

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular Meeting - March 6, 2007

An Adjourned Regular Meeting of the San Clemente City Council was called to order on March 6, 2007 at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California.

MEETING RECESSED – LACK OF CLOSED SESSION

There being no Closed Sessions to be conducted, City Clerk Erway recessed the meeting to 6:30 p.m.

MEETING CONVENED

Council convened at 6:30 p.m., with all members present.

PRESENT ANDERSON, DONCHAK, EGGLESTON, KNOBLOCK,
MAYOR DAHL

ABSENT NONE

STAFF PRESENT George Scarborough, City Manager; Jeff Oderman, City
Attorney; Myrna Erway, City Clerk; Joanne Baade, Deputy
City Clerk

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INVOCATION

Sid Bradshaw, Orange County Sheriffs Department Chaplain, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Knoblock led the Pledge of Allegiance.

1. SPECIAL PRESENTATIONS

None.

2. MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to waive reading in full of all Resolutions and Ordinances.

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

None.

4. **ORAL COMMUNICATIONS (PART ONE)**

None.

5. **CONSENT CALENDAR**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the Consent Calendar with the removal of Item D.

A. **City Council Minutes**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve the City Council minutes of January 30, 2007 and February 6, 2007.

B. MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to receive and file:

- (1) Parks and Recreation Commission minutes of January 16, 2007.
- (2) Human Affairs Committee minutes of January 10, 2007.
- (3) Zoning Administrator meeting minutes of February 21, 2007.
- (4) Golf Course Committee minutes of January 4, 2007.

C. **Warrant Register**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Handwrite No. 782407 and Wire Transfers Nos. 442 and 443 and Warrant Nos. 782225 through 782406 for the period 2-5-07 through 2-9-07 in the amount of \$930,791.01; approve Warrant Nos. 782408 through 782548 for the period 2-12-07 through 2-16-07 in the amount of \$1,819,759.33; for a total Warrant Register of \$2,750,550.34.

Payroll Register

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve Warrant Nos. 318802 through 318846, Automatic Deposit Advises 145022 through 145244 for the period 1-29-07 through 2-11-07 in the amount of \$361,357.46; for a total Payroll Register of \$361,357.46.

E. **Contract Award - Weed Abatement Services**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to approve, and authorize the Mayor to execute, Contract C96-25 by and between the City of San Clemente and Stewart and Associates, providing for weed abatement services for a period of five years from March 6, 2007 to January 31, 2011 at a cost of \$109,754 per year, with a five-year contract total of \$548,770.

F. **Final Parcel Map 2005-102 - Carney Condos, 109 Boca de la Playa**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Approve the Parcel Map as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
2. Authorize the City Engineer to execute the Parcel Map.
3. Authorize the City Clerk to execute and submit for recordation the Parcel Map with the County of Orange Recorder's Office.

G. **Final Tract Map 17037 - Talega Corporate Center, Condo Conversion at 1221-1235 Puerta Del Sol**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Approve the Final Map for Tract Map 17037 as it conforms to the requirements set forth in the Subdivision Map Act and the approved original Tentative Map.
2. Authorize the City Engineer to execute the Final Map.
3. Authorize the City Clerk to execute and submit for recordation the Final Map with the Orange County Recorder's office.

H. **Final Parcel Map 2003-129 - Jarvis Condos, 123 Avenida Florencia and 1503 Calle Mirador**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Approve the Parcel Map as it conforms to the requirements set forth in the Subdivision Map Act and the previously approved Tentative Parcel Map.
2. Authorize the City Engineer to execute the Parcel Map.
3. Authorize the City Clerk to execute and submit for recordation the Parcel Map with the County of Orange Recorder's Office.

I. **Acceptance of Right-of-Way Easement - 249 Santa Barbara**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to:

1. Accept the Dedication of Easement for street and roadway purposes at 249 Santa Barbara from C.C.D.L. Investments, Inc. (Deed #428)
2. Authorize the City Clerk to submit the easement deed to the Orange County Recorder's Office for recordation.

