

CITY OF SAN CLEMENTE

City Council Minutes

Special and Regular City Council Meeting – November 3, 2015

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

A Special and Regular Meeting of the San Clemente City Council was called to order on November 3, 2015 at 4:05 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Pro Tem Baker.

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

*Arrived at 4:06 p.m.

** Left meeting at 9:17 p.m.

ABSENT NONE

STAFF PRESENT James Makshanoff, City Manager; Scott Smith, City Attorney; Joanne Baade, City Clerk; Laura Campagnolo, Deputy City Clerk

CLOSED SESSION

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (MAYOR HAMM ABSENT), to recess to Closed Session at 4:05 p.m. to discuss the following:

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

B. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representative: Mayor

Unrepresented employee: City Manager

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: North Beach Passenger Services Building, 1900 North El Camino Real, San Clemente

Agency negotiator: Assistant City Manager

Negotiating party: Pete Van Nuys

Under Negotiation: Term and Rent for Possible Lease Extension

Closed Session items continued on following page

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 1030 Calle Negocio
Agency negotiator: Assistant City Manager
Negotiating party: Family Assistance Ministries
Under Negotiation: Term and Rent for Possible Lease Extension

E. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Emergency Shelter Coalition v. City of San Clemente
Case Number: OCSC 30-2014-00758880

F. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Case Name: Capistrano Shores, Inc. v. City of San Clemente
Case Numbers: OC SC 30-2014-00709987-CU-EI-CXC and 30-2014-00726889-CU-WM-CJC

G. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)
Number of Cases: 12

Case Name: City of San Clemente v Dual Diagnosis Treatment Center, Inc.
Case Number: 30-2015-00805214

Case Name: City of San Clemente v Sobertec LLC (1)
Case Number: 30-2015-00805227

Case Name: City of San Clemente v Sobertec LLC (2)
Case Number: 30-2015-00805234

Case Name: City of San Clemente v New Mindset, LLC
Case Number: 30-2015-00805235

Case Name: City of San Clemente v 449 Recovery, Inc.
Case Number: 30-2015-00805270

Case Name: City of San Clemente v Faith By The Sea, Inc.
Case Number: 30-2015-00805980

Case Name: City of San Clemente v New Mindset, LLC
Case Number: 30-2015-00805891

Case Name: City of San Clemente v Sober Spot, LLC
Case Number: 30-2015-00805975

Closed Session items continued on following page

Case Name: City of San Clemente v A Mission For Michael, Inc.
Case Number: 30-2015-00806046

Case Name: City of San Clemente v William W. Martin, PHD
Case Number: 30-2015-00806055

Case Name: City of San Clemente v Coast To Coast Referral Center, Inc.
Case Number: 30-2015-00806052

Case Name: City of San Clemente v Eric Olson
Case Number: 30-2015-00811144

H. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code Subsections 54956.9(e)(3) and (e)(1)
Number of potential cases: 2

I. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: City Acreage West of Avenida La Pata and North and South of Avenida Vista Hermosa
Agency negotiator: City Manager
Negotiating parties: TBD
Under Negotiation: Price and Terms of Payment

In attendance for the full Closed Session were all members of the City Council and City Attorney Smith. City Manager Makshanoff and Assistant City Manager Sund were in attendance for items C through I. Community Development Director Gallardo-Daly was in attendance for Items F, G and I and John Tharp, Workers Compensation Attorney, was in attendance for Item H only.

MEETING RECONVENED

Council reconvened at 6:08 p.m., with all members present.

INVOCATION

Don Kappauf, Chaplain with the Orange County Sheriff-Coroner’s office, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Ward led the Pledge of Allegiance.

1. **SPECIAL PRESENTATIONS**

A. **Proclamation – Buddy Poppy Days**

Mayor Hamm presented a Proclamation to Wayne Greenleaf, San Clemente Veterans of Foreign Wars, declaring November 14 - 15, 2015 as Buddy Poppy Days.

