

CITY OF SAN CLEMENTE

CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING - AUGUST 26, 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 6:10 p.m.

PRESENT Council Members - LIMBERG, LORCH, MECHAM, MAYOR VEALE

ABSENT Council Members - RICE

ALSO PRESENT Greg Hulsizer, Assistant City Manager; Myrna Erway, City Clerk; 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.

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

Associate Planner Willcocks announced corrections to the proposed Resolutions for the Marblehead project as follows:

Resolution No. 87-70

Page 2, Paragraph 6 was changed to read "The City shall adopt the Marblehead Coastal Open Space Plan (Attachment 3) which identifies the location and amount (70 acres) of open space for the project subject to the applicant's compliance with conditions one through five above."

Attachment 1 was revised to indicate "Highway Commercial" rather than "General Commercial." Attachment 1 was further revised to state "a maximum of 1,198 residential units."

Resolution No. 87-71

Attachment A under Paragraph A of Section 2 was revised to delete reference to a 350-room hotel.

Attachment B was revised to state "a maximum of 1,198 residential units."

Grading Analysis

Associate Planner Willcocks reviewed the Conceptual Grading Plan and the Cut/Fill Exhibit; reviewed conditions recommended by the Planning Commission as contained in Resolution No. 87-71; advised the Planning Commission required that 1) natural like topography within the planning area be retained, and 2) that creative architecture be encouraged; stated the Planning Commission deferred final review of the grading plan to Phase II; stated staff concurs with the action of the Planning Commission, with the following conditions: 1) that Council adopt the Cut/Fill exhibit rather than the Conceptual Grading Plan, noting the final grading contours could be established in Phase II; and 2) that City hire a grading consultant to work with staff and the applicant to identify ways of minimizing grading and enhancing creative architecture.

With respect to bluff treatment, Ms. Willcocks stated the applicant originally proposed to remove 25' along the bluffs to achieve stabilization; advised that further analysis revealed that the unstable layer ranges from 8' to 25', hence the grading plan has been revised to provide that 8' to 25' will be removed; stated the Planning Commission has recommended that a geo-technical analysis be conducted to determine the extent of needed grading.

Mike Burke, Robert Bein, William Frost and Associates, (Civil Engineers for the Project), reviewed the project models and narrated a slide presentation which provided a view analysis of the topography on the site and computer-generated analyses demonstrating how the site would be perceived from various locations.

Don Steffensen, Executive Vice President of the Lusk Company, presented copies of the Lusk Company's comments on Resolutions Nos. 87-68, 87-69, 87-70 and 87-71 (dated August 26, 1987 and on file in the City Clerk's Department); felt that approval of the grading plan should not be deferred to Phase II; stated significant changes to the plan would necessitate the Lusk Company to reassess the viability of the project; urged the desired bluff treatment be determined as part of Phase I; noted the size of the bluff top park depends on the degree of grading; noted that staff is proposing that a consultant be retained but voiced concern that the consultant not re-plan the project; felt a geo-technical consultant is unnecessary inasmuch as sufficient information is already available.

Open Space

Associate Planner Willcocks reviewed the Open Space Plan, focusing on differences between the Lusk Company proposal and the plan approved by the Planning Commission; noted that staff was lenient in the areas credited toward meeting the landscape requirement; recommended that Council adopt the Open Space Plan deleting reference to the landscape common areas to provide 70 acres of open space; noted the Lusk Company is six acres short of the landscape requirement, and suggested that this deficiency could be satisfied by requiring the developer to 1) fully improve the bluff top park, and 2) dedicate an additional 5.7 gross acres for the public facilities site.

Councilmember Limberg stated the proposed flat pads should be replaced with a treatment that would be more natural in appearance, break up the monotony, and lend itself to more creative housing applications.

Don Steffensen responded that the Lusk Company would not object to internal grade changes; stated, however, that consumers desire flat pads in detached units. In response to Council inquiry, Mr. Steffensen stated for the record that the Lusk Company would be amenable to a finished grading concept that would result in not having geometric-shaped pads, but rather be open to a softer treatment of the terrain.

Councilmember Limberg noted the importance of considering the quality of open space as well as the quantity, and stated he will support staff's recommendation on the Open Space Plan; prefers the term "Civic Center Site" to "Public Facilities Site;" envisions a facility for use by the community, not just office space.

Mayor Veale relayed that she is not prepared to act on the Grading Plan without the availability of the plans for the curvilinear and undulating streets.

Councilmember Mecham felt Council has been clear in expressing its desires and felt it should be clear to the applicant that if subsequent plans differ from the direction Council has expressed, that the plan probably would not be approved; with those assurances on record and in order to accommodate the Nixon Library, stated he is willing to accept the Cut/Fill Map as presented.

Councilmember Lorch voiced concern that the project does not comply with the General Plan and that the open space is fragmented thus unusable; felt creative grading should be utilized to enable retention of some of the

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natural land contours; stated his preference for a less intense development.

