

CITY OF SAN CLEMENTECITY COUNCIL MINUTESADJOURNED REGULAR MEETING - AUGUST 19, 1987

An adjourned regular meeting of the City Council of the City of San Clemente, conducted in the Council Chambers, Civic Center Building, 100 Avenida Presidio, was called to order by Mayor Veale at 6:05 p.m.

PRESENT Council Members - LIMBERG, LORCH\*, MECHAM, RICE,  
MAYOR VEALE

\*Arrived at 6:15 p.m.

ABSENT Council Members - NONE

ALSO PRESENT Greg Hulsizer, Assistant City Manager; Jeff Oderman, City Attorney; Jim Holloway, Community Development Director; Bill Cameron, City Engineer; Joanne Baade, Deputy City Clerk; and certain other staff members present in the audience.

CLOSED SESSION

MOTION BY COUNCILMEMBER RICE, SECOND BY COUNCILMEMBER MECHAM, CARRIED 4-0 (COUNCILMEMBER LORCH ABSENT), to recess to Closed Session at 6:05 p.m. to discuss a matter of pending litigation (El Camino Investments v. City of San Clemente), pursuant to Government Code Section 54956.9(a); and potential land acquisition (public facilities site on Marblehead Coastal property - Greg Hulsizer, Negotiator), pursuant to Government Code Section 54956.8. The Assistant City Manager, Community Development Director, and Herb Niederberger, Civil Engineering Associate, were in attendance.

MEETING RECONVENED

Council reconvened at 7:05 p.m., with all members present.

PLEDGE OF ALLEGIANCE

Mayor Veale led the Pledge of Allegiance.

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1. Marblehead Coastal Land Use Plan and Coastal Element -  
CONTINUED PUBLIC HEARING

Environmental Impact Report

City Planner Barnes recapped the areas of concern raised by Council at its meeting of August 5, 1987; added the following items to the agenda: 1) Discussion of Residential Densities to be added under "Fiscal Impact Report Presentation" and 2) Discussion of Open Space Issue to be added under "Grading Analysis Presentation". Mr. Barnes explained the model displays, advising they depict the proposed grading concept, schematic development, and land forms of the site; presented exhibits which indicate the proposed land use plan concept as approved by the Planning Commission as well as the applicant's proposed land use concept, and summarized the differences between the two plans; presented the conceptual grading plan as proposed by the applicant, and the cut/fill plan which shows the areas proposed for grading.

Cecil Sterling, of Ultra Systems, 16845 Von Karman Avenue, Irvine (environmental consultant to the city) reviewed the impacts and recommended mitigation measures relating to soils and geology, land use and visual resources, as outlined in the Environmental Impact Report, on file in the City Clerk's Department.

Dr. Ted Hanes, Professor of Biology, Cal State Fullerton, advised three biological studies have been conducted on the site in the last two years with general agreement between said studies; reviewed vegetation associated with the coastal bluffs, arroyos, canyons and wetlands; advised of the wildlife, particularly predatory birds, that feed on vegetation associated with such conditions; urged re-creation of wetlands to induce the development of wetland plants and hence create a habitat favorable for the area wildlife.

Don Steffensen, Vice President of the Lusk Company, stated the central canyon wetland was created by drainage from Marblehead Inland and added that the Lusk Company is proposing off-site mitigation.

Rod Meade, stated the Lusk Company is proposing a 10-acre off-site mitigation in exchange for four acres of scattered wetlands on the property.

C. L. Snider, 303 Calle Rica, voiced concern with the project in terms of drainage, traffic, and light pollution.

Glenn Roy, voiced concern that mitigation measures do not always materialize; opined the proposed ratio levels for atonement off-site are not high enough; voiced concern that the Biological Assessment Update, prepared by Dr. Marsh, is missing Page 18 which includes some of the conclusions, and requested that those conclusions be obtained.

Marie Patterson, representing various audubon groups in Orange County, voiced concern that the biological resources cannot be totally mitigated; opposed amending the General Plan.

Celia Kutcher, 34681 Calle Los Robles, Capistrano Beach, felt it is unnecessary to route Vista Hermosa to El Camino Real.

City Planner Barnes responded to Council inquiry, advising the Planning Commission has recommended a condition which states that a complete mitigation program for wetlands and endangered species on the site must be prepared and reviewed and approved by the City prior to the applicant filing an application for a coastal development permit with the Coastal Commission.

