



CITY OF SAN CLEMENTE ADJOURNED REGULAR CITY COUNCIL MEETING AGENDA

City Council Chambers
San Clemente Civic Center
100 Avenida Presidio
San Clemente, California
(EIR), www.san-clemente.org

November 5, 2013

4:00 p.m. – Consideration of the Draft Centennial General Plan, Draft Environmental Impact Report Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan

6:00 p.m. – Business Meeting (with Closed Session occurring at the conclusion of the Business Meeting)

Information concerning City Council Meeting protocols and procedures is contained at the end of this agenda.

RULES FOR ADDRESSING COUNCIL

- Members of the public may address the City Council on matters within the jurisdiction of the City of San Clemente.
- If you wish to address Council, please complete one of the blue speaker cards located at the entrance to the Council Chambers and submit it to the City Clerk or Deputy City Clerk.
- Persons wishing to address Council concerning an **agendized** item will be invited to address Council during the time that Council is considering that particular agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the “Oral Communications” portion of the meeting.
- When the Mayor calls your name, please step to the podium, state your name and your city of residence, and then give your presentation. Please limit your presentation to three minutes.

MISSION STATEMENT

The City of San Clemente, in partnership with the community we serve, will foster a tradition dedicated to:

Maintaining a safe, healthy atmosphere in which to live, work and play;

Guiding development to ensure responsible growth while preserving and enhancing our village character, unique environment and natural amenities;

Providing for the City's long-term stability through promotion of economic vitality and diversity...

Resulting in a balanced community committed to protecting what is valued today while meeting tomorrow's needs.

Public Hearing – General Plan (4:00 P.M.)

- 7-A. **Introduction to the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan** (Continued from the Council Meetings of September 24, 2013, October 1, 2013, October 8, 2013, and October 15, 2013)

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

Staff Recommendation

Provide direction to consultants and/or staff.

BUSINESS MEETING (6:00 P.M.)

CALL TO ORDER

INVOCATION - Rabbi Mendel Slavin, Chabad of San Clemente

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Special Presentations.**

A. **Introduction of Brigadier General John W. Bullard Jr.**

Presentation by Brigadier General John W. Bullard Jr., newly appointed Commanding General of Marine Corps Base Camp Pendleton.

B. **Update - Interstate 5 Freeway and Pico Interchange Project**

Presentation by Jim Beil, Executive Director, Orange County Transportation Authority (OCTA) Capital Programs, concerning the planned improvements for the I-5 freeway and Pico Interchange Project.

C. **Graffiti Abatement Program and Task Force**

Presentation by Code Enforcement Supervisor Panas concerning the City's Graffiti Abatement Program and recognition of the Graffiti Task Force.

D. **Proclamation – Pancreatic Cancer Month**

Presentation of a proclamation to Bob Sottile, proclaiming November 2013 as Pancreatic Cancer Month in San Clemente.

E. **Presentation of Helen Putnam Award of Excellence**

Presentation by Tony Cardenas, Public Affairs Regional Manager, League of California Cities, concerning the 2013 Helen Putnam Award of Excellence to the City of San Clemente for the Fun on the Run Fitness Program.

2. **Oral Communications (Part 1).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. A total time limitation of 30 minutes is allocated for Oral Communications Part 1, with each speaker being allotted 3 minutes in which to give his or her presentation. Speaker order is determined by the order in which speaker cards are provided to the City Clerk or Deputy City Clerk at the meeting. Speakers that cannot be accommodated during Oral Communications Part 1 will be invited to address Council during Oral Communications Part 2, which appears on this agenda as Item No. 10. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make your presentation. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

3. **Motion waiving reading in full of all Resolutions and Ordinances.**

4. **Consideration of agenda items requiring immediate action.** Any items agenda items will be considered under New Business, unless otherwise determined by a majority vote of the City Council.

5. **Closed Session Report - City Attorney.**

6. **Consent Calendar.** All items listed on the Consent Calendar are considered to be routine and will be enacted by one motion without discussion unless Council, Staff, or the public requests removal of an item for separate discussion and action.
 - A. **City Council Minutes**

Approve the City Council Adjourned Regular Meeting Minutes of September 24, 2013 and October 8, 2013.

 - B. Receive and file:
 - (1) Planning Commission Adjourned Regular Meeting Minutes of October 16, 2013.