2. **ORAL COMMUNICATIONS (PART 1)**

Stoke-O-Rama

Tom and Dane Gudauskas, San Clemente, thanked Council for its support of the Stoke-O-Rama Surf Contest on October 24, 2015; reported that the event raised \$10,000 for the Junior Lifeguard scholarship fund; displayed photographs of the event. Hard copies of the photographs are on file with the City Clerk.

Freeway Construction Update

Tom Frank, Transportation Engineering Manager, provided an update on the construction zone for the I-5 HOV widening project; reported that Cal Trans and OCTA, in cooperation with the California Highway Patrol, has developed a safety enhancement program that will be in effect for the holiday season; stated that a public awareness campaign will launch on November 5, 2015 to keep motorists informed of construction and safety issues.

3. MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

4. **CONSIDERATION OF AGENDIZING ITEMS REQUIRING IMMEDIATE ACTION**

None.

5. **CLOSED SESSION REPORT – CITY ATTORNEY**

City Attorney Smith advised that no reportable actions were taken during this evening's Closed Session.

6. **CONSENT CALENDAR**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to approve the Consent Calendar, with the removal of Item B-1.

A. **City Council Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to approve the following:

- 1. Regular City Council Meeting minutes of October 6, 2015.

B. **Commission/Committee Minutes**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to receive and file:

- 2. Minutes of the Regular Planning Commission Meeting of October 21, 2015.
- 3. Minutes of the Regular Beaches, Parks and Recreation Commission Meeting of October 13, 2015.

C. **Warrant Register**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to approve:

Wire Transfers Nos. 1442 through 1445, paid on 10-16-15, and Warrant Nos. 528195 through 528340, paid on 10-16-15, in the amount of..... \$1,672,536.32

Warrant Nos. 528341 through 528522, paid on 10-23-15, in the amount of..... \$1,047,665.64

TOTAL WARRANT REGISTER..... \$2,720,201.96

Payroll Register

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to approve:

Warrant Nos. 437 through 438
and Automatic Deposit Advises 27600
through 27918 for the period 9-28-15
through 10-11-15, paid on 10-16-15, in
the amount of.....\$ 418,327.11

TOTAL PAYROLL REGISTER.....\$ 418,327.11

D. **Notice of Completion – East Avenida Magdalena Waterline Replacement**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to:

1. Accept the East Avenida Magdalena Waterline Replacement, Project No. 15403, from the contractor, GCI Construction, Inc.
2. Authorize the Mayor to execute, and the City Clerk to record, the Notice of Completion for the East Avenida Magdalena Waterline Replacement.
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against GCI Construction, Inc.
4. Authorize the City Clerk to release the Performance Bond upon receipt of a Warranty Bond in the amount of 25% of the construction cost.

E. **City of San Clemente Fiscal Year 2014-2015 Measure M2 Expenditure Report**

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to adopt Resolution No. 15-46 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO ADOPT THE FISCAL YEAR 2014-2015 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF SAN CLEMENTE.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

B-1. Minutes of the Zoning Administrator Meeting of October 21, 2015

Larry Culbertson, San Clemente, referenced the portion of the Zoning Administrator minutes of October 21, 2015 relating to Minor Cultural Heritage Permit 15-228 (Pine Tree Removal at 515 Elena Lane); spoke on the benefits of the iconic Norfolk Pine tree to the historic structure at 516 Elena Lane as well as the community at large; disagreed that pine cones falling from the tree present a safety hazard; recommended that the tree be retained and restored to full health.

Council called up Minor Cultural Heritage Permit 15-228 (Pine Tree Removal at 515 Elena Lane) for review.

MOTION BY COUNCILMEMBER BROWN, SECOND BY COUNCILMEMBER WARD, CARRIED 5-0, to receive and file the balance of the minutes of the Zoning Administrator Meeting of October 21, 2015.

7. PUBLIC HEARINGS

A. General Plan Amendment 15-049/Zoning Amendment 14-456/Interim MU3.2 Zone Design Guidelines

Public Hearing to consider General Plan Amendment 15-049/Zoning Amendment 14-456/Interim MU3.2 Zone Design Guidelines.

