

CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting - October 8, 2013

An Adjourned Regular Meeting of the San Clemente City Council was called to order on October 8, 2013 at 5:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

PRESENT BROWN, DONCHAK, EVERT, HAMM, MAYOR BAKER

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 Hamm led the Pledge of Allegiance.

PUBLIC HEARINGS

A. **Introduction to the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan**

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

Mayor Baker provided introductory comments and invited public commentary.

Michael Luna, on behalf of the Architectural Guild of South Orange County, stated that Ole Hanson allowed three and four story structures; asserted that buildings that are set back on upper levels facilitate ocean vistas; opined that two-story mixed use development is not viable and urged that property owners be allowed leeway so they can expand their square footage and utilize Spanish architecture.

Barbara Rojas, San Clemente, asserted that three-story structures will not negatively affect the T-Zone's village character and charm; opined that restricting growth in the Downtown area will deter prosperity and urged that Council support the Planning Commission's recommendation.

Larry Culbertson, President of the San Clemente Historical Society, referenced a letter that he sent to Council last week that opposed three-story mixed use development on Avenida Del Mar; reviewed six mixed-use developments on Avenida Del Mar and their impact on parking and village character.

Suzanne Schwartz, San Clemente, stated that Ole Hanson's dream included three and four-story buildings; stated that she owns property on Avenida Cabrillo and Avenida Del Mar and desires to construct a three-story building on Avenida Del Mar with proper setbacks and conditions; advised that she plans development with retail on the lower level, office uses on the second level, and residential on the top level; stated that mixed use development is being encouraged across the country to discourage vandalism.

Donald Prime, San Clemente, asserted that banning third stories will jeopardize the paseos, courtyards, fountains and other details that accompany Spanish Colonial Revival architecture since property owners will not give up ground-floor square footage if they are limited to two stories; commented that many Downtown buildings are reaching the end of their lifespans and voiced concern that banning three-story development will serve as a disincentive to quality redevelopment.

David Kenworthy, San Clemente, pointed out that Ole Hanson's office was three stories; stated that the City's topography is conducive to quality three-story development.

Gregg Lipanovich, San Clemente, noted that Hotel San Clemente is three stories and questioned the fairness of not allowing other property owners to develop at the same height.

Dennis Eckel, San Clemente, commented on the importance of retaining the economic viability of the Downtown area, especially in light of the fact that the Marblehead Coastal development will provide competition; spoke in support of development flexibility.

Jim Eckel, San Clemente, stated that development guidelines are so stringent that no new buildings have been developed on Avenida Del Mar for 30 years; opined that limiting development in the T-Zone to two stories would be unfair to property owners and counter productive in maintaining the City's small town charm, vibrancy and ability to plan for future needs.

Martin Schwartz, San Clemente, stated that he owns property in the Downtown and desires to invest in the community; related that there is no incentive for him to develop if he can't capitalize from his investment; stated that three-story development can contribute to the community in a positive way.

Brian Judd, The Planning Center, distributed and reviewed revised Table LU-1, (General Plan Land Use Designations Summary Table), noting that information related to the maximum number of building stories and building heights has been incorporated; responded to Council inquiries. A hard copy of revised Table LU-1 is on file with the City Clerk.

During the course of discussion, individual Councilmember(s) voiced opinions as follows. The below statements do not necessarily reflect Council consensus.

1. Concern was voiced that mixed use development with small areas of ground floor commercial square footage may not fulfill the spirit of mixed use. Staff noted that the Zoning Code provides more-detailed information in this regard. Council requested that the mixed use formula for minimum ground floor commercial square footage be further evaluated as part of the Zoning Code update.
2. Concern was expressed that reducing the number of allowable building stories on Avenida Del Mar to two stories might constitute a "taking" of value. City Attorney Goldfarb opined that a reduction in the number of allowed building stories would not constitute a "taking" or spot zoning, and offered to research the matter to confirm the accuracy of his position.
3. A suggestion was made that the issue of story levels on Avenida Del Mar should be posed to the electorate at the November 2014 General Municipal Election. An opposing viewpoint was expressed that the subject issue is an appropriate decision for Council.

