new implementation measure is to be added that specifies that we will examine ways to improve the Mills Act program as an incentive for historic preservation.
HP-5	Council referenced HP-3.01 that reads as follows: "We provide assistance to residents who are restoring qualified historic properties by offering them technical assistance, development incentives or identifying federal and state preservation incentives."	The word "or" in HP-3.01 is to be replaced with the word "and".
ED-1	Council referenced the Economic Development Program goal which reads: "Establish and continuously improve an adequately staffed and funded, local economic development program."	Goal to be modified to read as follows: "Maintain and continuously improve an adequately staffed and funded, local economic development program and to help residents work close to where they live."

6 A 19

ED-2	Council referenced the second sentence of ED-1.02 which reads as follows: "Those who wish to change the allocation of these resources must demonstrate how their requests comply with the Economic Development Strategy."	The second sentence of ED-1.02 is to be deleted.
ED-4	New Policy	Council requested that a new Policy ED-3.07 be established relating to Sports Tourism.
ED-4	Council referenced the second sentence of ED-3.01 that reads as follows: "We require those who wish to change the allocation of public resources for tourism to demonstrate that their requests will help achieve the Economic Development Strategy and promote Economic Development Element goals."	The second sentence of ED-3.01 is to be deleted.
ED-6	Council referenced the portion of ED-4.05 that reads as follows: "If the Marblehead Coastal Development Plan is not realized by the expiration date specified in the Development Agreement, the City shall consider initiating a new planning process for the area."	The last sentence of ED-4.05 is to be amended to read as follows: "If the Marblehead Coastal Development Plan is not realized by the expiration date specified in the Development Agreement, the City will initiate a new planning process for the area."
New	New Policy	Council requested that a new ED-4.08 be added relating to "Other Commercial Districts". This section will include information from the Land Use Element relating to the City's important business and economic nodes (e.g., Plaza Pacifica, Wal-Mart, Target, Shops at Talega, etc.).
ED-7	Council referenced the double asterisks at the end of Goal 2.	Staff is to either delete or explain the double asterisks at the end of Goal 2.
ED-7	Council referenced Implementation Measure 1 which reads as follows: "Establish an Economic Development Manager Position. The Economic Development Manager may be a full-time or part-time position, funded through the City, the business community, or through a mix of public and private funding sources."	Implementation Measure 1 is to be amended to read as follows: "Consider establishing an Economic Development Manager position. The Economic Development Manager may be a full-time or part-time position, funded by the business community, or through a mix of public and private funding sources."

6 A. 20

ED-7	Council referenced Implementation Measure 2 which reads as follows: "Consider adopting a Business Retention and Expansion (BRE) Program." Discussed changing the implementation measure to "Adopt a Business Retention and Expansion (BRE) Program."	No change to Implementation Measure 2. Issue is to be discussed during the City's budget process.
ED-7	Council referenced Implementation Measure 3 that relates to City urban planners with specialized knowledge and experience in specific business districts to serve as liaisons.	Additional verbiage is to be added to Implementation Measure 3 to provide that the City's urban planners will talk about awards received from national organizations with regard to the Business Liaison Program.
ED-7	Council referenced Implementation Measure 5 relating to a Branding and Public Relations Program.	Council suggested that removed signage and discarded pieces of the pier be auctioned to provide revenue to the City.
ED-8	Council referenced the first sentence of Implementation Measure 6 that reads as follows: "Support Business Improvement Districts for Del Mar/T-Zone, Los Molinos, El Camino Real, Pier Bowl, and North Beach."	Council modified the first sentence of Implementation Measure 6 to read as follows: "Support Business Improvement Districts or similar measures for Del Mar/T-Zone, Los Molinos, El Camino Real, Pier Bowl, North Beach and other commercial districts."
ED-8	Council referenced Implementation Measure 10 that reads as follows: "Develop, maintain, and publicize an inventory of commercial properties available for business expansion and/or development, including businesses relocating to San Clemente and business start-ups."	Council deleted Implementation Measure 10 in its entirety.
ED-8	Council referenced Implementation Measure 11 that reads as follows: "Explore opportunities to establish and operate a business 'incubator' in San Clemente (e.g., Los Molinos Area)."	Council revised Implementation Measure 11 to read as follows: "Explore opportunities to partner with a business 'incubator' in San Clemente."
ED-8	Council referenced Implementation Measure 15 that reads as follows: "Update Home Occupancy Regulations for 'flexexecutives'."	Council modified Implementation Measure 15 to read as follows: "Explore ways to attract and promote opportunities for 'flexexecutives' to live and work in San Clemente."
ED-8	Council referenced Implementation Measure 16 that reads as follows: "Establish and maintain a method to track communications and information technology demands of residents and employees, both current and future."	No change to Implementation Measure 16. The issue of internet connectivity within the City will be considered in conjunction with the Information Technology Strategic Plan.

6A-21

ED-8	Council referenced Implementation Measure 17 that reads as follows: "Establish and maintain a method to track economic contributions of persons who work from home or from remote 'satellite' offices via communication and information technology, both current and future."	Council deleted Implementation Measure 17 in its entirety.
ED-9	Council referenced Implementation Measure 19 that reads as follows: "Establish a Technology Advisory Committee to serve as a liaison between community stakeholders, staff and elected officials and to make recommendations to the City Council on technology matters."	Council modified Implementation Measure 19 to read as follows: "Establish a Technology Advisory Task Force to serve as a liaison between community stakeholders, staff and elected officials and to make recommendations to the City Council on technology matters."
ED-9	Council referenced Implementation Measure 20 that reads as follows: "Incorporate the Wireless Communications Master Plan into a broader Technology Master Plan that incorporates aspects of the preceding implementation ideas and other technologies."	Council modified Implementation Measure 20 to read as follows: "Review and consider incorporating the Wireless Communications Master Plan into a broader Technology Master Plan that incorporates aspects of the preceding implementation ideas and other technologies."

Council continued its consideration of the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan to its meeting of October 15, 2013.


ORAL COMMUNICATIONS

None.

ADJOURNMENT

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adjourn at 10:09 p.m.

The next Regular Council Meeting will be held on October 15, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The public business meeting will commence at 6:00 p.m.


 CITY CLERK of the City of
 San Clemente, California

MAYOR of the City of
 San Clemente, California

6A-22