Associate Planner Wright narrated a PowerPoint presentation entitled "General Plan Amendment Interim MU3.2 Design Guidelines" and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

PART 1

Mayor Hamm opened the Public Hearing on Part 1 of the Administrative Report, and there being no one desiring to speak, the Public Hearing was closed.

Following Council discussion, MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM BAKER, CARRIED 5-0, to:

1. Adopt Resolution No.15-47 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING ADDENDUM NO. 1 OF THE CENTENNIAL GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, ADOPTING AMENDMENTS TO THE GENERAL PLAN LAND USE MAP, AND ADOPTING GENERAL PLAN AMENDMENT 15-049; EXCLUDING AMENDMENTS RELATED TO THE MU3.2, NC2, AND NC3 LAND USE DESIGNATIONS AND BOUNDARIES OF THE ECR A-OVERLAY, with modifications as follows:
 - Amend Land Use Element Table LU-1 Height/Density Standards for Mixed Use 3.0 Land Use Designation by replacing “City Council exception possible to allow third story with TOR: 35 ft on sites with sloping topography” with “Exception with Conditional Use Permit on site with sloping topography: third story with TOR: 35 ft.”
 - Amend Land Use Element Table LU-1 Height/Density Standards for Mixed Use 3.3 Land Use Designation by replacing “City Council exception possible to allow third story with TOR: 35 ft on sites with sloping topography” with “Exception with Conditional Use Permit on site with sloping topography: third story with TOR: 35 ft.”
2. Introduce Ordinance No. 1609 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AMENDMENTS TO THE ZONING MAP OF THE CITY OF SAN CLEMENTE AND ADOPTING ZONING AMENDMENT 14-456; EXCLUDING AMENDMENTS RELATED TO THE MU3.2 ZONE, NC2 ZONE, AND NC3 ZONE, AND BOUNDARIES OF THE ECR A-OVERLAY, with amendments as follows:
 - Exclude the proposed zone change for the hospital site (i.e. no action was taken on Item 1 of the table on Page 7A-212 of the Administrative Report). Exhibit A is amended as follows to reflect this direction: “No change. On November 3, 2015, the City Council decided not to act on item 1. The City Council initiated a separate zoning amendment and directed staff to evaluate and propose changes for the land use designation and zone in which the hospital is located.”

- Amend Section 17.36.010 to reinsert Subparagraph C to exclude zoning changes for the area in which the hospital is located, as follows: “Regional Commercial (RC) Zones. Regional Commercial Zones are designed to allow region-oriented uses. The sites in San Clemente receiving this designation are large, and can accommodate an intensity of development required for a region-oriented use. There is one Regional Commercial Zone regulated by the Zoning Ordinance: RC 2. The General Plan primarily distinguishes this site by the uses allowed. The RC 2 zone provides for the continued use and development of the existing hospital facilities at 654 Camino de los Mares.”
- Amend Table 17.36.020 (Commercial Zone Uses) to exclude zoning changes for the area in which the hospital is located by reinserting the column RC2 and applicable uses for the zone where the hospital is located.
- Add Table 17.36.039 (RC 2 Development Standards) to exclude zoning changes for the area in which the hospital is located by reinserting development standards in a new table to follow the format of the ordinance.
- Amend Conditional Use Permit Application in Table 17.12.020, Review Authority for Permits and Entitlements, by replacing review authority “Planning Commission” with “Planning Commission, except for actions on exceptions to height limits of the MU 3.0 and MU 3.3 zones. The City Council is the review authority for such height exceptions.”
- Amend Section 17.16.060(B), Conditional Use Permit Review Authority, to specify that the City Council is the review authority for height exceptions in Mixed Use 3.0 and Mixed Use 3.3 Zones, as follows:

“ B. Review Authority. The review authority for Conditional Use Permits is as follows:

1. Planning Commission. The Planning Commission is the review authority for Conditional Use Permits, except for the requests identified in Subparagraph 2, below.
2. City Council. The City Council is the review authority for requests to exceed height limitations on sites with sloping topography in the Mixed Use 3.0 Zone (Table 17.40.043) and Mixed Use 3.3 Zone (Table 17.40.046).
3. Concurrent review. If a Conditional Use Permit is processed concurrently with other applications, refer to Section 17.12.090 for the final review authority.

