CITY OF SAN CLEMENTE

City Council Minutes

Adjourned Regular City Council Meeting - September 24, 2013

An Adjourned Regular Meeting of the San Clemente City Council was called to order on September 24, 2013 at 4:00 p.m. in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California, by Mayor Baker.

PRESENT

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

* Arrived at 5:07 p.m. **Arrived at 4:10 p.m.

ABSENT

NONE

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

PLEDGE OF ALLEGIANCE

Councilmember Hamm led the Pledge of Allegiance.

PUBLIC HEARINGS

Introduction to the Draft Centennial General Plan, Draft Environmental Α. 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 welcomed all in attendance and expressed appreciation to everyone who was involved in the General Plan process, especially the GPAC, Planning Commission, staff, consultant and public.

Community Development Director Holloway explained that the Centennial General Plan is designed to take the City to the year 2028; narrated Slides 1

through 9 of a PowerPoint presentation entitled "City Council Hearing: Centennial General Plan, EIR, Climate Action Plan and Bicycle and Pedestrian Master Plan". Mr. Holloway's portion of the PowerPoint focused on the purpose of the General Plan. A hard copy of the PowerPoint presentation, dated September 24, 2013, is on file with the City Clerk. During his presentation, Mr. Holloway explained that Council is being requested to provide General Plan policy direction at this time, noting that a number of on-going Code amendments will follow with implementation occurring from 2014 to 2028; introduced members of Staff, the Planning Commission, and The Planning Center.

Brian Judd, Principal with The Planning Center, narrated Slides 10 through 23 and responded to questions. Mr. Judd's portion of the PowerPoint focused on the process utilized to develop the draft General Plan, community goals and guiding principles, an overview of the General Plan elements, Citygate report recommendations from 2010, and proposed General Plan land uses.

City Planner Pechous narrated Slides 24 through 46 relating to the Urban Design Element and responded to Council inquiries.

Mr. Judd narrated Slides 47 through 48 relating to Trees and Views, as well as Slides 49 through 52 pertaining to the Environmental Impact Report.

Nicole Morse, The Planning Center, continued the EIR presentation by narrating Slides 53 through 63; responded to Council inquiries.

Chris Gray, Transportation Engineer with Fehr & Peers, responded to Council inquiries relating to traffic and circulation issues and associated mitigation measures.

Mr. Judd narrated Slides 64 through 65 relating to the Bicycle and Pedestrian Master Plan, Climate Action Plan, and Centennial General Plan Adoption and Implementation process, and responded to Council inquiries.

During the course of discussion, individual Councilmember(s) expressed personal opinions as follows. The below comments do not necessarily reflect Council consensus:

- 1. The draft General Plan is an outstanding document that reflects a successful collaborative effort.
- 2. Consideration should be given to dispersing affordable housing areas more evenly throughout the city.
- Council should discuss whether the designation of the civic center site should be changed from a civic center designation to residential mediumdensity with an affordable housing overlay.

- 4. Affordable housing overlays should be included in the key and color-coded on all applicable General Plan maps.
- 5. Any intensification in Floor Area Ratio on South El Camino Real east of the I-5 to E. Avenida San Gabriel (near the southern Pedro's) would be of concern. It was agreed that the first sentence of Item 16 on Page UD 15 will be expanded to clarify the intent of the section as follows: "We will prepare and adopt urban design guidelines for the South El Camino Real corridor west of the I-5 to direct building mass and scale and to allow new three-story buildings or building elements that meet specific standards and that protect designated public view corridors."
- 6. There was a brief discussion on whether the word "safe" should be included wherever sidewalks are referenced. Mr. Judd noted that including the word "safe" was originally suggested, but not included due to concern that it could create liability issues. This issue will be considered later in the meeting.
- 7. Technical reports should be clearly labeled and linked to the General Plan to facilitate easy public access.
- 8. The Draft Mobility and Complete Streets Element is bicycle-centric and should be modified to represent a balanced transportation system.
- 9. Council should be informed of significant legal expenses associated with the Zoning Code, Local Coastal Plan and Specific Plan updates as soon as possible. City Manager Gudgeirsson indicated that a line item for this purpose will be created within the next fiscal year budget.
- 10. Language should be included in the General Plan and implementation measures that explain that the documents will be reviewed periodically to ensure that the Plan and implementation measures are working and that progress is being made toward achievement of established goals.

Mayor Baker opened the Public Hearing.

