

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular Meeting - June 23, 1998

An Adjourned Regular Meeting of the San Clemente City Council was called to order on June 23, 1998 at 5:35 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

PRESENT AHLE, ANDERSON, APODACA, BERG, MAYOR DAHL

ABSENT NONE

STAFF PRESENT Michael Parness, City Manager; Jeff Oderman, City Attorney; Myrna Erway, City Clerk; Jim Holloway, Community Development Director; Bill Cameron, City Engineer; Jim Hare, City Planner.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Berg led the Pledge of Allegiance.

1. **General Plan Amendment (GPA) 96-01/Specific Plan (SP) 95-02/Marblehead Coastal Development Agreement (DA)/Tentative Tract Map (TTM) 8817/Coastal Development Permit (CDP) 97-42/Site Plan Permits (SPP) 97-16 and 97-17/Conditional Use Permit (CUP) 97-18/Sign Exception Permit (SEP) 97-19**

Public Hearing to consider a proposal by MT NO. I, LLC, Marblehead Coastal, General Partner to develop a commercial and residential mixed use project known as Marblehead Coastal on that 250.6-acre parcel bounded by Interstate 5, the Shorecliffs and Colony Cove residential areas, the West Pico Corridor Specific Plan area and El Camino Real.

Note: This item was continued from the Adjourned Regular City Council Meeting of June 22, 1998. The Public Hearing was conducted and closed at the June 22, 1998 meeting after all persons desiring to speak had done so. See the City Council minutes of June 22, 1998 for a summary of that meeting.

Councilmembers commenced deliberations on the Marblehead Coastal development project. During the course of discussion, Councilmember(s) requested clarifications, posed questions of Staff, relayed personal opinions concerning the project, identified positive and negative impacts associated with development, aired preferences and areas of concern, and suggested possible mitigation measures.

Although not inclusive, the following indicates topics that were discussed during the course of the deliberations: 1) Whether the trade area can support the additional commercial development that is proposed; 2) possibility that EPS may have been overly-conservative in identifying the regional market area as being limited to San Clemente, Dana Point and 25% of San Juan Capistrano; 3) fact that EPS included local-serving uses in calculating the square footage of the existing stock of "regional-serving commercial" when such businesses were located within the same shopping center as a regional serving commercial use; 4) whether the proposed commercial development could, in fact, be supported since businesses that are ancillary to regional-serving uses were included in calculating the amount of regional-serving uses that currently exist; 5) feasibility of hotel development on the property; 6) possibility of mitigating the view impact from various locations by lowering the height of the overall project; 7) viability of constructing a golf course on the property in light of the unique land characteristics of the parcel, premium land value and associated need for high greens fees, as well as the fact that three golf courses already exist in the City and a fourth course is planned in connection with the Talega project; 8) possibility of deferring action to enable Hilton Hotels to evaluate the possibility of developing a resort hotel on the Marblehead Coastal property; 9) possibility of reserving a space on the site for a maritime/historical museum; 10) impact associated with approving new retail development when some other retail businesses in the City have gone out of business and empty stores exist; 11) characteristics and limitations of the Marblehead Coastal property and the likelihood that representatives from resort hotels would have pursued the property previously if they believed it was a viable site for a resort hotel; 12) density of the proposed commercial area; 13) roof treatments for the development as it relates to the visual impact from higher elevations; 14) possibility of increasing the width of the access road between the theater and parking structure from 20' to 26' to accommodate greater maneuverability by safety vehicles; 15) possibility of either extending the access road behind the theater and parking structure to Avenida Vista Hermosa to provide a secondary access or looping the roadway to accommodate full circulation by emergency vehicle traffic; and 16) suitability of constructing large "box-shaped" commercial structures on the subject location.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER AHLE to approve the Planning Commission's recommendation (which supports the project generally as submitted) with revisions as follows:

1. That no fewer than 150,000 square feet of true outlet uses, as defined in the Specific Plan, be contained within the 300,000 square foot outlet center area within the central portion of the commercial development, subject to a 15,000 square foot limitation on individual uses or spaces, with the alternative of a Conditional Use Permit for tenancies in excess of 15,000 square feet.
2. Require that no certificate of occupancy be issued for the theaters until the building foundation pads have been poured for the other entertainment uses (e.g., restaurants) as shown on the site plan.
3. Require that the certificate of occupancy for the building identified as the Target store not be issued until the building foundation pads have been poured for the Mills-style outlet element of the site plan, i.e., Target cannot occupy its store until the building foundation pads have been poured for the other 300,000 square feet of retail uses.
4. Require that no certificate of occupancy be issued for either the drug store or grocery store until the first certificate of occupancy is issued for the outlet center.
5. Allow the theater to develop in two phases, with the initial phase to be no less than 60,000 square feet and to require that the building foundation pads for the other entertainment elements be poured before the certificate of occupancy for the theater is issued. The second phase (which involves an additional 30,000 sq. feet) would be developed at a later date when it can be accommodated by the market. Further, that the construction of the parking structure be phased with the theater development, so that at least initially the structure can be one story lower than ultimately proposed.
6. That a lighting plan be developed by the Applicant to reduce the urban sky glow to the maximum extent feasible by ensuring that the light remains on-site and that the lighting not exceed that necessary for safety purposes. The lighting plan shall be subject to the approval of the Community Development Director or his designee.

7. That although a berm is proposed to shield much of the east-facing portions of the buildings, that the Applicant be required to work with Staff to ensure the inclusion of additional architectural treatments to lessen the visual impact of the mass of the buildings by creating the appearance of windows, arches, etc. Further, that mature landscaping be installed in at least certain areas so that the screening and softening results that are depicted in the renderings can be achieved in the first five years.
8. Require that the access road behind the theater and parking structure be widened from 20' to 26' (without reducing the existing 7' setback) and that the access road be looped around the theater and parking structure to facilitate circulation by emergency vehicle traffic.
9. Require that condition(s) be added (similar to those imposed on the Camino de los Mares theater project) to address noise containment and to require the installation of state-of-the-art odor scrubbers on food-producing buildings to alleviate odor emissions.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-1 (MAYOR DAHL VOTING NOE), to adopt Resolution No. 98-40 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT 95-01 FOR THE MARBLEHEAD COASTAL GENERAL PLAN AMENDMENT, SPECIFIC PLAN, DEVELOPMENT AGREEMENT, COASTAL DEVELOPMENT PERMIT, TENTATIVE TRACT MAP, AND RELATED ACTIONS AS COMPLETE AND ADOPTING FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING PROGRAM.

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, to introduce Ordinance No. 1208 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING THE MARBLEHEAD COASTAL DEVELOPMENT AGREEMENT, as modified to require that certain reclaimed water lines be installed within the tract and that the developer be given a credit against water acreage fees for those facilities.

Jim Johnson, on behalf of the Applicant, confirmed for the record that he has reviewed the additional language relating to reclaimed water lines and consents to its inclusion in the Marblehead Coastal Development Agreement.

THE MOTION CARRIED 4-1 (MAYOR DAHL VOTING NOE).

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 4-1 (MAYOR DAHL VOTING NOE), to adopt Resolution No. 98-41 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 96-01, CONSISTING OF AMENDMENTS TO THE LAND USE, ECONOMIC DEVELOPMENT, CIRCULATION, SCENIC HIGHWAYS, PARKS AND RECREATION, AND NATURAL HABITAT/CULTURAL ELEMENTS FOR THE MARBLEHEAD COASTAL DEVELOPMENT (per Planning Commission recommendation), with the understanding that the Resolution will be amended if needed to bring it into conformity with any additional conditions that Council imposes on the project during its consideration of Resolution No. 98-42. *Note: Council's adoption of Resolution No. 98-41 was rescinded later in the meeting. See Page 8 of these minutes for a summary of that action.*

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER AHLE to adopt Resolution No. 98-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIFIC PLAN NO. 95-02, MARBLEHEAD COASTAL SPECIFIC PLAN (per Planning Commission recommendation), with additional conditions as follows:

1. That no fewer than 150,000 square feet of true outlet uses, as defined in the Specific Plan, be contained within the 300,000 square foot outlet center area within the central portion of the commercial development, subject to a 15,000 square foot limitation on individual uses or spaces, with the alternative of a Conditional Use Permit for tenancies in excess of 15,000 square feet.
2. Require that no certificate of occupancy be issued for the theaters until the building foundation pads have been poured for the other entertainment uses as shown on the site plan.
3. Require that the certificate of occupancy for the building identified as the Target store not be issued until the building foundation pads have been poured within the outlet center for the other 300,000 sq. ft. of retail uses.
4. Require that no certificate of occupancy be issued for either the drug store or grocery store until the first certificate of occupancy is issued for the outlet element.