J. **City of San Clemente Patriarch**

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to adopt Resolution No. 07-13 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DESIGNATING BILL AYER AS PATRIARCH OF THE CITY OF SAN CLEMENTE.

K. Naming of Marblehead Coastal Parkway

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to select "Entrada Del Sol" as the name for the access road connecting the two passive parks (i.e., Sunset Park and Canyon View Park) within Marblehead Coastal.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

D. Contract Award - Water Meter Reading Services

Following clarifications, MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY COUNCILMEMBER DONCHAK, CARRIED 5-0, to:

1. Approve, and authorize the Mayor to execute, Contract C07-04 by and between the City of San Clemente and Alexander's Inc., providing for water meter reading services.
2. Approve a supplemental appropriation in the amount of \$42,000 to Other Contractual Services Account 052-461-43890 for FY 2006-07.

REORDERING OF AGENDA

Because Council cannot consider Public Hearing items until 7:00 p.m. (the time specified in the Public Hearing notices), MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to consider Agenda Item 10 at this point in the meeting. The minutes of this meeting reflect the order of items as originally agendized.

Agenda Item 10 was considered at this point in the meeting. Please refer to Page 21 of these minutes for a summary of that discussion.

MEETING RECESSED TO REDEVELOPMENT AGENCY MEETING

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess to a meeting of the Redevelopment Agency at 6:45 p.m.

MEETING RECONVENED

Council reconvened at 6:45 p.m., with all members present.

MEETING RECESSED

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER KNOBLOCK, CARRIED 5-0, to recess the meeting at 6:45 pm. to 7:00 p.m., at which time the Public Hearing (which was advertised to commence at 7:00 p.m.) will begin.

MEETING RECONVENED

Council reconvened at 7:00 p.m., with all members present.

6. **PUBLIC HEARINGS**

A. **General Plan Amendment 05-018/Specific Plan Amendment 05-126/
Site Plan Permit 05-127/Architectural Permit 05-240/Conditional Use
Permit 05-128/Tentative Tract Map 16910, Pacific Golf Club
Residential Development**

Public Hearing to consider a request to amend the City's General Plan (GPA 05-018) and the Rancho San Clemente Specific Plan (SPA 05-126) to change the land use designation on approximately 63 acres of a 248-acre, 27-hole golf course from Open Space Golf Course (OSC) to Residential Medium Low (RML) to allow for the development of 317 residential units and redevelopment of an 18-hole golf course on the remainder of the property. The development applications include Conditional Use Permit (CUP 05-128) and Architectural Permit (AP 05-240) applications, both required for any residential project of more than five dwelling units, as well as Site Plan Permit (SPP 05-127) and Tentative Tract Map (TTM 16910) applications, both required to allow the subject property to be subdivided into multiple lots that accommodate separate ownership of the proposed development. This application also includes a development agreement. The property is located within the Rancho San Clemente Specific Plan area at 200 Avenida La Pata, the legal description being Lots A, B, 1, and a portion of Lot 14 of Tract 12125.

Principal Planner Wisneski narrated a PowerPoint presentation entitled "Pacific Golf Club Residential Development", which is on file with the City Clerk. During the ensuing discussion, Staff responded to Council inquiries concerning past and current levels of open space per resident, coastal sage scrub restoration and maintenance responsibility, development fees, details of the storm drain treatment unit and runoff that will be captured, and lack of a designated, easement-restricted habitat area.

In response to Council inquiries, Bill Halligan, Planning Center (EIR Consultant), explained that he was selected by the City (not the Applicant) to prepare the EIR document; advised that the Draft EIR analyzed a total of 381 residential units, but the project was later downsized to 317 dwelling units; explained that the "Reduced Density Alternative", contained as Section 2.2.3 in the "Findings of Fact" addresses a density of 315 dwelling units, which is close to the current proposal for 317 dwelling units.