<u>Gail Burke</u>, San Clemente, suggested that the City needs regulations for home occupation permits and opined that the City's business license program needs improvement.

<u>Kirk Kegel</u>, San Clemente, described the impacts to himself and his home business when his neighbor acquired chickens; noted that the problem did not subside when his neighbor relocated the chickens 100 feet from his home; urged that chickens not be permitted in the City.

Brenda Miller, San Clemente, voiced concern that Policy M-1.01.c of the Draft Mobility and Complete Streets Element undermines the City's stated intention to become a complete streets town in letter and spirit, since it implies that complete streets is the exception and not the rule; opined that the subject Policy is also in conflict with Policies M.1.04 and M-2.16.

Michael Metcalf, San Clemente, spoke on the importance of complete streets; voiced concern that some language in the Mobility and Complete Streets Element conflicts with public policy and noted that he sent Council an email that identified his specific concerns; cited, as an example, that Policy M-1.01.a states "Accommodate public transit, motor vehicles, bicyclists, skateboarders and pedestrians within the public right-of-way wherever feasible"; opined that the words "wherever feasible" provide an opportunity to bypass City policies.

Larry Culbertson. President of the San Clemente Historical Society, stated that nearly 2,000 persons signed a petition urging that building height in the historic Downtown be limited to two stories; distributed a petition signed by 23 persons who support limiting future buildings in the historic Downtown area to two stories; stated that a survey taken in 2009 revealed that 86% of respondents believe that the top goal for the City should be to retain the City's unique village character; stated that 96% of the buildings on the 100 and 200 blocks of Del Mar are one or two story, which represent pedestrian scale; spoke in opposition to mixed use development on small lots.

<u>Patricia Holloway.</u> Founder of the San Clemente Tree Foundation, voiced concern that the City has not always guarded mature trees and, as a result, homeowner associations have been able to cut down public street trees; displayed photographs of sycamore trees being removed in the Rancho San Clemente neighborhood; urged that the City re-commit itself to preserving street trees when it updates its scenic corridors plan; recommended that the City adopt a tree preservation ordinance and become a Tree City USA.

<u>Don Kunze</u>, San Clemente, stated that the Planning Commission never addressed open space in its consideration of the General Plan; spoke in support of retaining open space, including the Marblehead Coastal property, and questioned whether the public is allowed to use the trails on Marblehead Coastal; inquired about the allowable re-use of the El Camino Real Market property after it is sold and the number of stories that will be allowed.

Alan Korsen, San Clemente, stated that the Vision and Strategic Plan of 2009 stated that preservation of the heart and soul and character of the City's historic Downtown is the top priority for the vast majority of residents; spoke in opposition to three-story development in the Downtown T-zone; voiced concern that intensification of development will negatively impact the City's aesthetics, small town character, sense of community, civic pride and traffic.

Mark McGuire, San Clemente, questioned the accuracy of the Draft Land Use Element Map since it reveals a mixed use overlay in North Beach with an FAR of 1.0, even though a higher FAR is allowed for other mixed uses in that area; stated that property at the upper end of Avenida Pico is designated in the Talega Specific Plan as Commercial, but can never be developed because it serves as habitat for the gnatcatcher; recommended that the property be re-designated as Open Space; commented on the importance of following through with zoning modifications after the General Plan is adopted; suggested that Staff's Centennial General Plan Adoption and Implementation Flow Chart should be modified to reflect that the Land Use Plan/Specific Plans will be updated before the Local Coastal Plan is adopted.

Georgette Korsen, San Clemente, spoke in support of limiting building height in the heart of the Downtown to two stories to reflect resident values; supported the goals of the San Clemente Tree Foundation to protect trees, increase the City's tree canopy, and promote adoption of a Tree Preservation Ordinance.

<u>Don Prime</u>, San Clemente, stated that San Clemente's "unique village character" has never been defined and related that his support for unique village character should not be interpreted as support for a ban on three-story development in the Downtown; conveyed hope that Council will consider the unintended consequences of a ban on three-story development and urged that Council not take away property rights.

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

MEETING RECESSED

Council recessed at 7:00 p.m. and reconvened at 7:36 p.m., with all members present.