4. Appeal of an Action. If a Conditional Use Permit is appealed, the City Council is the final review authority per Section 17.12.140, Appeals of an Action."

- Amend Table 17.16.060(C), Conditional Use Permit Applicability, by adding row "Use/Modifications", "Height limitation exception for sloping topography in Mixed Use 3.0 (MU 3.0) Zone", and reference code section for Conditional Use Permit requirement.
- Amend Table 17.16.060(C), Conditional Use Permit Applicability, by adding (row) "Use/Modifications", "Height limitation exception for sloping topography in Mixed Use 3.3 (MU 3.3) Zone", and reference code section for Conditional Use Permit requirement.
- Amend Section 17.16.060(F)(2), Conditional Use Permit Special Findings, by adding row "Use/Modifications", "Height limitation exception for sloping topography in Mixed Use 3.0 (MU 3.0) Zone", and reference code section for Conditional Use Permit requirement.
- Amend Section 17.16.060(F)(2), Conditional Use Permit Special Findings, by adding (row) "Use/Modifications", "Height limitation exception for sloping topography in Mixed Use 3.3 (MU 3.3) Zone", and reference code section for Conditional Use Permit requirement.
- Amend Table 17.24.080B, Maximum Encroachments into Setbacks and Height Limits, replace footnote 11 [Flag Poles, Antennas (other than Sat. Ant. or Ant. on City Property), Cupolas, Church Steeples, Monuments and Similar Structures)] in its entirety as follows:

"With the approval of a Conditional Use Permit (Section 17.16.060), architectural projections may exceed the height limitations of a zoning district, as follows: flag poles and church steeples in residential zones; and flag poles, antennas (other than satellite antennas or antennas on City property), cupolas, church steeples, monuments, and similar structures in nonresidential zones. Except for flagpoles, structures may not exceed the height limit of a nonresidential zone by more than 10 feet. Antennas (other than satellite antennas or antennas on City property) that are not for the exclusive use of the occupant of a site are regulated like a public utility; please refer to Section 17.28.040, Public Utilities, of this title. For regulations for satellite antennas and antennas on City property, please refer to Sections 17.28.070, Antennas on City property and 17.28.080, Satellite Antennas."

- Amend Table 17.40.043 (MU 3.0 Development Standards), by replacing the first part of the second sentence "For sites with sloping topography, an exception may be approved by the City Council" with "Exception with Conditional Use Permit for sites with sloping topography..."

- Amend Table 17.40.046 (MU 3.3 Development Standards), by replacing the first part of the second sentence “For sites with sloping topography, an exception may be approved by the City Council” with “Exception with Conditional Use Permit for sites with sloping topography...”
3. Direct staff to identify a zone for the hospital property that is specific to the hospital use and initiate a General Plan amendment consistent with the hospital zone.

PART 2

Councilmember Brown recused himself from Part 2 of the discussion because he owns property within 500 feet of the area under consideration; left the Council Chambers at 7:16 p.m.

Mayor Hamm opened the Public Hearing on Part 2 of the Administrative Report.

Michael Luna, San Clemente, opined that the MU3.2 zone was envisioned to create vitality through incentives; suggested that landowners will not be able to compete with the outlet mall without incentives; stated that property owners choose to not improve their properties because they do not wish to subject themselves to changing rules.