Terry Austin, Austin-Foust Associates, advised that his firm prepared the traffic study for the subject project; explained the method by which the traffic study was prepared; stated that the majority of trips from the development will utilize Avenida Pico; explained that the traffic study assumed build-out of the City as well as Year 2030 growth assumptions as set forth in the Orange County Projections report (which included the Marblehead Coastal development and the Rancho Mission Viejo project); explained that the impact of the project was analyzed assuming construction of various road improvements, which ranged from full implementation of the Master Plan of Arterial Highways (MPAH) to six scenarios which assumed that only portions of the MPAH improvements would be constructed; stated the impacts of the project would not be substantially different if some of the improvements identified in the MPAH are not developed in the future; explained the process utilized in determining that the proposed 317 dwelling units will generate 5,600 trips per day.

In response to Council inquiry, City Attorney Oderman opined that the property owner does not possess a property right that entitles him to develop the proposed project; explained that the subject issue is a matter of Council discretion.

Mayor Dahl opened the Public Hearing.

Mark McGuire, on behalf of the Applicant, narrated a PowerPoint presentation entitled "Pacific Golf and Country Club". A hard copy of Mr. McGuire's presentation, dated March 6, 2007, is on file with the City Clerk.

Michael Rosenfeld, Owner, pointed out that both the Planning Commission and Staff are recommending approval; explained the financial challenges that faced the two prior owners; stated that before he became involved with the property, he met with City Staff concerning the possibility of preserving the golf course with an associated development plan that would help the Pacific Golf Club become sustainable; commented that while City Staff did not give any assurances that such a project would be approved, it did indicate that a project of that type would need to provide an overwhelming and offsetting public benefit in order to justify a change in land use; explained that 365 of the Club members voted to support the proposal and 14 members voted to oppose the plan; stated that the EIR concluded that there would be no significant and unavoidable long-term impacts as a result of the project, and that the only unavoidable impact involved the short-term air quality that would result from site improvements; reviewed the evolution

of the project; stressed that the subject open space has been fully graded and hence is not natural open space; urged Council to support the proposal.

During the discussion that followed, Mr. Rosenfeld and Mr. McGuire responded to Council inquiries concerning 1) the history of the course; 2) types of memberships offered in the past and at present; 3) factors which affect the feasibility of limiting development to the golf villas; 4) Fact that the Applicant would be the master developer in terms of preparing the site and may, or may not, serve as the merchant builder; 5) Fact that the estimated 5,600 trips per day includes the golf course which presently generates approximately 1,500 trips per day; 6) Trail system; and 7) Likelihood that the golf villas will be utilized by weekend visitors.

Mayor Dahl opened the Public Hearing.

Doug Younkin, San Clemente, spoke in support of the Pacific Golf project, noting that it will help fund amenities.

Dennis Stancik opined that the project represents a win-win-win situation since he believes it will benefit the Pacific Golf Club owners, Club members, and the City.

Cathy Lee, South County Senior Services, noted that the project would contribute generously to the new downtown Senior Center as well as other amenities in the City.

Rex Tyner, San Clemente, urged that Council support the project, noting that it will benefit amenities in the City, including the new senior center.

Mimi Johnson, San Clemente, reviewed the history of the property, noting that a housing development was considered 25 years ago, but was abandoned because it was not cost-effective to remedy the geological issues that existed on a portion of the land; related that the Pacific Golf Club has struggled for years; spoke in support of the proposal as a win-win situation.

Dr. Jacquelin DuPont, San Clemente, explained that she would like to have a family-oriented golf club close to her home; pointed out that some of the nicest courses are surrounded by residential development.

Marilyn Ditty, Executive Director for South County Senior Services, stated that the project would provide critical financial assistance for the new senior center.

Sandy Kos, San Clemente, spoke on the need for a new pool in San Clemente; recommended that Council approve the project, but require the developer to maximize contributions to mitigate the loss of open space.

Mitch Kahn spoke on the need for additional aquatics facilities and youth sports fields in the City; urged that Council approve the subject plan since it will contribute to City recreational facilities.

Georgette Kersew, San Clemente, stated that giving up open space is unprecedented in San Clemente; urged that Council uphold the City's General Plan and refrain from basing a decision on the enticements being offered.