During the ensuing discussion, Mr. Judd and Staff responded to inquiries raised as follows:

Planning Consultant/Staff Responses to Council Questions/Comments

- 1. **Affordable Housing**: Three properties, east of the I-5, have been identified in the General Plan for Affordable Housing overlays. Methods to encourage affordable housing city-wide will be evaluated as part of the Housing Element update. The proposed Land Use Map will be modified to include graphics to show the location of the Affordable Housing Overlays.
- Designation of Current City Hall Site: Whether or not the civic center site should be changed from a civic center designation to a residential medium-density designation with an affordable housing overlay is a policy call for Council. Mr. Judd offered to prepare a listing of pros and cons

associated with maintaining the civic center designation versus changing the designation to residential medium-density with an affordable housing overlay.

- 3. Land Use South El Camino Real East of I-5: No land use changes, changes to building heights, or changes to allowable stories are proposed for this area. The first sentence of Item 16 on Page UD 15 will be expanded to clarify the actual intent of the section as follows: "We will prepare and adopt urban design guidelines for the South El Camino Real corridor west of the I-5 to direct building mass and scale and to allow new three-story buildings or building elements that meet specific standards and that protect designated public view corridors."
- 4. Use of the Word "Safe" to Describe Sidewalks: While the City strives to design its streets and sidewalks in a manner that is as safe as possible, using the word "safe" in the General Plan could be problematic. The word "safe" is vague, could create liability problems, and could result in people attempting to block projects on the grounds that the sidewalk in front of a project is not safe enough and hence not in compliance with the General Plan. Council requested that Staff evaluate whether reference to "safe" sidewalks should be included in the City's mission, values or guiding principles.
- 5. Availability of the January 2013 Mobility and Complete Streets Element Technical Background Report: The Technical Background Report is included in the Draft General Plan EIR Appendices and is available on the City's website, CDs attached to the Draft EIR, and the Public Library. Staff/Consultant will follow-up to ensure that the Traffic Report is clearly labeled and easy to find.
- 6. Relocation of Implementation Measures: Implementation Measures will be relocated from the General Plan to the Strategic Implementation Program. Implementation Measures will be prioritized in the Strategic Implementation Plan.

Planning Consultant/Staff Responses to Questions/Comments from the Public

- 1. **Business License Program:** This is not a General Plan issue, but something that the City could look into if desired.
- Chickens in the City: The issue of whether or not chickens should be allowed in the City is not a stated policy in the General Plan, but is addressed as an implementation measure. The implementation measure states that the City will study the issue and consider possible Zoning Ordinance amendments after adoption of the General Plan. No policy commitments are proposed in the General Plan.

- 3. Mobility and Complete Streets Element: Policies 1.04 and 2.16 are not in conflict. The goal of the Mobility and Complete Streets Element is to create a balanced transportation system that takes into account people driving cars, people utilizing public transit, bicyclists and pedestrians. Having a level of service goal for automobiles does not preclude the City from effective multimodal planning. Public Works Director Cameron explained that San Clemente, and other Orange County cities, have traditionally used Level of Service D as their standard for intersections. If the City lowers its Level of Service standard from D to E, it is saying that it would allow much more traffic in the City than is currently allowed. The language in the Mobility and Complete Streets Element recognizes that the city may wish to introduce multimodal street improvements that may result in a reduction in intersection capacity.
- 4. Utilization of the Phrase "where feasible" in the Mobility and Complete Streets Element: The terminology in question follows the environmental laws of the State of California and the federal government. If the General Plan lacks flexibility, it could preclude projects unless the General Plan is amended.
- 5. Identification of Open Space Areas in the General Plan: Figure LU-1, the Land Use Plan, identifies open space areas. No development opportunities are proposed for areas currently designated for open space.
- 6. Story Levels for Mixed Use Areas on S. El Camino Real East of the I-5: The Mixed Use designation for S. El Camino Real east of the I-5 currently has a two-story limit and no change is proposed.
- 7. Building Heights Downtown: Council discretion.
- 8. **Mixed Use Overlay in North Beach:** Staff and the Consultant will determine whether the proposed FAR of 1.0 for this property is consistent with surrounding mixed use areas.
- 9. Change in Designation for Property on Upper End of Avenida Pico to Open Space: Council expressed an interest in changing the designation of the property at the far end of Avenida Pico from Commercial to Open Space, and requested that staff communicate with Talega Associates to obtain its input on this proposal.
- 10. **Timing of the Local Coastal Plan and Specific Plans:** The City is not committing to the order in which the Local Coastal Plan (LCP) and Specific Plans will be processed. It was noted that processing the LCP through the Coastal Commission may be a lengthy process.