Nick Buchanan, San Clemente, opined that the south portion of town is in need of revitalization; stated that he purchased a gas station property on South El Camino Real that was abandoned for 30 years after the City determined to allow a three-story, 45' high mixed-use project on the site; explained that he subsequently reduced the height of his project from three stories to two stories, with a 35' height, after receiving City feedback on his project; voiced concern that a reduction in allowable project height from 35' to 33' would not make an appreciable difference to persons traveling along the I-5, but will make a significant difference in ceiling heights inside his building.

Chuck Krolkowski, attorney representing Nick Buchanan, stated that Mr. Buchanan modified his mixed-use project in order to come in below the allowable standards of the Centennial General Plan; urged Council to set the height limit at 35'; spoke in opposition to establishing setbacks that will further diminish the allowable buildable area of the site.

Tom DeLaHooke, San Clemente, spoke in support of the Santiago Mixed Use project and urged Council to support a 35' height limit.

Bob Conrad, San Clemente, spoke in support of the Santiago Mixed Use project; opined that a 35' height limit is an appropriate compromise; pointed out that the view from the freeway is already blocked by other structures and landforms.

Jennifer Blake, San Clemente, reported that she represented Mr. Buchanan during his purchase of the subject property, noting that escrow was delayed until the General Plan was approved; urged Council to consider the financial hardship that Mr. Buchanan has experienced as a result of the change in City regulations; opined that the Santiago Mixed-Use project will greatly improve the southern portion of San Clemente.

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

Council voiced concern that Pages 7-A-9 and 7-A-14 of the Administrative Report reference the word "flexible" or "flexibility" in terms of building standards. Council stressed that the standards are not flexible and requested a change in language to avoid future misunderstanding. Staff agreed to provide corrected language for the report.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR HAMM, CARRIED 3-1-1 (COUNCILMEMBER WARD VOTING NOE AND COUNCILMEMBER BROWN ABSTAINING) to vote separately on all matters relating to the height limitations in the Mixed Use zone that are under discussion in Part 2.

MEETING RECESSED

Councilmember Donchak left the meeting at 9:17 p.m.

Council recessed at 9:17 p.m. and reconvened at 9:33 p.m. with all members present except Councilmember Donchak.

Council resumed discussion of Part 2 of GPA 15-049/ZA14-456/Interim MU3.2 Design Guidelines following consideration of Agenda Item 9-A (Playground Replacement Program) as follows:

Councilmember Brown recused himself from deliberations and left the Chambers at 10:11 p.m. because he owns property within 500 feet of the area under consideration.

MOTION BY COUNCILMEMBER WARD, SECOND BY MAYOR PRO TEM BAKER, CARRIED 3-0-1 (COUNCILMEMBER BROWN ABSTAINING AND COUNCILMEMBER DONCHAK ABSENT), to:

1. Adopt Resolution No. 15-48 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING ADDENDUM NO. 1 OF THE CENTENNIAL GENERAL PLAN ENVIRONMENTAL IMPACT REPORT, ADOPTING AMENDMENTS TO THE GENERAL PLAN LAND USE MAP, AND ADOPTING GENERAL PLAN AMENDMENT 15-049; WITH AMENDMENTS LIMITED TO THE MU3.2, NC2, AND NC3 LAND USE DESIGNATIONS AND BOUNDARIES OF THE ECR A-OVERLAY, with amendments as follows:
 - Amend Land Use Element Table LU-1 Height/Density Standards for Mixed Use 3.0 Land Use Designation by replacing “City Council exception possible to allow third story with TOR: 35 ft on sites with sloping topography” with “Exception with Conditional Use Permit on site with sloping topography: third story with TOR: 35 ft.”
 - Amend Land Use Element Table LU-1 Height/Density Standards for Mixed Use 3.3 Land Use Designation by replacing “City Council exception possible to allow third story with TOR: 35 ft on sites with sloping topography” with “Exception with Conditional Use Permit on site with sloping topography: third story with TOR: 35 ft.”
2. Introduce Ordinance No. 1610 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING AMENDMENTS TO THE ZONING MAP OF THE CITY OF SAN CLEMENTE AND ADOPTING ZONING AMENDMENT 14-456; WITH AMENDMENTS LIMITED TO THE MU3.2 ZONE, NC2 ZONE, AND NC3 ZONE, AND BOUNDARIES OF THE ECR-A OVERLAY, with amendments as follows:
 - Amend Section 17.36.010 to reinsert Subparagraph C to exclude zoning changes for the area in which the hospital is located, as follows: “Regional Commercial (RC) Zones. Regional Commercial Zones are designed to allow region-oriented uses. The sites in San Clemente receiving this designation are large, and can accommodate an intensity of development required for a region-oriented use. There is one Regional Commercial Zone regulated by the Zoning Ordinance: RC 2. The General Plan primarily distinguishes this