Paul Carlton, San Clemente, urged that Council not sacrifice open space for a financial benefit; voiced concern that the project would set a precedent; urged that Council resist the developer's financial inducements.

Michael Hoey, San Clemente, expressed concern that San Clemente's village atmosphere is turning into a metropolis; commented that he resides near Calle Del Cerro and voiced concern with the traffic impact of the proposed development; questioned, and was advised, that the traffic report estimates that 18% of trips from the project will utilize Del Cerro to access Avenida Pico.

Jack Thomson, San Clemente resident and member of the Pacific Golf Club, urged that Council reject the project so as to maintain open space and not worsen the traffic on Pico.

Susan White, San Clemente resident and member of the Pacific Golf Club, spoke in opposition to the project due to her concerns with traffic, loss of open space, and school overcrowding.

Jim Smith, San Clemente resident and member of the Pacific Golf Club, urged Council to deny the request; stated that a previous Council created a covenant that would protect Rancho San Clemente residents from overdevelopment by balancing millions of square feet of industrial park with the Pacific Golf Club.

Jan Smith, San Clemente, stated that the City's General Plan provides that the Pacific Golf Club is designated for golf course use and shall not be developed with any other uses; suggested that a change to the General Plan designation would represent an insult to the creators of the General Plan; suggested that Council can find a better way to fund City amenities than to sell open space.

Tom von Grep, San Clemente resident and member of the Pacific Golf Club, addressed the value of open space to people as well as wildlife; opined that the City's road system cannot handle additional traffic.

Gene Lemmers, resident of San Clemente and employee of the Pacific Golf Club, spoke in support of the proposal, noting that the livelihoods of 80+ people depend on the subject project.

Don Jeisy, San Clemente, commented that the City needs parks and recreational facilities and opined that the project is a step in the right direction.

Mike Eber, San Clemente, encouraged Council to support the project; pointed out that the subject open space is private, not public; stressed the need for a pool at the La Pata/Vista Hermosa Park.

Sally Jeisy, San Clemente, conveyed support for the project; explained that children need parks and athletic fields; noted that San Clemente will always have open space since it is surrounded by Camp Pendleton and the ocean.

Nancy Hunt, San Clemente, stated that the project represents a win-win situation and commented that the amenities will enhance quality of life.

Susan Ritschel, San Clemente resident and Honorary Chairperson of the Senior Center Capital Campaign, opined that the project should be approved; stated that the project will cause little, if any, impact on San Clemente's quality of life; opined that the active public open space that will be provided at the La Pata/Vista Hermosa Park (funded in large part by the subject project), will be far more valuable to San Clemente residents than the golf course acreage; reviewed the City's financial needs and the uncertainty of some revenue estimates.

MEETING RECESSED

Council recessed at 9:38 p.m. and reconvened at 9:45 p.m., with all members present.

Kristi Kindred, San Clemente, urged Council to take advantage of the existing opportunity and support the project.

Dennis Papillion, San Clemente, stated that the subject open space does not provide a significant community benefit since it is not readily visible or physically accessible in some areas; stated that the proposed project would create access to regional trails; conveyed his support for the project.

Scott Walker, San Clemente resident and member of the Pacific Golf Club, stated that the project's merits outweigh the open space argument; noted that the project will help fill the funding gap associated with numerous City projects.

Jim Gregerson, San Clemente, stated that the Pacific Golf Club is not profitable and opined that the project will benefit the City.

Steve Netherby, San Clemente, suggested that the project would profit a few, but the majority of citizens would lose; urged Council to oppose the application.

Lenn Kimura, non-resident member of the Pacific Golf Club, spoke in support of the project and the associated community benefits.

Kathy Makinson-Sanders, San Clemente resident and member of the Pacific Golf Club, urged that Council approve the revitalization of the Club; stressed that the open space in question is private property and the traffic report indicates that the traffic change will be minimal; noted the many amenities that would benefit from the project.

John Seymour, Laguna Niguel resident and member of the Pacific Golf Club, spoke in support of the project, noting that the traffic impact will be negligible (less than 2%); stated that the proposed housing is low and medium density.