 - (2) Zoning Administrator Regular Meeting Minutes of October 16, 2013.

 - (3) Human Affairs Committee Regular Meeting Minutes of October 9, 2013.

C. **Warrant Register**

Approve Warrant Nos. 511635 through 511804 paid on 10/11/2013 in the amount of \$2,490,665.04

Approve Wire Transfer Nos. 1182 through 1185 and Warrant Nos. 511805 through 511979 paid on 10/18/2013 in the amount of \$2,575,860.54

Approve Warrant Nos. 511980 through 512152 paid on 10/25/2013 in the amount of \$2,464,668.60

TOTAL WARRANT REGISTER \$7,531,194.18

Payroll Register

Approve Warrant Nos. 253 through 254 and Automatic Deposit Advises 11211 through 11498 for the period of 09/30/2013 through 10/13/2013 in the amount of \$411,072.24

TOTAL PAYROLL REGISTER \$411,072.24

D. **Records Destruction** (Pages 6D-1 through 6D-5)

Staff Recommendation

Adopt Resolution No. 13-33 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS AS PROVIDED BY SECTION 34090 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

E. **Local Coastal Program Planning Grant** (Pages 6E-1 through 6E-6)

Staff Recommendation

Adopt Resolution No. 13-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA COASTAL COMMISSION FOR A LOCAL COASTAL PROGRAM GRANT TO ASSIST IN THE PREPARATION OF AN UPDATED COASTAL LAND USE PLAN AND COASTAL IMPLEMENTATION PLAN.

- F. **Contract Change Order - In-Pavement Crosswalk Lights on El Camino Real at Avenida Cabrillo and Avenida Granada** (Pages 6F-1 through 6F-4)

Staff Recommendation

1. Make a finding that an emergency condition exists at two existing crosswalks on El Camino Real at Avenida Cabrillo and Avenida Granada due to failed in-pavement warning lights. The situation requires immediate action to replace the failed lighted warning system to ensure proper function to warn oncoming vehicles of pedestrians in these crosswalks when the system is actuated by pedestrians crossing the street. This safety concern and need for timely repair is magnified by the upcoming end of Daylight Saving Time which will reduce visibility with an earlier onset of darkness.
2. Approve a supplemental appropriation in the amount of \$45,400 from the Gas Tax Undesignated Fund balance to Account 012-861-45300-000-13307 (Avenida Pico/El Camino Real Signal Synchronization, Project No. 13307).
3. Ratify the construction contract change order, approved by the City Manager, with Select Electric, Inc. in the amount of \$45,400 to replace the existing in-pavement lights at the El Camino Real crosswalks at Avenida Cabrillo and Avenida Granada.

- G. **Improvement Performance Bonds and Grading Sureties, Without Limitation, for Tract 16614 Altura Talega Village 4E Development, WL Homes LLC** (Pages 6G-1 through 6G-5)

Staff Recommendation

Adopt Resolution No. 13-43 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AUTHORIZING THE RELEASE OF IMPROVEMENT BONDS, WITHOUT LIMITATION, FOR TRACT 16614, WL HOMES LLC.

H. **Contract Award – Via Ballena Storm Drain Relocation, Project No. 13016** (Pages 6H-1 through 6H-3)

Staff Recommendation

Approve, and authorize the Mayor to execute, Contract No. C13-50, by and between the City of San Clemente and VA Consulting, Inc., providing for the relocation of the Via Ballena Storm Drain, Project No. 13016, in the amount of \$67,638.

I. **Contract Amendment – Interstate 5/Avenida Vista Hermosa Right-of-Way Closeout** (Pages 6I-1 through 6I-13)

Staff Recommendation

Approve, and authorize the Mayor to execute, the Second Amendment to Contract No. C13-49, by and between the City of San Clemente and RBF Consulting, providing for right-of-way closeout services for the Interstate 5/Avenida Vista Hermosa Interchange, City Project No. 12155. This Amendment will increase the contract amount to a maximum of \$110,225 (an increase not to exceed \$63,800).

J. **Street Art – Phase 3 of Utility Box Art Program** (Pages 6J-1 through 6J-7)

Staff Recommendation

1. Approve Phase 3 of the Utility Box Art Program, Street Art.
2. Transfer \$6,450 to fund Phase 3 of the program from the Council Contingency Reserve Account 001-203-44900-000-00000 to Account 001-441-45900-000-32802.

