

# CITY OF SAN CLEMENTE

## City Council Minutes

### Adjourned Regular City Council Meeting – December 10, 2013

*These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.*

An Adjourned Regular Meeting of the San Clemente City Council was called to order on December 10, 2013 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Brown.

**PRESENT**           BAKER, DONCHAK, EVERT\*, HAMM, MAYOR BROWN

\*Arrived at 4:07 p.m.

**ABSENT**            NONE

**STAFF PRESENT**   Pall Gudgeirsson, City Manager; Jeff Goldfarb, City Attorney; Joanne Baade, City Clerk; George Aghabegians, Deputy City Clerk.

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### **PLEDGE OF ALLEGIANCE**

Councilmember Baker led the Pledge of Allegiance.

### 1. **PUBLIC HEARINGS**

#### A. **Draft Centennial General Plan and Final Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan and Draft Climate Action Plan**

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

Principal Planner Hook reported that Staff is seeking Council direction this evening on the following:

- 1) Council decision relative to requests from the property owners of 2651 Calle Frontera and 112 West Avenida Del Poniente that the City not change the property designations on their properties as part of the General Plan process.
- 2) Establishment of boundaries for the two-story building height limitation in the Downtown.
- 3) Council determination as to the next meeting to consider the General Plan.

Principal Planner Hook narrated a PowerPoint slide concerning the land use designation at 2651 Calle Frontera (Pacific Coast Church property); noted that the Planning Commission and General Plan Advisory Committee (GPAC) recommend an Institutional designation for the property with an Affordable Housing overlay to help the City achieve its Regional Housing Needs Allocation (RHNA); pointed out, however, that the Pacific Coast Church does not support the Affordable Housing overlay; stressed that the overlay would not require affordable housing, but instead would provide an affordable housing option; related that the Church is requesting that Council not apply the Affordable Housing overlay inasmuch as it believes it may limit its development options; conveyed that the Church has verbally conveyed to Staff that it may wish to pursue a Residential Medium Density designation for the property in the future; responded to Council inquiries.

Principal Planner Hook narrated a PowerPoint slide concerning the land use designation at 112 West Avenida Del Poniente; noted that a Neighborhood Commercial designation has been proposed for the property to be more consistent with the adjacent commercial uses, but the owner wishes to retain the current Residential Medium Density designation; stated that Staff is neutral about the designation that should be applied to the property; responded to Council inquiries.

Brian Judd, The Planning Center, reviewed Council's prior discussion relative to the possibility of expanding the boundary of the two-story building height limit in the Downtown; displayed three possible alternative boundary maps as identified in the Administrative Report, dated December 10, 2013, that is on file with the City Clerk. Alternative 1 included properties facing the 100 and 200 blocks of Avenida Del Mar and properties facing El Camino Real between Avenida Palizada and Avenida Presidio. Alternative 2 included a limited expansion of the height/story limit area by approximately 100 feet north and south of the properties fronting on Avenida Del Mar in the 100 and 200 blocks. Alternative 3 included full expansion of the height/story limit area to almost the entire Downtown Mixed Use Area; responded to Council inquiries relative to the boundary areas considered by the Planning Commission and GPAC.

Mayor Brown opened the Public Hearing.

Toni Elias-Calles, representing Pacific Coast Church, read a letter from the Church, dated December 3, 2013, that expressed opposition to the placement of an Affordable Housing overlay on the Church's property at this time; opined that the proposed overlay is inappropriate and would limit the Church's options for future development; expressed willingness to consider a re-zone for the property in the future.

Don Krall, co-owner of 112 West Avenida Del Poniente and the property on which the neighborhood grocery store is located, stated that he plans to expand his commercial building using funds from the sale of his duplex lot that is currently paved and being used for parking for the grocery store; pointed out that the grocery store has adequate parking even without using the duplex lot for parking purposes; urged that the Residential Medium Density designation remain so that a duplex can be built.

Michael Luna, Architect representing Mr. Krall, stated that the existing neighborhood grocery store has been planned for some time to be remodeled and expanded; stated that a duplex development could be achieved while still allowing an abundance of parking for the store; urged that the City study the impact that limiting third stories in the Downtown area will have on property owners and the City in general.