Mr. Judd explained a PowerPoint slide entitled "How Implementation Measures Fit Into the General Plan Process" and responded to Council inquiries. A hard copy of the subject slide is on file with the City Clerk.

MEETING RECESSED

Council recessed at 6:52 p.m. and reconvened at 7:20 p.m., with all members present.

Council reviewed the revised Table LU-1 (General Plan Land Use Designations Summary Table), Urban Design Element, Historic Preservation Element, and Economic Development Element and provided direction as follows:

General Plan Section	Issue	Council Direction
Revised Table LU-1 (General Plan Land Use Designations Summary Table)	Propriety of a 45' height limit associated with residential development in the Pier Bowl.	Issue to be considered in connection with the Pier Bowl Specific Plan and Zoning Ordinance updates. Area property owners to be notified. It was noted that regulations in the Pier Bowl Specific Plan can be more restrictive than regulations in the General Plan, but cannot be less restrictive.
Site 32 on Proposed Land Use Changes Map	Council noted that five lots at 1300 North El Camino Real are proposed to change from Neighborhood Commercial to Mixed Use.	Council requested that Staff determine whether Council previously took action to not support Mixed Use at the subject location.
Table LU-1, Land Use Designation MU 3.1	Council discussed the issue of two versus three story development in the 100 and 200 blocks of Avenida Del Mar and/or the portion of El Camino Real that is within the T-Zone. Mr. Judd suggested, and Council agreed, that any specific direction in height for this area be accomplished through the creation of a separate zoning designation that would effectively reduce the 45' height limit by one story in look and feel and to create implementation measures that would promote quality development.	MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 3-2 (COUNCILMEMBERS DONCHAK AND EVERT VOTING NOE), to direct Staff to consider an alternate Zoning Designation for the Avenida Del Mar/T-Zone area that will effectively create a height restriction of some type, in line with historical precedence and Council's direction, and that the designation provide a framework for an exception process in case topography allows for a third story.
Page UD-3	Council referenced UD-1.07 which reads in part as follows: "We design our sidewalks to accommodate pedestrians in a manner that meets City standards and we seek to ensure they are ADA compliant, well lit, safe, comfortable and consistent in style and construction materials."	Council modified UD-1.07 to read as follows: "We design our sidewalks to accommodate pedestrians in a manner that meets City standards and we seek to ensure they are ADA compliant and consistent in style and construction materials for the district in which it is located."
Page UD-3	Council referenced UD-1.08 relating to Wayfinding. Council voiced concern with the "No Parking" sign on the trash enclosure at the rear of Nick's on Avenida Del Mar.	Staff to return to Council with a signage plan to address signage similar to the one on the trash enclosure behind Nick's on Avenida Del Mar.
Page UD-6	Council concurred with UD-2.11 that states "We encourage the undergrounding of overhead utilities infrastructure in gateway areas."	Council directed that special assessment districts, not limited to gateways, be encouraged.

Page UD-6	Council referenced UD-2.10 that reads "We require visual screening of blank walls, trash bins, and parking facilities..."	Council directed that unsightly or excessively large parking lot signs be addressed in the Urban Design Element, as well as being addressed in the updated sign regulations.
Page UD-7	Council referenced UD-3.06 that reads as follows: "We require Police Department review of uses that may be characterized by or historically associated with high levels of noise, nighttime activities, and/or rates of crime; and impose appropriate conditions or land use and design controls to prevent adverse impacts on adjacent 'sensitive uses'."	The word "sensitive" was deleted from UD-3.06.
Page UD-7	Council referenced UD-3.03 that reads as follows: "We require that new uses and buildings, characterized by differing functions, activities, density, scale and massing, to provide mitigation, landscaped buffers and/or setbacks between uses to prevent or mitigate adverse impacts."	UD3.03 was modified to read as follows: "We require that new uses and buildings, characterized by differing functions, activities, density, scale and massing, to provide mitigation, landscaped buffers and/or setbacks between uses to prevent or reduce adverse impacts."
Page UD-10	Council referenced UD-5.11 that related to Three-Story Mixed Use Buildings.	This section is to be modified to coincide with Council's earlier direction. Please refer to the motion on Page 4 of these minutes relating to height in the Avenida Del Mar/T-Zone area.
UD-11	Council referenced UD-5.14 that reads as follows: "Building design should consider the interplay of a third story with the site's natural topography, public view corridors and adjacent building profiles so that canyonization is avoided."	Council modified UD-5.14 to read as follows: "Building design shall consider the site's natural topography, public view corridors and adjacent building profiles so that canyonization is avoided."
UD-11	Council referenced UD-5.15 that reads as follows: "To modulate large building facades, provide architectural interest and maintain pedestrian scale, Downtown building forms, facades and footprints should be designed to visually reflect original Downtown lot patterns and spacing."	UD-5.15 to be modified to replace the word "should" with the word "shall".