Council reviewed the Land Use Element by page and provided the following directions. Council indicated that those areas not raised for discussion can be assumed to be accepted as written.

Land Use Element Page	Issue	Council Direction
LU-3	Primary Goal #3 states "allow for some intensification of commercial and industrial districts to maintain economic vitality, while preserving or enhancing their character." Concern was expressed that the verbiage as written implies that intensifying uses necessarily creates economic vitality.	Verbiage to be modified to read as follows: "allow for some intensification of commercial and industrial districts while maintaining their character."
LU-4	Concern was expressed that height and story level restrictions are not included in Table LU-1 (General Plan Land Use Designations Summary Table). Mr. Judd indicated that this information will be included in the final General Plan.	The column in Table LU-1 relating to "Maximum Number of Stories/Building Height" is to be completed in final General Plan.
LU-11	One of the goals on this page states "support the goals and policies of the Economic Development Element". Council pointed out the importance of keeping cross-referenced elements synchronized if changes are made to an element.	Point was acknowledged by Staff and the Planning Consultant.
LU-12 and LU-13	Council discussed whether or not the Mixed Use designation on the 100 and 200 blocks of Avenida Del Mar should remain.	No change to language as written: Staff to study height limits for Avenida Del Mar in greater detail. Established height limits can be incorporated into an implementation measure.
LU-13	Goal states "Promote and support mixed use development". Discussed whether "Allow mixed use development" would be more appropriate than taking an advocacy position.	Goal to be modified to read "Promote and support development that is attractively designed, adds vitality and pedestrian activity, enhances economic opportunities, reduces vehicle trips and associated air pollution and offers convenient and affordable housing opportunities for all income levels, in the mixed use zone."
LU-16	A suggestion was made that LU-5.02 should be modified to reference "Fueling Stations" as opposed to "Gasoline Stations" so as to stage for alternative fuels.	LU-5.02, as well as any other reference in the General Plan to "gasoline stations", will be replaced with "fueling stations".

LU-21	Council questioned whether the Talega Business Park was excluded intentionally as a Focus Area.	Staff and the Planning Consultant are to broaden the policy goals, as appropriate, to include the Talega Business Park, Target, Plaza Pacifica and Shops at Talega. It was noted that it may be desirable to develop separate policy goals for retail versus commercial uses.
LU-25	Council discussed LU-10.02 (Miramar Theatre Rehabilitation) which reads as follows: "We encourage the rehabilitation and adaptive reuse of the historic Miramar Theatre as a movie theater, performing arts center or other high quality cultural use". A suggestion was made that the policy should not be specific given the challenges of the site.	Policy LU-10.02 is to be shortened to read as follows: "We encourage the rehabilitation and adaptive reuse of the historic Miramar Theatre."
LU-25	Council referenced LU-10.04 (Beach Access) which reads as follows: "We preserve and enhance safe, convenient pedestrian and bicycle linkages to the shoreline for community and visitor access." Suggested adding the word "vehicle".	LU-10.04 to be expanded to read as follows: "We preserve and enhance safe, convenient vehicle, pedestrian and bicycle linkages to the shoreline for community and visitor access."
LU-25	Council noted that LU-10.05 (Ocean Views) reads as follows: "We preserve the General Plan-designated public view corridor from Avenida Pico through North Beach and encourage new development along El Camino Real to take advantage of ocean vistas." Council noted the desirability of including visual depictions in the General Plan to demonstrate scenic view corridors. It was noted that electronic versions of the General Plan will be searchable and will include links to large maps and other information.	General Plan to include full-page size photographs/maps identifying scenic view corridors.