site by the uses allowed. The RC 2 zone provides for the continued use and development of the existing hospital facilities at 654 Camino de los Mares.”

- Amend Table 17.36.020 (Commercial Zone Uses) to exclude zoning changes for the area in which the hospital is located by reinserting the column RC2 and applicable uses for the zone where the hospital is located.
- Add Table 17.36.039 (RC 2 Development Standards) to exclude zoning changes for the area in which the hospital is located by reinserting development standards in a new table to follow the format of the ordinance.
- Amend Table 17.16.060(C), Conditional Use Permit Applicability, by adding row “Use/Modifications”, “Height limitation exception for sloping topography in Mixed Use 3.0 (MU 3.0) Zone”, and reference code section for Conditional Use Permit requirement.
- Amend Table 17.16.060(C), Conditional Use Permit Applicability, by adding (row) “Use/Modifications”, “Height limitation exception for sloping topography in Mixed Use 3.3 (MU 3.3) Zone”, and reference code section for Conditional Use Permit requirement.
- Amend Table 17.16.060(C), Conditional Use Permit Applicability, by adding (row) “Use/Modifications”: “Exceptions to the Development Standards for Mixed Use 3.2 Zone on Lots of 8,000 Square feet or Smaller” and reference applicable code section.
- Amend Section 17.16.060(F)(2), Conditional Use Permit Special Findings, by adding row “Use/Modifications”, “Height limitation exception for sloping topography in Mixed Use 3.0 (MU 3.0) Zone”, and reference code section for Conditional Use Permit requirement.
- Amend Section 17.16.060(F)(2), Conditional Use Permit Special Findings, by adding (row) “Use/Modifications”, “Height limitation exception for sloping topography in Mixed Use 3.3 (MU 3.3) Zone”, and reference code section for Conditional Use Permit requirement.
- Amend Section 17.16.060(F)(2), Conditional Use Permit Special Findings, by adding (row) “Use/Modifications”: “Exceptions to the Development Standards for Mixed Use 3.2 Zone on Lots of 8,000 Square feet or Smaller” and reference applicable code section.
- Amend Table 17.40.043 (MU 3.0 Development Standards), by replacing the first part of the second sentence “For sites with sloping topography, an exception may be approved by the City Council” with “Exception with Conditional Use Permit for sites with sloping topography...”