7. **Public Hearings.** The Public Hearing process includes a staff presentation, a presentation by the applicant not to exceed ten (10) minutes, and public testimony (not to exceed three minutes per speaker). Following closure of the Public Hearing, the City Council will respond to questions raised during the hearing, discuss the issues, and act upon the matter by motion.

- A. **Introduction to the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan** (*Continued from the Council Meetings of September 24, 2013, October 1, 2013, October 8, 2013, and October 15, 2013*)

Note: *Public Hearing Item 7-A, Introduction to the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan will be considered at 4:00 p.m. Please refer to page 2 of this Agenda.*

- B. **North Beach Rooftop Grill and Bar – 1509 N. El Camino Real – Conditional Use Permit 12-362/Cultural Heritage Permit 12-363/Discretionary Sign Permit 13-082/Minor Exception Permit 13-084/Outdoor Dining Permit 13-085** (Pages 7B-1 through 7B-202)

Continued Public Hearing to consider an appeal of a Planning Commission denial of a conversion of a one-story commercial building into a restaurant with an open roof top bar and grill with a full range of alcohol, live and amplified music/sound, an off-site parking agreement, parking waivers for outdoor seating, and to consider approving a new sign package for the site. The project is located at 1509 North El Camino Real within the C2/MU-3 Zoning Designation. The legal description is Lot 9, of Block 2, of Tract 795, Assessor's Parcel Number 057-170-31.

Staff Recommendation

1. Adopt Resolution No. 13-39 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, APPROVING CONDITIONAL USE PERMIT (CUP) 12-362, CULTURAL HERITAGE PERMIT 12-363, OUTDOOR DINING PERMIT (ODP) 13-085, AND DENYING MINOR EXCEPTION PERMIT (MEP) 13-084, NORTH BEACH ROOFTOP GRILL AND BAR, A REQUEST TO CONVERT A ONE-STORY COMMERCIAL BUILDING INTO A RESTAURANT WITH OPEN ROOF TOP DINING, FULL RANGE OF ALCOHOL SERVICE, AMPLIFIED SOUND, LIVE ENTERTAINMENT, OFF-SITE PARKING AGREEMENT, AND PARKING WAIVERS LOCATED AT 1509 NORTH EL CAMINO REAL.

Staff Recommendation continued on next page

2. Adopt Resolution No. 13-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT (DSP) 13-082, NORTH BEACH ROOFTOP GRILL AND BAR SIGNAGE, A REQUEST FOR A NEW SIGN PACKAGE FOR A NEW RESTAURANT LOCATED AT 1509 NORTH EL CAMINO REAL.

8. **Unfinished Business.**

None.

9. **New Business.**

A. **Ordinance Introduction – Various Building Code Regulations and Local Amendments** (Pages 9A-1 through 9A-91)

Report from the Community Development Director concerning various building construction code amendments.

Staff Recommendation

1. Introduce Ordinance No. 1572 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTERS 15.08, 15.12, 15.16, 15.20, 15.21, AND 15.22 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING BUILDING REGULATIONS.
2. Adopt Resolution No. 13-44 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF SAN CLEMENTE WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA BUILDING CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA RESIDENTIAL CODE, AND THE CALIFORNIA GREEN BUILDING STANDARDS CODE REASONABLY NECESSARY FOR VARIOUS OCCUPANCIES.

B. **Ordinance Introduction – Fire Code Regulations and Local Amendments** (Pages 9B-1 through 9B-59)

Report from the Community Development Director concerning various fire code amendments.

Staff Recommendation

1. Introduce Ordinance No. 1573 entitled AN ORDINANCE OF THE CITY COUNCIL OF SAN CLEMENTE AMENDING CHAPTER 8.16 OF THE SAN CLEMENTE MUNICIPAL CODE AND ADOPTING FIRE CODE REGULATIONS FOR THE CITY OF SAN CLEMENTE.
2. Adopt Resolution No. 13-45 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WITHIN THE CITY OF SAN CLEMENTE WHICH MAKE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA FIRE CODE NECESSARY FOR VARIOUS OCCUPANCIES.