Don Steffensen stated the Lusk Company did not set out initially to change the General Plan; relayed the Lusk Company's opinion that they are offering 85 acres of open space, which meets City requirements.

It was the consensus of Council that the bluffs shall be left in their natural state as much as possible, with the upper layer being removed to the extent needed for stabilization. It was noted that the size of the bluff top park will depend on the extent of necessary bluff grading.

Mayor Veale opened the Continued Public Hearing.

Robert Noon, 235 Avenida Lobeiro #203, presented a letter, dated August 26, 1987, in support of the Marblehead project; urged Council to take decisive action at this time.

Dr. Lillian Starr, 119 San Pablo Avenida #A, spoke in support of the Nixon Presidential Archives, citing the historical and educational benefits that would be derived.

Diana Hammer, 317 Calle Villario, expressed her opposition to the development of an eight-story hotel; cited her concern with the traffic impact and views.

Don Steffensen clarified that an eight-story hotel was mentioned in the original land use booklet that the Lusk Company distributed; stated the Lusk Company won't know what the hotel user wants to do until the user is determined; stated the Lusk Company would not object to City placing a reasonable height limit on the hotel at this time.

Glenn Roy, 111 Granada, urged Council to defer action until Councilmember Rice returns; expressed his concern with traffic, particularly in Shorecliffs and Colony Cove; cited concerns relating to view and light pollution as well as terraced grading; stated he desires a project that is in harmony with the General Plan.

Deb Mackin, 2621 Via Cascadita, voiced concern with the traffic impact on Shorecliffs and Colony Cove; stated she has circulated a petition and has obtained 60 signatures from people opposing the traffic pattern; spoke in support of additional open space; urged Council to defer action until Councilmember Rice returns.

C.L. Snider, 303 Calle Rica, questioned why the En-

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Environmental Impact Report did not address the fact that a mobile home would be removed to accommodate a storm drain; stated the EIR states that Pico would not need to be widened and questioned how Pico can accommodate 40,000 more cars daily when it is currently a bottleneck; urged Council to defer action until all Councilmembers are present.

Melanie Traxler, EIR Consultant, responded that the mobile home situation was referenced on Pages 53 and 54 of the Draft EIR, including a mitigation measure.

City Attorney Oderman advised the developer is required to install off-site improvements and there is a procedure under the Subdivision Map Act which provides that if a developer is unable to negotiate the acquisition of any land off-site for installing public improvements, the City can file condemnation to take the property.

Don Steffensen stated that if the Lusk Company can't negotiate a fair market value with the property owner, they will ask the City to utilize its powers of condemnation and the Lusk Company would pay for same; stated the proposed alignment of Camino San Clemente is not a required access for Marblehead; stated the circulation system within the Marblehead Coastal area would function without the proposed alignment of Camino San Clemente.

Ray Benedicktus, 3289 Paseo Gullita, questioned whether the City is legally obligated to situate the Nixon Presidential Archives on the Marblehead property; urged use of reclaimed water on the open space areas.

City Attorney Oderman explained there is an agreement between the City and Marblehead, pursuant to which Marblehead has already conveyed the site that has been designated as the Library site and the City, in turn, has conveyed the site to the Library Foundation; advised the Library plans were previously approved by the City.

Mr. Benedicktus suggested the Library be situated on Coast Guard property that is located on the south end of the City. Council responded that the subject property is within San Diego County and the Library Foundation desires the proposed site.

Iris Swanson, 321 Calle Pescador, concurred with the proposal to leave the bluffs in as natural state as possible; questioned the proposed height on the Commercial property; questioned whether alternatives to the Nixon Presidential Archives have been considered; voiced concern with traffic, pollution, landscaping and maintenance.

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Dick Loman, 377 Camino San Clemente, spoke in support of the project; felt the bluffs are currently unsightly and pose a liability; supports the proposed alignment of Camino San Clemente.

Millie McEnroe, 218 West Cordoba, felt the Nixon Presidential Archives should be situated next to a college or university; urged Council to defer action until Councilmember Rice returns.

COUNCIL RECESSED AT 9:05 P.M. AND RECONVENED AT 9:35 P.M.,
WITH ALL MEMBERS PRESENT.

C.L. Snider, 303 Calle Rica, voiced concern that the shortage of open space could set a precedent.

Don Steffensen noted the financial benefits of the project; stated 3-1/2 acres have been provided for the Vista Hermosa interchange, six acres have been provided for the Civic Center Site, 8 acres have been provided for the Bluff Top Park, and 13.7 acres have been provided for the Nixon Presidential Archives; noted the cost of improvements (excluding land) for the Civic Center site, Bluff Top Park and Nixon Presidential Library is approximately \$10 million; stated the Lusk Company will share in the cost of Vista Hermosa; stated the proposed Commercial will provide needed fiscal benefits and shopping areas for the community; stated the project will provide a variety of housing, including affordable housing; stated the Lusk Company will not agree to provide something they cannot accomplish; stated the following is necessary for the Coastal Commission Land Use Plan: 1) more definitive conceptual grading plan; 2) better understanding of density of residential and intensity of commercial uses; and 3) agreement on what the plan generally says; noted the Lusk Company has not agreed to the recommendations of the Planning Commission relative to the additional acreage dedication for the Civic Center site and improvements to the Bluff Top Park; stated that once the Conditions are determined for Phase I, the Lusk Company will review their ability to perform and will report back promptly to the City.