UD-13	Council referenced UD-6.06 that reads as follows: "We require that street trees planted along designated public view corridors have narrow form and open structure to allow greater visual access. Street trees should be carefully placed and/or properly pruned, following best arboricultural practices, to achieve the desired goals without interruption of significant public views." Council discussed adding "non-public public spaces" (e.g., water tanks) to this policy. The definition of "non-public public spaces" in the General Plan would be described as areas that are publicly owned but not accessible to the public and would specify that it only applies to City trees on non-public public spaces.	Council noted that UD-6.06 is specific to Public View Corridors and, therefore, "non-public public spaces" would not fit into this Policy since it does not relate to public views. It was agreed that this topic will be considered in conjunction with the City Tree Ordinance.
UD-16	Council referenced Implementation Measure #16 that relates to the preparation and adoption of urban design guidelines for the South El Camino Real corridor.	Staff is to modify this section to clarify that it pertains to the area west of the I-5.
UD-16	Council referenced Implementation Measure #29 that reads as follows: "Examine code enforcement procedures and development conditions of approval to ensure appropriate maintenance and preservation of trees on private property and the encroachment of public trees on private property."	Implementation Measure 29 is to be omitted in its entirety.
HP-5	Council referenced HP-3.05 that reads as follows: "We maintain the Mills Act program as an incentive for historic preservation". Discussed the possibility of strengthening the verbiage in this Policy.	A new implementation measure is to be added that specifies that we will examine ways to improve the Mills Act program as an incentive for historic preservation.
HP-5	Council referenced HP-3.01 that reads as follows: "We provide assistance to residents who are restoring qualified historic properties by offering them technical assistance, development incentives or identifying federal and state preservation incentives."	The word "or" in HP-3.01 is to be replaced with the word "and".
ED-1	Council referenced the Economic Development Program goal which reads: "Establish and continuously improve an adequately staffed and funded, local economic development program."	Goal to be modified to read as follows: "Maintain and continuously improve an adequately staffed and funded, local economic development program and to help residents work close to where they live."

ED-2	Council referenced the second sentence of ED-1.02 which reads as follows: "Those who wish to change the allocation of these resources must demonstrate how their requests comply with the Economic Development Strategy."	The second sentence of ED-1.02 is to be deleted.
ED-4	New Policy	Council requested that a new Policy ED-3.07 be established relating to Sports Tourism.
ED-4	Council referenced the second sentence of ED-3.01 that reads as follows: "We require those who wish to change the allocation of public resources for tourism to demonstrate that their requests will help achieve the Economic Development Strategy and promote Economic Development Element goals."	The second sentence of ED-3.01 is to be deleted.
ED-6	Council referenced the portion of ED-4.05 that reads as follows: "If the Marblehead Coastal Development Plan is not realized by the expiration date specified in the Development Agreement, the City shall consider initiating a new planning process for the area."	The last sentence of ED-4.05 is to be amended to read as follows: "If the Marblehead Coastal Development Plan is not realized by the expiration date specified in the Development Agreement, the City will initiate a new planning process for the area."
New	New Policy	Council requested that a new ED-4.08 be added relating to "Other Commercial Districts". This section will include information from the Land Use Element relating to the City's important business and economic nodes (e.g., Plaza Pacifica, Wal-Mart, Target, Shops at Talega, etc.).
ED-7	Council referenced the double asterisks at the end of Goal 2.	Staff is to either delete or explain the double asterisks at the end of Goal 2.
ED-7	Council referenced Implementation Measure 1 which reads as follows: "Establish an Economic Development Manager Position. The Economic Development Manager may be a full-time or part-time position, funded through the City, the business community, or through a mix of public and private funding sources."	Implementation Measure 1 is to be amended to read as follows: "Consider establishing an Economic Development Manager position. The Economic Development Manager may be a full-time or part-time position, funded by the business community, or through a mix of public and private funding sources."