Patricia Danielson, San Clemente resident and member of the Pacific Golf Club, urged Council to support the project; spoke on the need for a private club in San Clemente.

Dick Danielson, San Clemente, referenced a Sun Post News article that indicated that five social functions were held at the Pacific Golf Club during the past two weeks.

Tom Frost stated that his management company oversees the operations at the Pacific Golf Club; commented on the outdated nature of 27-hole golf courses, explaining that today's successful courses include a more playable course, family amenities (such as fitness rooms and pools), and facilities that can be utilized by both members and non members; stated that the proposal is not about saving a private golf club, but rather about the City receiving the benefit of a first-class amenity; displayed a video of the golf course architect who described the benefits of an 18-hole course.

Scott Seaver, San Clemente, stated that he was one of the first equity members of the Pacific Golf Club; urged that Council approve the project.

Michael Zolg, San Clemente resident and member of the Pacific Golf Club, stated that businesses surrounding the Club will benefit from the proposed residences.

Leslie Harney, San Clemente, stated that Council should protect open space; commented that traffic on Pico is excessive and urged Council to protect quality of life and oppose the project.

Gene Grant, San Clemente resident and past Board Member of the Pacific Golf Club, urged Council to approve the development and the new landscape areas that will be created.

Tracey Denny, San Clemente, spoke on the importance of preserving open space and habitat areas; voiced concern with the addition of more homes that will contribute to traffic problems.

Bob Joseph, on behalf of the Orange County Conservation Committee and Board Member of Friends of Harbors, Beaches and Parks, requested that Council consider the conversion of open space only if an equal amount of open space acreage is provided elsewhere. If Council is inclined to approve the project, Mr. Joseph requested that conditions be added to require the Applicant to plan and construct the coastal ridge trail, provide financing for a trail system study, and enter into an Agreement that specifies that the trail and ancillary features will be constructed prior to the issuance of the first building permit; requested that a Finding be included in the resolution of approval that describes the uniqueness of the project so as to ensure that it does not set a precedent.

Richard Metcalf, San Clemente, suggested that the impact of the project on Pico traffic has been trivialized; expressed his opinion that traffic on Pico will become worse with the build-out of Talega and Marblehead Coastal; opined that it is inappropriate to convert open space that was negotiated 25 years ago.

Gregg Lipanovich, San Clemente, commented that open space is irreplaceable and suggested that it would be inappropriate for the City to approve the project based on financial contributions.

Richard Dickey, San Clemente, noted the economic and cultural benefits of the project and suggested that current and future residents will thank Council for recognizing the project's long-term benefits to the community.

Jeri Mann, San Clemente, stated that when Rancho San Clemente was developed, a covenant was created between the City and Rancho San Clemente citizens through the Rancho San Clemente Specific Plan; noted that Chapter 2, Page 8, states that "...the Pacific Golf Course is designated for golf course use and shall not be developed with any other uses"; urged that Council not breach the covenant that was created.

Mary Anne Chern, San Clemente, opined that covenants should not be changed.

Mike Cotter, San Clemente, spoke in support of the preservation of San Clemente's quality of life; spoke on the importance of governmental integrity and urged that Council preserve the subject open space in perpetuity.

Pam Baker, San Clemente resident and member of the Pacific Golf Club, urged that Council oppose the subject project; voiced concern that approval of the project will set a precedent for future variances and changes to the City's General Plan.

Gary Hopp, San Clemente resident and member of the Pacific Golf Club, referenced a letter that was sent to the City by the lawfirm of Chatten-Brown & Carstens that alleges that the DEIR that was prepared for the project is inadequate; asserted that numerous project impacts were improperly analyzed; opined that an inadequate range of alternatives was offered by the DEIR and stated that a finding must be made that all alternatives are infeasible before a Statement of Overriding Considerations can be adopted.

John Ezell, San Clemente, commented that the Pacific Golf Club is an important venue for community events; stated that the City has limited resources and opined that the positives of the project are great, while the impacts are small.