Larry Culbertson, President of the San Clemente Historical Society, opined that story levels be limited to two stories in the historic downtown; recommended that Council establish height limits on properties as identified in Alternative 3.

Richard Boyer, GPAC member, related his recollection of GPAC discussions pertaining to properties that should be subject to a two-story building height limitation; stated that the GPAC considered focus areas, as opposed to the "Core" area.

Dennis Eckel, San Clemente, expressed opposition to expanding the boundary of the area that would be subject to a two-story building height limitation; opined that Alternative 1 would adequately address concerns relating to canyonization.

Jim Eckel, San Clemente Commercial Property Owners Association, voiced concern that property owners were not informed of the possibility that Council could expand the height limitation area; stated that no member of GPAC owns property in the impacted area; suggested that Council is seeking a solution to a non-existent problem since only one three-story building has been constructed in the downtown in the last 20 years.

Randy Holmes, representing the owner of a property within the Alternative 3 area, stated that the property owner plans to develop his vacant lot; requested clarification as to how a height restriction would affect ground-level parking standards; questioned whether a height limitation would allow residential development on the ground level with underground parking; opined that limiting height will have a negative financial impact on property owners.

Nick Buchanon, San Clemente, spoke in opposition to limiting development to two stories, explaining that it would impose a significant negative economic impact.

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

Councilmember Donchak recused herself from deliberations concerning the General Plan land use designation for the property at 112 West Avenida Del Poniente because her husband's place of business is located at 121 El Portal. Councilmember Donchak left the Council Chambers at 5:07 p.m.

MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER BAKER, CARRIED 4-0-1 (COUNCILMEMBER DONCHAK ABSTAINING), that no change be made to the current Residential Medium Density land use designation in the General Plan for the property at 112 West Avenida Del Poniente.

Councilmember Donchak returned to the dais at 5:10 p.m.

Mayor Brown re-opened the Public Hearing.

Toni Elias-Calles, representing Pacific Coast Church, reiterated the Church's concern that an Affordable Housing overlay will limit its options with regard to future development; expressed willingness to become involved in meeting the City's needs, possibly via a rezone of the Church property in the future.

Bill Holman, Vice President of Land Development for Christopher Development Group, voiced concern that the placement of an Affordable Housing overlay on the Church property will trigger a requirement that at least 51% of any residential development on the site be affordable to very low-income individuals; explained that the Church desires to retain its options with regard to future development of the site; voiced concern with placing the burden of meeting the City's affordable housing requirements on a private property owner.

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

Following discussion, MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR BROWN, CARRIED 3-2 (COUNCILMEMBERS DONCHAK AND EVERT VOTING NOE), to retain the General Plan land use designation of Institutional zoning for the property located at 2651 Calle Frontera and to not place an Affordable Housing overlay on the site.

Mayor Brown re-opened the Public Hearing.

Bryan Johnson, owner of a vacant lot on Avenida Cabrillo, voiced concern with an expansion of the boundary of the two-story height limitation area; voiced concern that limiting development to two stories will preclude on-site parking and public plazas; voiced concern that the public was not notified that the height limit boundaries may be expanded.

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

Following discussion, MOTION BY COUNCILMEMBER BAKER, SECOND BY MAYOR BROWN, CARRIED 3-2 (COUNCILMEMBERS DONCHAK AND EVERT VOTING NOE), to establish the boundary of the two-story building height limitation area in the Downtown to the properties identified in Alternative 2.

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY COUNCILMEMBER BAKER, CARRIED 5-0, to re-open and continue the Public Hearing on the Centennial General Plan, Final Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan and Draft Climate Action Plan to the Council meeting of January 21, 2014 that will take place at 6:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente.

2. ORAL COMMUNICATIONS

None.

3. ADJOURNMENT

There being no further business, MOTION BY MAYOR PRO TEM HAMM, SECOND BY COUNCILMEMBER EVERT, CARRIED 5-0, to adjourn at 6:00 p.m.

The next Regular Council Meeting will be held on December 17, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be discussed at 5:00 p.m. The public business meeting will commence at 6:00 p.m.



MAYOR of the City of  
San Clemente, California



CITY CLERK of the City of  
San Clemente, California