CLOSED SESSION

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to recess to Closed Session at 9:50 p.m. for purpose of discussing potential land acquisition of Public Facilities site on the Marblehead Coastal property (Greg Hulsizer, Negotiator). The Assistant City Manager, City Attorney, and Community Development Director were in attendance.

RECONVENE

Council reconvened at 10:15 p.m., with all members present.

Councilmember Limberg stated concurrence with the Resolutions provided by staff, with revisions as follows: 1) Resolution No. 87-70 - Strengthen the last "Whereas" on Page 1 to specifically point out that in the event the Nixon Library/Chapman Institute projects are withdrawn, that the Phase I Plan would be automatically returned to the San Clemente Planning Commission for further consideration; 2) Resolution No. 87-70 - Add language to Item 3 of Page 2 to provide that in the event the bluffs are graded as a result of geo technical review and recommendation, the foregoing 8.6 net acres may be reduced as needed to accommodate needed stabilization; 3) Resolution No. 87-70 - Add an additional condition to provide that nothing within the Resolution shall be considered as an approval of any uses or development standards for the Highway Commercial areas, all of which shall be determined at the time of Specific Plan, Phase II approval.

Council requested staff to prepare a condition indicating that the alignment of Camino San Clemente is currently under discussion.

Councilmember Lorch requested that Item 10 of Resolution No. 87-70 be expanded to include Pico in addition to El Camino Real. Mayor Veale requested that Item 9-C of Resolution No. 87-70 be revised to replace the word "encouraged" with stronger language; requested that Page 15 of Exhibit 1 of Resolution No. 87-68 be revised to delete reference to energy conservation; opined that specific language should be incorporated regarding the northern canyon treatment and retaining or re-establishing the natural state. Councilmember Lorch requested that the open space issue be specifically conditioned to the Marblehead Coastal site as being a unique situation; felt staff should indicate whether they support the conclusions and findings of the Fiscal Impact Report; requested staff to verify the fill and hydrological aspect of seepage drainage; suggested that staff investigate the possible need to condition the project on the drainage situation as it relates to Cascadita Canyon; requested that a condition be added that states if future studies indicate that six lanes are necessary on Vista Hermosa that same be provided; suggested that a bicycle trails/pedestrian path exhibit be prepared; read a statement, dated August 26, 1987, and on file in the City Clerk's Department, which requested continuation of the Marblehead Coastal Plan

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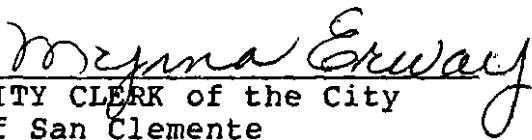
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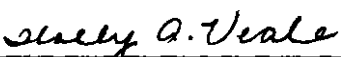
Council directed staff to add a condition that states the concerns that Council expects to be addressed in Phase II.

City Attorney Oderman suggested that an additional condition be added to each Resolution stating, in effect, that the resolutions would not become effective unless the applicant submits in writing to the City within a specified period of time a letter consenting to all terms and conditions.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to continue the Public Hearing on the Marblehead Coastal Land Use Plan and Coastal Element to the City Council meeting of September 2, 1987 and to direct staff to prepare revised resolutions reflecting the added conditions for that meeting for the purpose of taking a final vote on the project.

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to adjourn at 10:45 p.m. to September 2, 1987 at 6:00 p.m.


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 26, 1987 said meeting was adjourned to the time and place specified in the ORDER OF ADJOURNMENT attached hereto; and that on August 27, 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 27, 1987 at San Clemente, California.

Myrna Erway
MYRNA ERWAY
CITY CLERK

NOTICE OF ADJOURNMENT

EXCERPT FROM THE MINUTES OF THE CITY COUNCIL

MEETING OF August 26, 1987

An adjourned regular meeting of the San Clemente City Council was held in the City Council Chambers, Civic Center, 100 Avenida Presidio, San Clemente on August 26, 1987 and was called to order at 6:10 p.m.

ROLL CALL: PRESENT: LIMBERG, LORCH, MECHAM, MAYOR VEALE

 ABSENT: RICE

ADJOURNMENT

MOTION BY COUNCILMEMBER MECHAM, SECOND BY COUNCILMEMBER LIMBERG, CARRIED 4-0, to adjourn to an adjourned regular meeting to be held at 6:00 p.m. on September 2, 1987 in the Council Chambers, Civic Center, 100 Avenida Presidio, San Clemente.


MYRNA ERWAY
City Clerk