Richard Boyer, San Clemente, stated that it is Council's responsibility to preserve open space and defend quality of life.

Alan Korsen, San Clemente, acknowledged that \$13 million in revenue is a large sum to be derived from a single development, but pointed out the importance of preserving open space for future generations; commented that new development contributes to traffic, air pollution and runoff.

Ken James, San Clemente, opined that the project won't have a serious impact on Pico; asserted that golf fairways do not constitute open space; commented that a 27-hole golf course is flawed because the last nine holes are a liability as opposed to an asset.

Jerry Collamer, San Clemente, questioned why the developer wasn't told that he can't develop on designated open space when he started the process 3-1/2 years ago; asserted that the project would set a precedent.

CONTINUATION OF MEETING PAST 11:00 P.M.

MOTION BY COUNCILMEMBER KNOBLOCK, SECOND BY MAYOR PRO TEM ANDERSON, CARRIED 5-0, to continue the meeting past 11:00 p.m.

Lyn Harris Hicks, San Clemente, commented that the DEIR indicates that the project won't impact traffic because it is within national standards, but suggested that the City should impose standards higher than the national criteria; noted that the proposed development will place approximately 150 students into schools that are overcrowded.

Steve Burgess, San Clemente, stated that the existence of open space is one of the factors that compelled him to move to San Clemente; requested that Council preserve open space.

Gene Habich, San Clemente, stated that San Clemente's open space is not for sale; voiced concern with traffic and opined that the DEIR is flawed; suggested that the Pacific Golf Course should be made public if the subject application is approved by Council.

Dave Kelsen, San Clemente, stated that the Pacific Golf Club is important to the community, noting that it provides a venue for many local events.

Tim Mann, San Clemente, pointed out that the project will retain a large portion of the existing use, while creating a tax base and contributing to City amenities; stated he opposes uncontrolled development, but favors well-thought-out decision making.

Jay Pesicka, San Clemente resident, Member of the San Clemente Little League Board of Directors, and employee of the Pacific Golf Club, conveyed that the San Clemente Little League Board of Directors supports the project. As an employee of the Pacific Golf Club, Mr. Pesicka pointed out that the Club employs many people and noted that the project will generate additional employment opportunities; urged Council to approve the project.

Dana Condello, San Clemente resident and member of the Pacific Golf Club, spoke in support of the project, noting that 40,000 people could be positively impacted by the project.

William Rozarth, San Clemente, noted that the General Plan is amendable and urged that Council approve the petition.

Charles Mann, San Clemente, noted that other cities are purchasing open space to beautify their communities; suggested that open space is a birthright and stated that San Clemente is not for sale.

Marjorie Sosa, San Clemente, voiced concern with modifying the General Plan in response to financial enticements; voiced concern that Del Cerro will become a major arterial if the subject development is approved; questioned if Councilmember Knoblock can vote on the subject issue since he resides in Rancho San Clemente.

City Attorney Oderman explained the criteria for conflicts of interest, noting that a conflict is presumed to exist if a person lives within 500' of a project site. Because Councilmember Knoblock indicated that he resides approximately one-half mile from the subject project, City Attorney Oderman indicated that a conflict of interest does not exist.

Bob Baker, San Clemente resident and member of the Pacific Golf Club, spoke in opposition to the proposal; urged that Council not replace open space with a residential development.

Karen Ahola, San Clemente, spoke in support of maintaining quality of life; urged residents to monitor how Council votes on issues in the months ahead.

Mark McGuire, on behalf of the Applicant, stated that children who reside in the development would attend Clarence Lobo Elementary School, which has excess capacity; stated that a covenant does not exist and that the matter before Council is discretionary.

Mayor Dahl advised that the City has received 797 letters and emails supporting the project and 824 communications in opposition to the project; pointed out that some of those letters represent multiple communications from the same person.