- Amend Table 17.40.045, MU 3.2 Development Standards, by adding standard (row) "Parking Credit for Increase in Minimum Commercial Floor Area Ratio" as follows: "For projects that have commercial floor space in excess of .35 floor area ratio, one parking space may be waived for every 300 square feet of additional floor area provided in excess of .35. There shall be a limit of three parking waivers allowed per project."
- Amend Table 17.40.045, MU 3.2 Development Standards, by adding standard (row) "Open Residential Parking Spaces" as follows: "Each residential unit's required parking spaces shall be open within the project's garage."
- Amend Table 17.40.046 (MU 3.3 Development Standards), by replacing the first part of the second sentence "For sites with sloping topography, an exception may be approved by the City Council" with "Exception with Conditional Use Permit for sites with sloping topography..."
- Add Section 17.40.050(E), Exceptions to the Development Standards for Mixed Use 3.2 Zone on Lots of 8,000 Square feet or Smaller, in its entirety as follows:
 1. Exceptions. Development of mixed-use projects on lots of 8,000 square feet or smaller shall comply with the standards of Mixed Use zones, with the following exceptions that may be granted through a Conditional Use Permit, in accordance with Section 17.16.060, of this title.
 - a. Minimum Commercial Floor Area for Mixed-Use Projects. The minimum commercial floor area requirement for mixed-use projects may be reduced from .35 to .15 when the following criteria apply:
 - i. The project site is 8,000 square feet or smaller in size.
 - ii. The maximum floor area of the mixed-use project has been limited to 1.2 or smaller.
 2. Required Findings for Exceptions. Prior to approving a Conditional Use Permit for exceptions allowed in this section, all of the following findings must be made along with the general findings required for the approval of a Conditional Use Permit:
 - a. Because of the limited size of the lot, the exception(s) is (are) reasonably necessary to accommodate development that fulfills the purpose and intent of the zone and relevant overlay zones;
 - b. The project meets the intent of the Design Guidelines of the City and all appropriate addendums as it relates to projects in this zone.

3. Adopt Resolution No. 15-49 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ADOPTING INTERIM MIXED USE 3.2 DESIGN GUIDELINES.

Councilmember Brown returned to the dais at 10:23 p.m.

B. **Billing for 2015 Weed Abatement Program**

Public Hearing to consider billing for the 2015 Weed Abatement Program.

Code Compliance Supervisor Panas reviewed the contents of the Administrative Report.

Mayor Hamm opened the Public Hearing, and there being no one desiring to speak, the Public Hearing was closed.

MOTION BY MAYOR HAMM, SECOND BY COUNCILMEMBER BROWN, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to:

1. Waive the City's notification costs for the compliant property owners.
2. Approve the Weed Abatement Report.
3. Authorize the Weed Abatement Contract Administrator to bill the property owners the amounts indicated in the report.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

A. **Playground Replacement Program**

Report from the Public Works Director/City Engineer concerning a Playground Replacement Program.

Park Planner Donnelly reviewed the contents of the Administrative Report and responded to Council inquiries.

Mayor Pro Tem Baker displayed photographs of playground equipment from Max Berg Plaza Park being installed in Ecuador by the Kids Around the World organization. Copies of the photographs are on file with the City Clerk.

Cory Scurlock, San Clemente, opined that San Luis Rey Park needs new play equipment; stated that the Park experiences a heavy volume of users and recommended that Council consider playground equipment that appeals to a larger range of age groups.

During the course of discussion, Council requested that Staff investigate the possibility of replacing the playground equipment at Max Berg Plaza Park, when replacement is scheduled to occur, with retro play equipment that is reminiscent of the former rocket play apparatus that existed at the Park in the past.

Following deliberations, Council took action as follows:

1. Concurred with the approach to use engineered wood fiber for the playground surface in future playground replacement projects.
2. Concurred with the proposed anticipated timeline of playground replacements as presented in the Administrative Report, dated November 3, 2015, that is on file with the City Clerk.
3. Concurred with the inclusion of shade structures for Ages 2-5 playgrounds in the more inland park areas. Council requested a report on the level of success of the initial shade structure installation when available.
4. Concurred with replacing the playground equipment at Bonito and Marblehead Inland Parks during FY 2016 with challenging play equipment. Council requested a report on the level of success of the challenging playground equipment to help it determine whether future parks should be equipped with similar play apparatus. Staff will return to Council during the next budget session to request additional funding to accommodate the installation of challenging play equipment in future play equipment replacements.

B. Issuance of 2015 Special Tax Bonds of Community Facilities District 2006-1 (Marblehead Coastal) of the City of San Clemente

Report from the Assistant City Manager concerning issuance of the 2015 Special Tax Bonds of Community Facilities District 2006-1 (Marblehead Coastal) of the City of San Clemente.