5. Allow the theater to develop in two phases, with the initial phase to be no less than 60,000 square feet and to require that the building foundation pads for the other entertainment elements be poured before the certificate of occupancy for the theater is issued. The second phase (which involves an additional 30,000 sq. ft.) would be developed at a later date when it can be accommodated by the market. Further, that the parking structure be allowed to be phased with the theater development, so that at least initially the structure can be one story lower than ultimately proposed.
6. That a lighting plan be developed by the Applicant to reduce the urban sky glow to the maximum extent feasible by keeping the light on-site, and ensuring that the lighting does not exceed the amount needed for safety purposes. The lighting plan shall be subject to the approval of the Community Development Director or his designee.
7. That the Applicant be required to work with Staff to ensure the inclusion of additional architectural treatments to lessen the visual impact of the mass of the east-facing portions of the buildings by creating the appearance of windows, arches, etc. Further, that mature landscaping be installed in certain areas so that the results that are depicted in the renderings can be achieved in the first five years.
8. Require that the access road behind the theater and parking structure be widened from 20' to 26' (without reducing the existing 7' setback) and that the access road be looped around the theater and parking structure to accommodate the circulation of emergency vehicle traffic.
9. Require that condition(s) be added (similar to those imposed on the Camino de los Mares theater project) to address noise containment and require the installation of state-of-the-art odor scrubbers on food-producing buildings to alleviate odor emissions.

SUBSTITUTE MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM BERG to:

1. Adopt Resolution No. 98-42 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SPECIFIC PLAN NO. 95-02, MARBLEHEAD COASTAL SPECIFIC PLAN, per Staff's recommendation which supports a modified project that does not include the Target, drug store or grocery store.

and

2. Adopt Resolution No. 98-43 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 8817/SITE PLAN PERMIT 97-16/COASTAL DEVELOPMENT PERMIT 97-42 AND DENYING SITE PLAN PERMIT 97-17/CONDITIONAL USE PERMIT 97-18/SIGN EXCEPTION PERMIT 97-19, MARBLEHEAD COASTAL DEVELOPMENT, per Staff's recommendation which supports a modified project that does not include the Target, drug store or grocery store.

Council elected at this juncture to conduct a straw vote to determine Councilmember positions on the issue of whether the Target, drug store and grocery store should be included in the Marblehead Coastal development. The results of the straw vote are as follows:

Councilmember Anderson, Mayor Pro Tem Berg and Mayor Dahl supported Staff's recommendation, which opposes the inclusion of a Target, drug store and grocery store in the Marblehead Coastal development project.

Councilmembers Ahle and Apodaca supported the Planning Commission's recommendation, which supports the inclusion of a Target, drug store and grocery store in the Marblehead Coastal development project with the additional conditions as contained in the original motion to approve Resolution No. 98-42.

City Attorney Oderman noted that Council previously adopted the Planning Commission's recommended version of Resolution No. 98-41 which approves an amendment to the General Plan; noted that in order to accommodate the intent of the substitute motion on the floor, Council would need to vote to reconsider its previous adoption of Resolution No. 98-41 and then refer Resolution No. 98-41, Resolution No. 98-42 (relating to Specific Plan No. 95-02) and Resolution No. 98-43 (relating to Tentative Tract Map 8817/Site Plan Permit 97-16/Coastal Development Permit 97-42/Site Plan Permit 97-17/Conditional Use Permit 97-18/Sign Exception Permit 97-19) back to the Planning Commission for reconsideration as to the issue of possibly adding the use of "Residential", subject to particular limitations, as a land use which could be conditionally permitted within the RC1 designated portion of the Marblehead Coastal Specific Plan.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM BERG, CARRIED 3-2 (COUNCILMEMBERS AHLE AND APODACA VOTING NOE), to reconsider Council's prior adoption of the Planning Commission's recommended version of Resolution No. 98-41 which relates to General Plan Amendment 96-01.

MOTION BY COUNCILMEMBER ANDERSON, SECOND BY MAYOR PRO TEM BERG, CARRIED 3-2 (COUNCILMEMBERS AHLE AND APODACA VOTING NOE) to refer back to the Planning Commission the issue of possibly adding the use of "Residential" as a potential use within the commercial area in accordance with the Staff recommendation and defer action on Resolutions No. 98-41, 98-42 and 98-43 pending receipt of a report and recommendation from the Planning Commission.

Council directed that the Planning Commission Public Hearing be scheduled for July 14, 1998 and that the City Council Public Hearing will be scheduled for July 15, 1998.