C. **Ordinance Introduction – Property Maintenance Codes** (Pages 9C-1 through 9C-10)

Report from the Community Development Director concerning various property maintenance requirements.

Staff Recommendation

Introduce Ordinance No. 1574 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING CHAPTER 15.09 OF TITLE 15 OF THE SAN CLEMENTE MUNICIPAL CODE ADOPTING PROPERTY MAINTENANCE REQUIREMENTS.

10. **Oral Communications (Part 2).** Members of the audience who wish to address Council on matters that are within the jurisdiction of the City of San Clemente, but not separately listed on the agenda, may do so during the Oral Communications portion of the meeting. When the Mayor calls your name, please step to the podium, state your name and the City in which you reside, and make a presentation not to exceed three minutes. Subject to very limited exceptions, Council is not permitted to discuss or take action on items that do not appear on the agenda.

11. **Reports.**

A. **Commissions and Committees**

B. **City Manager**

C. **City Attorney**

D. **Council Members**

(1) **California Joint Powers Insurance Authority Report**

Report from Councilmember Donchak, City representative to the California Joint Powers Insurance Authority, concerning Authority matters.

(2) **San Joaquin Hills Transportation Corridor Agency Report**

Report from Councilmember Evert, City representative to the San Joaquin Hills Transportation Corridor Agency, concerning Agency matters.

(3) **Foothill Eastern Transportation Corridor Agency Report**

Report from Mayor Baker, City representative to the Foothill Eastern Transportation Corridor Agency, concerning Agency matters.

(4) **Meta Senior Housing Project Update**

Report from Mayor Baker concerning the Meta Senior Housing Project.

12. **Resolutions/Ordinances.**

None.

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION, pursuant to Government Code Section 54956.9 (b): One potential case

13. Adjournment.

Adjourn to an Adjourned Regular Council Meeting to be held on November 13, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, for the purpose of continuing discussions concerning the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan.

The next Regular Council Meeting will be held on November 19, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 5:00 p.m. The business meeting will commence at 6:00 p.m.

CITY COUNCIL MEETING PROCEDURES

PRESENTATION OF WRITTEN MATERIALS TO COUNCIL

In order to ensure that Councilmembers have adequate time to consider written materials concerning agenda items, it is strongly recommended that such materials be submitted to the City Clerk by noon the date preceding the Council meeting.

MEETINGS RECORDED AND TELEVISED

City Council meetings are broadcast live and are replayed periodically on Cox Communications Local Access Channel 30 (or Channel 854 for high-definition televisions). Meetings are also recorded via audio CD and DVD and retained as a City record in accordance with the City's records retention schedule.

LENGTH OF MEETINGS

At 11:00 p.m., the City Council will determine which of the remaining agenda items can be considered and acted upon at this meeting and will continue all other agenda items to a future meeting.

AMERICANS WITH DISABILITIES ACT

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (949) 361-8200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

COMMUNICATION DEVICES

To minimize meeting distractions and sound system interference, please be sure all personal communication devices are turned off or on silent mode.

MEETING SCHEDULE

Regular Council Meetings are held on the first and third Tuesdays of each month in the Council Chambers, located at 100 Avenida Presidio, San Clemente. Closed Session items are considered at 5:00 p.m. and the Business Meeting begins at 6:00 p.m. Additional meetings of the City Council may be called as needed.

AGENDAS, ADMINISTRATIVE REPORTS AND SUPPLEMENTAL WRITTEN MATERIALS

Agendas and Administrative Reports are available for review and/or copying at the City Clerk's Office as soon as agendas are posted (a minimum of 72 hours prior to the meeting). Agendas and Administrative Reports can also be viewed at the San Clemente Library, located at 242 Avenida Del Mar, or by accessing the City's website at www.san-clemente.org. An "Inspection Copy" of agenda materials is also located at the entrance to the Council Chambers during meetings for public review. All written material distributed to a majority of the Council after the original agenda packet was distributed is available for public inspection in the City Clerk's Office, located at 100 Avenida Presidio, San Clemente, during normal business hours.

The City Clerk's Office also offers an agenda packet subscription service free of charge. If you wish to receive email copies of City Council agendas, which include hyperlinks to staff reports and other back-up material, please send an email to cityclerk@san-clemente.org or call 949-361-8200.