Councilmember Rice suggested, with Council concurring, that off-site mitigation for the habitat area be situated as close to San Clemente as possible.

#### Fiscal Impact Report

John Rau, Ultra-Research, Inc., (City's fiscal impact consultant), presented a report entitled Fiscal Impact Analysis Considerations Relative to the Marblehead Coastal Specific Plan of Development, dated August 19, 1987; reviewed land use mix characteristics for the Marblehead Coastal Specific Plan, the cumulative residential development forecast, estimated development fees, and a 20-year fiscal impact forecast; summarized that 1) the project will generate approximately \$7.6 million in development fees; 2) the project will generate approximately \$46.2 million in revenues in excess of public service costs over the next 20 years; and 3) nearly 76% of the General Fund revenue represents sales tax and bed tax; stated the development should generate a very significant positive cash flow to the City if built as planned. Mr. Rau answered Council inquiries as follows:

- . The bed tax revenue was predicated on the development of a 350-room room hotel to be situated

adjacent to the Nixon Presidential Archives, assuming a 70% average occupancy rate and a \$100 per night average room rental rate. Additionally utilized to predicate the report were two motels along I-5, with a combined total of 350 rooms, and assuming a 70% average occupancy rate and a \$60 per night average room rental rate.

- . The older area of the City (i.e., not counting the backcountry areas), does not have sufficient revenue to cover costs; hence the cash flow that the subject project could bring to the City would be important to the City's economic future.

In response to Council inquiry, City Planner Barnes stated that staff is comfortable with the methodology and application utilized in Mr. Rau's report; noted the difficulty associated with forecasting 15 or 20 years in the future.

Glenn Roy, felt it to be in error to promote non-beach activities; stated the City is already paying for its services.

Karoline Koester, 401 Via Pajaro, felt that one-time fees should not be included in the revenue structure per year; questioned whether the consultant took into consideration increases in costs of City services in the projections; questioned whether the Nixon Presidential Archives will be included in the Wastewater Treatment Plant Assessment District.

Councilmember Lorch questioned whether the Fiscal Impact Report could be expanded to indicate what the revenue and cost figures would be when predicated on varying inflation factors. Mr. Rau responded that this could be done if Council desires.

C. L. Snider, 303 Calle Rica, requested clarification relating to the sales tax projections. Mr. Rau responded that the report assumed a 6% increase in taxable retail sales per year, but the sales tax figure was assumed to remain at 6%.

#### Residential Densities

City Planner Barnes explained that staff has identified two potential ways of computing residential density on the site, advising that each method reveals that the density for both the applicant's proposal and the Planning Commission's recommended proposal surpass, by approximately 2 DU's/acre, the allowable density of 7 DU's/acre which is the maximum density permitted within

the D-C Coastal District.

Don Steffensen, representing the Lusk Company, referenced action taken by the City Council on November 20, 1985 as follows:

"MOTION BY COUNCILMAN DIEHL, SECOND BY COUNCILMAN CARR, CARRIED 4-0, that for the Marblehead Coastal development the present designation of 7 units per gross acre is appropriate and conforms with the density on property between the ocean and freeway."

Mr. Steffensen also noted that an Administrative Report, dated November 25, 1985 and submitted for the City Council meeting of December 4, 1985, stated in part as follows: "...Council concurred that because the Marblehead Coastal area had been originally designated independently from the rest of the backcountry area in development of the General Plan, the specific plan would be exempt from any deduction of non-residential areas." Mr. Steffensen explained that the original approval in the CPIP for the Marblehead Coastal property was based on a similarity to the existing City and the density figure of 7 units per gross acre was not to be affected by the amount of commercial property."

Councilmember Limberg advised he was not present at the portion of the November 20, 1985 Council meeting when Council took the action described by Mr. Steffensen and added that he would have opposed the motion had he been present; stated he does not believe the existing City has as high a commercial percentage as the Marblehead Coastal proposal.

CITY COUNCIL RECESSED AT 8:55 P.M. AND RECONVENED AT 9:19 P.M., WITH ALL MEMBERS PRESENT.