MEETING RECESSED

Council recessed at 7:30 p.m. and reconvened at 7:50 p.m., with all members present.

2. Interview/Selection of Applicants for City Commissions and Committees

Human Affairs Committee

MOTION BY COUNCILMEMBER AHLE, SECOND BY COUNCILMEMBER APODACA, CARRIED 5-0, to appoint Marcia Barham, Roger LeClere and Lee Steelman to the Human Affairs Committee for terms to expire June 30, 2000.

Investment Committee

Council interviewed the following Investment Committee applicants:

William Blackwill
Richard Taarud

*Kristel Namimatsu was not present to be interviewed.

Councilmembers cast written ballots as follows:

AHLE:	William Blackwill
ANDERSON:	William Blackwill
APODACA:	William Blackwill
BERG:	William Blackwill
DAHL:	Richard Taarud

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to appoint William Blackwill to the Investment Committee for a term to expire June 30, 2000.

Parks and Recreation Commission

Council interviewed the following Parks and Recreation Commission applicants:

Donald Kunze
Matthew Brady
Ronald Rich
Duane Stiff
Bob Maltinsky
Linda Verraster
Mary-Sykes Rushing
Bill Thomas
Kevin Evans

Councilmembers cast written ballots as follows:

AHLE:	Evans, Kunze, Sykes-Rushing, Thomas
ANDERSON:	Evans, Maltinsky, Rich, Sykes-Rushing
APODACA:	Evans, Sykes-Rushing, Thomas, Verraster
BERG:	Maltinsky, Sykes-Rushing, Thomas, Verraster
DAHL:	Evans, Kunze, Maltinsky, Sykes-Rushing

MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to appoint Kevin Evans, Bob Maltinsky, Mary-Sykes Rushing and Bill Thomas to the Parks and Recreation Commission.

Following a drawing which included the names of Bill Thomas and Bob Maltinsky, it was determined that Bob Maltinsky would fill the unexpired term that is due to expire on June 30, 1999. The other individuals who were appointed to the Parks and Recreation Commission this evening will serve until June 30, 2000.

MEETING RECESSED

Council recessed at 9:25 p.m. and reconvened at 9:30 p.m., with all members present.

Golf Course Committee

Council interviewed the following Golf Course Committee applicants:

Larry Carroll
Kenneth Horn
Art Carter
Rick Heil
Mary Beth Crispino
Barbara Adams
Hal Barham
Harvey Gieseke
Duane Stiff
Carleen Del Monico

*Arlen Payne and Ken Morin were not present to be interviewed.

Councilmembers cast written ballots as follows:

AHLE:	Adams, Gieseke, Horn
ANDERSON:	Carter, Adams, Heil
APODACA:	Carter, Heil, Horn
BERG:	Carter, Adams, Gieseke
DAHL:	Carter, Gieseke, Heil

Councilmembers cast written ballots a second time as follows:

AHLE:	Adams, Gieseke
ANDERSON:	Adams, Heil
APODACA:	Adams, Heil
BERG:	Adams, Gieseke
DAHL:	Gieseke, Heil

Councilmembers cast written ballots a third time as follows:


AHLE:	Gieseke
ANDERSON:	Heil
APODACA:	Heil
BERG:	Gieseke
DAHL:	Gieseke

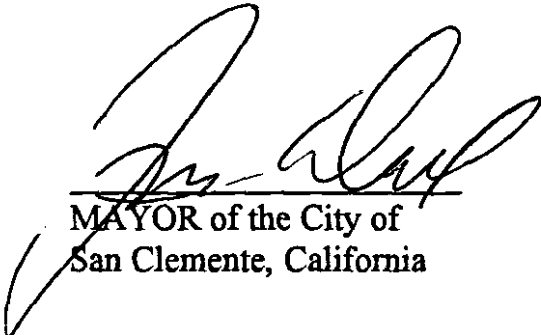
MOTION BY COUNCILMEMBER APODACA, SECOND BY COUNCILMEMBER ANDERSON, CARRIED 5-0, to appoint Art Carter, Barbara Adams and Harvey Gieseke to the Golf Course Committee for terms to expire June 30, 2000.

Adjournment

There being no further business, Council adjourned at 10:40 p.m.

The next Regular Meeting will be held on July 1, 1998 at 7:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.


CITY CLERK of the City
of San Clemente, California


MAYOR of the City of
San Clemente, California