Jim Fabian, Fieldman Rolapp, narrated a PowerPoint presentation entitled “Community Facilities District (“CFD”) No. 2006-1 of the City of San Clemente (Marblehead Coastal) 2015 Special Tax Bonds” and responded to Council inquiries. A hard copy of the presentation is on file with the City Clerk.

MOTION BY COUNCILMEMBER BROWN, SECOND BY MAYOR PRO TEM BAKER, CARRIED 3-1 (MAYOR HAMM VOTING NOE AND COUNCILMEMBER DONCHAK ABSENT), to adopt Resolution No. 15-50 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 OF THE CITY OF SAN CLEMENTE, AUTHORIZING THE ISSUANCE OF BONDS OF COMMUNITY FACILITIES DISTRICT NO. 2006-1 DESIGNATED 2015 SPECIAL TAX BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000, APPOINTING A FISCAL AGENT, APPROVING A FISCAL AGENT AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT AND CONTINUING DISCLOSURE AGREEMENT AND AUTHORIZING NEGOTIATION OF TERMS OF THE SALE OF SAID BONDS, AND AUTHORIZING PREPARATION OF FINAL OFFICIAL STATEMENT.

10. ORAL COMMUNICATIONS (PART 2)

None.

11. REPORTS

A. Commissions and Committees

None.

B. City Manager

None.

C. City Attorney

None.

D. Councilmembers

ACC-OC Meeting

Mayor Hamm announced that he is not able to attend the ACC-OC meeting on November 12, 2015 and appointed Councilmember Ward to represent the City in his place.

Community Engagement Panel

Councilmember Brown reported that the next Community Engagement Panel meeting will take place on November 5, 2015 in Oceanside.

Street Closures

Councilmember Brown reported that the Southbound I-5 off-ramp at Avenida Pico is scheduled to be closed from November 6 to November 9, 2015 and the Southbound I-5 on-ramp will be closed from November 20 to November 23, 2015; requested that the closures be referenced on the City's website.

Las Palmas Elementary School Organic Garden Ribbon Cutting

Councilmember Ward reported on her attendance at the Las Palmas Elementary School Organic Garden Ribbon Cutting and displayed photographs of the event. Hard copies of the photographs are on file with the City Clerk.

Boys and Girls Club Red Ribbon Week Event

Councilmember Ward reported on her attendance at the "For Kids Sake" event at the Boys and Girls Club which was conducted in conjunction with Red Ribbon Week; noted that an Around Town was filmed featuring the event.

Charity Fundraiser at the Outlets at San Clemente

Councilmember Ward announced that the Outlets at San Clemente will be hosting a holiday fundraising event on December 5, 2015 that will benefit several local charities. A hard copy of the flyer is on file with the City Clerk.

Critical Care Transports at Saddleback Memorial Care Hospital – San Clemente Campus

Mayor Hamm reported that he received a report from the Orange County Fire Authority (OCFA) which indicates that Saddleback Memorial Care Hospital requested OCFA paramedic/ambulance critical care transports 25 times since February 2015.

Saddleback Memorial Care Hospital – San Clemente Campus

Mayor Pro Tem Baker requested that the City Manager send a letter to Memorial Care that requests the following: 1) The Hospital's proposed course of action in the event AB911 and SB787 fail to pass; 2) Financial information about the hospital; and 3) That a meeting be scheduled within the next month between City representative(s) and Saddleback Memorial Care Board of Directors relative to City concerns.

Meetings with Potential Providers for Emergency Medical Services in San Clemente

Mayor Hamm requested that the possibility of scheduling meetings with hospital groups that have expressed interest in providing medical care in San Clemente be agendaized for the Council meeting of November 17, 2015.

12. **RESOLUTIONS/ORDINANCES**

None.

13. **ADJOURNMENT**

MOTION BY MAYOR HAMM, SECOND BY MAYOR PRO TEM BAKER, CARRIED 4-0 (COUNCILMEMBER DONCHAK ABSENT), to adjourn at 10:32 p.m. in memory of Will Buddenhagen. The next Regular City Council meeting will be held on November 17, 2015 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The Regular 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