#### Traffic Analysis

Don Frischer (City's traffic consultant) stated the objective of the traffic analysis was to determine what improvements would be necessary to accommodate the Marblehead Coastal development and as well as the surrounding development; reviewed the proposed circulation system for the development, focusing on the areas of intersection/interchange design and signalization, methodology behind calculating levels of service, and the traffic circulation pattern. During the course of his presentation, Mr. Frischer responded to Council inquiries as follows:

- . It is anticipated that a problem will not be created due to the proximity of the intersections at Pico/El Camino Real and Vista Hermosa/El Camino Real inasmuch as they are "T" intersections.
- . Camino San Clemente is not planned for the benefit of the Marblehead development, but rather for the benefit of the entire community.
- . The proximity of the Pico and Vista Hermosa interchanges on I-5 would be workable inasmuch as "weaving" lanes are proposed.

Councilmember Limberg voiced concern that the Avenida Pico/I-5 interchange is projected to be improved from Level of Service "E" to Level of Service "D", yet will still be close to meeting the criteria for Level of Service "E"; indicated further concern that the Vista Hermosa interchange is projected to be on the high side of Level of Service "D".

Jerry Gahan, 2703 Via Arboleda, voiced concern with the traffic increase that would be generated through Shorecliffs by the proposed alignment of Camino San Clemente.

Mr. Frischer reiterated that the Marblehead Coastal development would not depend on Camino San Clemente for access.

In answer to Council inquiry as to whether secondary streets will allow access from Shorecliffs and Colony Cove to Vista Hermosa, Mike Burke, of Robert Bein, William Frost and Associates, responded that the interior street system will be established as part of Phase II; noted, however, that no action to date would preclude establishment of a road to allow access from Shorecliffs and Colony Cove to Vista Hermosa.

Jim Hill, 4115 Calle Mayo, Member of San Clementeans for Sensible Growth and Traffic Control, distributed copies of flyers that were distributed to the citizens who would be most directly impacted by the Marblehead Coastal development; felt inadequate information has been presented to the public.

C. L. Snider, 303 Calle Rica, indicated concern with the proposed traffic impact on Pico; felt traffic is already heavy near the post office at peak hours; questioned who will pay for the Pico improvements.

City Planner Barnes responded that pursuant to the

City's Master Plan of Highways, improvements will be made by the developer at his expense.

Glenn Roy expressed concern that if an on-ramp is built northbound on the inland side of I-5, it would be necessary to fill Cascadita Canyon; voiced concern with the proposed traffic pattern and the anticipated traffic level on Pico.

It was the consensus of Council that the options relating to the alignment of Camino San Clemente should be left open pending Phase II when the secondary road system will be considered by Council.

Mike Burke, Robert Bein, William Frost and Associates, presented a slide presentation relating to the proposed Vista Hermosa landscape treatment, focusing on a comparison between the Vista Hermosa proposal and Turtle-rock Drive in Irvine; stated Vista Hermosa will be more grandiose, with more landscaping and open space area, than Turtle Drive in Irvine; advised the medians will drain internally.

Council noted the streetscaping needs to fit into the character of San Clemente, and hence differ from Turtle Rock Drive. Councilmembers Limberg and Mecham indicated concurrence with the landscaping concept as presented. Council noted the precise plans for street sections and landscaping will be included in Phase II.

#### Grading

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LORCH, CARRIED 3-2 (MAYOR VEALE AND COUNCILMEMBER LIMBERG VOTING NOE), to continue the grading analysis presentation to the Council meeting of August 26, 1987.

Don Steffensen advised that the Lusk Company is not satisfied with the grading plan as recommended by the Planning Commission; indicated willingness to participate in as many meetings as necessary to attempt to come to agreement on grading, inasmuch as it is a fundamental part of the plan; requested definition of the terms "Natural-Like Topography" and "Creative Architecture" as used by the Planning Commission; noted that Cal Trans is estimating the construction of Vista Hermosa to be \$10 million and questioned the Lusk Company's share of said sum; noted it is proposed in conditions relating to Marblehead Inland Areas 2 and 5 that the Lusk Company participate in a study and ultimate cost related to La Pata and questioned the cost associated therewith; stated that conditions relating to Marblehead Inland Areas 2 and 5 require that the Lusk Company contribute

\$500,000 to the Cascadita drainage facility and questioned whether the Lusk Company will be asked to participate in this drainage facility as a part of the Marblehead Coastal project; requested establishment of a development agreement.