ED-7	Council referenced Implementation Measure 2 which reads as follows: "Consider adopting a Business Retention and Expansion (BRE) Program." Discussed changing the implementation measure to "Adopt a Business Retention and Expansion (BRE) Program."	No change to Implementation Measure 2. Issue is to be discussed during the City's budget process.
ED-7	Council referenced Implementation Measure 3 that relates to City urban planners with specialized knowledge and experience in specific business districts to serve as liaisons.	Additional verbiage is to be added to Implementation Measure 3 to provide that the City's urban planners will talk about awards received from national organizations with regard to the Business Liaison Program.
ED-7	Council referenced Implementation Measure 5 relating to a Branding and Public Relations Program.	Council suggested that removed signage and discarded pieces of the pier be auctioned to provide revenue to the City.
ED-8	Council referenced the first sentence of Implementation Measure 6 that reads as follows: "Support Business Improvement Districts for Del Mar/T-Zone, Los Molinos, El Camino Real, Pier Bowl, and North Beach."	Council modified the first sentence of Implementation Measure 6 to read as follows: "Support Business Improvement Districts or similar measures for Del Mar/T-Zone, Los Molinos, El Camino Real, Pier Bowl, North Beach and other commercial districts."
ED-8	Council referenced Implementation Measure 10 that reads as follows: "Develop, maintain, and publicize an inventory of commercial properties available for business expansion and/or development, including businesses relocating to San Clemente and business start-ups."	Council deleted Implementation Measure 10 in its entirety.
ED-8	Council referenced Implementation Measure 11 that reads as follows: "Explore opportunities to establish and operate a business 'incubator' in San Clemente (e.g., Los Molinos Area)."	Council revised Implementation Measure 11 to read as follows: "Explore opportunities to partner with a business 'incubator' in San Clemente."
ED-8	Council referenced Implementation Measure 15 that reads as follows: "Update Home Occupancy Regulations for 'flexexecutives'."	Council modified Implementation Measure 15 to read as follows: "Explore ways to attract and promote opportunities for 'flexexecutives' to live and work in San Clemente."
ED-8	Council referenced Implementation Measure 16 that reads as follows: "Establish and maintain a method to track communications and information technology demands of residents and employees, both current and future."	No change to Implementation Measure 16. The issue of internet connectivity within the City will be considered in conjunction with the Information Technology Strategic Plan.

ED-8	Council referenced Implementation Measure 17 that reads as follows: "Establish and maintain a method to track economic contributions of persons who work from home or from remote 'satellite' offices via communication and information technology, both current and future."	Council deleted Implementation Measure 17 in its entirety.
ED-9	Council referenced Implementation Measure 19 that reads as follows: "Establish a Technology Advisory Committee to serve as a liaison between community stakeholders, staff and elected officials and to make recommendations to the City Council on technology matters."	Council modified Implementation Measure 19 to read as follows: "Establish a Technology Advisory Task Force to serve as a liaison between community stakeholders, staff and elected officials and to make recommendations to the City Council on technology matters."
ED-9	Council referenced Implementation Measure 20 that reads as follows: "Incorporate the Wireless Communications Master Plan into a broader Technology Master Plan that incorporates aspects of the preceding implementation ideas and other technologies."	Council modified Implementation Measure 20 to read as follows: "Review and consider incorporating the Wireless Communications Master Plan into a broader Technology Master Plan that incorporates aspects of the preceding implementation ideas and other technologies."

Council continued its consideration of the Draft Centennial General Plan, Draft Environmental Impact Report, Draft Bicycle and Pedestrian Master Plan, and Draft Climate Action Plan to its meeting of October 15, 2013.

ORAL COMMUNICATIONS

None.

ADJOURNMENT

MOTION BY MAYOR PRO TEM BROWN, SECOND BY COUNCILMEMBER HAMM, CARRIED 5-0, to adjourn at 10:09 p.m.

The next Regular Council Meeting will be held on October 15, 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