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

During the course of discussion, City Attorney Oderman advised that the City received a 22-page letter (with approximately 46 pages of attachments) late this afternoon from the lawfirm of Chatten-Brown & Carstens, that specializes in attacking EIRs; noted that the Draft EIR was circulated in April 2006 for comments and the Planning Commission held two Public Hearings on this issue, yet the subject letter was received at 5:00 p.m. the night of the Council meeting; stated that the purpose of the late communication is to attack the validity of the environmental document after the fact; explained that he briefly reviewed the letter and did not see anything that would make him believe that the EIR is flawed, but added that he cannot state with certainty that the letter failed to raise any valid points without further analysis. Additionally, City Attorney Oderman advised that he received a phone call yesterday from a different attorney indicating that she had been retained by the Save San Clemente Open Space group and was authorized to prepare a referendum petition if Council approves the Pacific Golf Club project.

Council discussed and/or queried Staff relative to the following: 1) Previous open space areas that were approved for development; 2) Developer obligations set forth in the Talega Development Agreement; 3) Project impact on fire and police response times; 4) Fact that the traffic impact from the Marblehead Coastal mall was included in the traffic model that was used as the basis for analyzing the Pacific Golf Club project; 5) Land use breakdown on the site; and 6) Resources available for the extension of Avenida La Pata; and 7) Possibility of augmenting capacity on Avenida Pico between Del Cerro and the I-5.

Councilmembers expressed their individual opinions about the project. Mayor Pro Tem Anderson and Mayor Dahl expressed support for the project, while Councilmembers Donchak, Eggleston and Knoblock expressed opposition.

Mark McGuire requested that Council defer definitive action on the application to allow the Applicant to determine if the project can be modified to address Council's concerns while still meeting the Applicant's objectives; voiced concern that once Council takes definitive action, it will erase the effort with regard to the environmental document.

Mr. Rosenfeld requested that Council continue the issue for 60 days to allow alternative configurations to be explored that may meet the satisfaction of the Council.

City Attorney Oderman summarized alternatives available to Council, noting that Council could keep the Public Hearing closed, continue the application for discussion purposes, and make a decision at that time whether to deny, deny without prejudice, or refer a revised plan to the Planning Commission.

MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to continue the Pacific Golf Club Residential Development application for 60 days.

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

None.

9. **ORAL COMMUNICATIONS (PART TWO)**

None.

10. **REPORTS**

A. **Commissions and Committees**

None.

B. **City Manager**

None.

C. **City Attorney**

None.

D. **Council Members**

(1) **Orange County Division, California League of Cities Issues.**

None.

(2) **Council Position on Legislative Issues.**

None.

(3) **Orange County Fire Authority Status Update.**

Councilmember Knoblock reported that a fire occurred earlier this morning at a commercial structure at 905 Calle Amanecer; noted that the OCFA extinguished the fire in an efficient manner.

(4) **San Clemente-Dana Point Animal Services Authority.**

Mayor Dahl reported on animals available for adoption at the San Clemente-Dana Point Animal Shelter; expressed gratitude to the shelter's veterinarians, staff and volunteers; noted that the 14th annual Wag-a-Thon will take place on April 28, 2007 at the Dana Point Harbor.

(5) **Transportation Corridor Agencies Status Report.**

Mayor Dahl reported that the extension of the Foothill South Transportation Corridor is expected to be delayed by three years.

Councilmember Knoblock noted that he previously requested, and the City Attorney is compiling, a status of lawsuits involving the toll roads; explained that he looks forward to receiving the subject information.

(6) **Councilmember Items.**

Traffic Study for San Clemente High School - Request to Agendize

Councilmember Donchak requested that the Willdan Associates traffic study for San Clemente High School be agendized in the near future (following Planning Commission review) so that remedies can be implemented before the start of the new school year.

11. **RESOLUTIONS/ORDINANCES**

None.

12. **ADJOURNMENT**

There being no further business, MOTION BY MAYOR PRO TEM ANDERSON, SECOND BY COUNCILMEMBER EGGLESTON, CARRIED 5-0, to adjourn at 12:55 a.m.

The next Regular Meeting will be held on March 20, 2007 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 6:00 p.m. The General Session will begin at 7:00 p.m.

CITY CLERK of the City of
San Clemente, California

MAYOR of the City of
San Clemente, California