Jerry Gahan, 2703 Via Arboleda, felt the grading concepts should enable internal street access between Shorecliffs and Colony Cove to Vista Hermosa.

City Council continued the Public Hearing on the Marblehead Coastal Land Use Plan and Coastal Element to 6:00 p.m. on Wednesday, August 26, 1987.

2. Temporary Use Permit - Marina Chevrolet

Community Development Director Holloway explained that San Juan Dodge was scheduled to move to San Juan Capistrano and Marina Chevrolet was scheduled to move to the San Juan Dodge location; noted that during the construction of the San Juan Dodge facility, severe soil and landslide problems caused them to cease construction; explained that Marina Chevrolet must vacate their current site by September 1, 1987, which leaves them without a place to relocate; advised that the issuance of a temporary use permit or adoption of an urgency ordinance have been suggested as possible remedial measures; advised a Temporary Use Permit would only be valid for three days and the situation would not qualify for an urgency ordinance; noted the public hearing process for a conditional use permit would take two to three months.

Dale McAtee, President of Marina Chevrolet, distributed a letter, dated August 19, 1987, which contained a chronological listing of events associated with Marina Chevrolet's situation; opined the situation would qualify for an urgency ordinance since it would affect the welfare of the employees and their families who rely on the income of the business; noted his sales tax revenues are approximately \$58,000 per month.

City Attorney Oderman advised he is not aware of a rezoning action ever being approved by an urgency ordinance; explained that urgency ordinances are limited to situations that would threaten the public health or safety.

Council noted that Commercial property is currently available at the old Bank of San Clemente property and suggested that Mr. McAtee speak with the property owner about the possibility of utilizing that property for his business. Staff indicated willingness to process the



Conditional Use Permit as expeditiously as possible.

3. City Council Minutes of August 5, 1987

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 5-0, to approve the City Council minutes of August 5, 1987, with the revision that the sixth paragraph on Page 4 be expanded to read as follows:

"... Status of widening of El Camino Real to two lanes in each direction."

Estrella Properties, Ltd. v. City of San Clemente

City Attorney Oderman announced the City was successful in defending itself against the lawsuit filed by Estrella Properties, challenging the City's refusal to consider the 397 unit Stearns project in the last development allocation sequence; advised the Orange County Superior Court heard the matter this morning and denied Estrella and Stearn's petition for Writ of Mandate.

CLOSED SESSION


MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to recess to Closed Session at 11:45 p.m. to discuss Real Property Negotiations (Public Facilities Site on the Marblehead Coastal Property - Greg Hulsizer, Negotiator, pursuant to Government Code Section 54956.8. The Assistant City Manager, Community Development Director, and City Attorney were in attendance.


MEETING RECONVENED

Council reconvened at 12:15 a.m., with all members present.

ADJOURNMENT

MOTION BY COUNCILMEMBER LIMBERG, SECOND BY COUNCILMEMBER RICE, CARRIED 5-0, to adjourn to an adjourned regular meeting to be held at 6:00 p.m. on August 26, 1987 for purpose of continuing the public hearing on the Marblehead Coastal Land Use Plan and Coastal Element.

  
Deputy City Clerk of the  
City of San Clemente

  
MAYOR of the City of  
San Clemente

AFFIDAVIT OF POSTING ORDER  
OF ADJOURNMENT OF MEETING

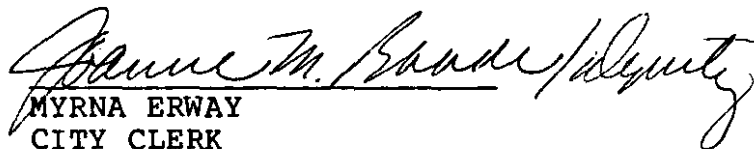
STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS.  
CITY OF SAN CLEMENTE )

I, MYRNA ERWAY, declare as follows:

That I am the City Clerk of the City of San Clemente; that at an adjourned regular meeting of the City Council held on AUGUST 19, 1987 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on August 20, 1987 at the hour of 9:00 a.m. a copy of said order was posted at a conspicuous place near the door at which said meeting was held.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 20, 1987 at San Clemente, California.

  
MYRNA ERWAY  
CITY CLERK