LU-32	Council referenced LU-13.01 (Alleys/Paseos) which reads as follows: "We consider improvements to our alleyways to provide alternative pedestrian and bicycle routes." Concern was voiced that language relating to alleys and paseos varies throughout the various Focus Areas (for example, LU-10.10 includes the same sentence as LU-13.01, but includes the words "where appropriate" at the end.) Discussed the possibility of 1) strengthening the verbiage since alleyways and paseos will be utilized for pedestrian and bicycle movements, and 2) expanding the verbiage to reference the possibility of adjacent property owners assisting in the improvement of alleyways and paseos (possibly similar to the City's sidewalk program). Discussed the possibility of including the word "vehicles" in the Policy.	Verbiage relating to alleys and paseos is to be made consistent throughout the downtown Focus Areas. It was noted that some of the paseos are simply pass-throughs for pedestrians and bicyclists and hence the inclusion of the word "vehicle" would be inappropriate. Also, part of the intent of the Policies is to evolve vehicle-centric alleyways to accommodate other modalities (such as bicycles and pedestrians). The Planning Consultant and Staff are to develop language that will better explain the intent of the language.
LU-37	Council referenced Land Use Implementation Measure #3 which states "Examine the feasibility of a shuttle or trolley type transit system that connects San Clemente's key destination areas (e.g., North Beach, Del Mar/T-Zone, Marblehead and Pier Bowl) with public transit and bicycle routes." Discussed the possibility of including "residential areas" in this statement and/or modifying the verbiage to be more resident based as opposed to visitor based.	Language to be modified to read: "Consider a community-serving shuttle or trolley type transit system that connects San Clemente's key destinations (e.g., North Beach, Del Mar/T- Zone, Marblehead and Pier Bowl) and residential areas with public transit and bicycle routes."
LU-37	Council referenced Land Use Implementation Measure 12 which reads as follows: "Work with U.S. Postal Service to explore opportunities to close, or to relocate the post office located on Avenida Pico to a more appropriate location to provide opportunities for improved circulation and new development opportunities with a master plan for the Pico Plaza area." Discussed omitting the words "to close" or striking Measure 12 in its entirety.	Land Use Implementation Measure 12 to be modified to read as follows: "Work with U.S. Postal Service to explore opportunities to relocate the post office located on Avenida Pico to a more appropriate location to provide opportunities for improved circulation and new development opportunities with a master plan for the Pico Plaza area."
LU-37	Council referenced Land Use Implementation Measure 10 which reads as follows: "Identify a local champion for fostering an arts and design business incubator district." Council discussed whether or not the implementation measure's arts/design emphasis, and lack of specificity relative to the duties of the local champion, are appropriate.	Land Use Implementation Measure 10 to be amended along the lines of the following: "Foster and support local efforts to invite art and design businesses consistent with the vision of the Los Molinos district."
LU-37	Council referenced Land Use	Council cautioned about the

	Implementation Measure 14 which reads as follows: "Develop new flexible use standards in the Zoning Ordinance to accommodate changing market demands." The Planning Consultant explained the intent of the Policy.	importance of remaining sensitive to adjacent residential uses.
LU-38	Council referenced Land Use Implementation Measure 24 for South El Camino Real (west of I-5) which reads as follows: "Create new development standards for mixed use, including standalone corridor residential uses." The Planning Consultant explained the intent of the Policy. Staff noted that the current zoning for the area allows for stand-alone corridor residential uses.	No change to language as written. Issue to be considered in conjunction with the Zoning Ordinance update.
LU-38	Council referred to Land Use Implementation Measure 15 which reads, in part, as follows: "We will identify a qualified public or private sector professional to help manage or enhance the retail "synergy" of Downtown land uses and work with the DBA and Downtown property owners to identify funding sources for such a position". Discussion ensued relative to the entity that would identify the professional, the party responsible for funding the position, and whether verbiage of this nature (as expanded to reference the entire city) is more appropriately located within the Economic Development Element.	Land Use Implementation Measure 15 is to be deleted in its entirety.
LU-38	Council referenced Land Use Implementation Measure 16 which reads as follows: "Initiate a General Plan catalyst project by funding improvements for the rehabilitation and reuse of the Miramar Theater." Council disagreed with the measure inasmuch as it calls for the City to initiate the project.	Land Use Implementation Measure 16 is to be deleted in its entirety.

[O	"Access Enhancement Plan" is to
LU-38	Council referenced Land Use Implementation Measure 21 which reads as follows: "Develop an Access Enhancement Plan to reduce congestion, possibly including shuttle services and bicycle facilities." Planning Consultant defined "access enhancement plan" and explained the intent of the measure. In response to Council concern that establishing too many measures could be problematic from an implementation standpoint, the Planning Consultant noted that the implementation measures will be prioritized and phased at a later date. Additionally, Staff pointed out that a concerted effort was made by the Planning Commission and GPAC to establish implementation measures to support each identified policy.	be replaced with a more- understandable term.
LU-38	Council discussed adding the words "and pier" to the description of the Pier Bowl and to also include an implementation directive that recognizes that the City will protect the historic resource since the RDA is no longer in existence. Staff pointed out that page BPR-13, Implementation Measure 12, reads as follows: "Continue to maintain and enhance the City's beaches and Municipal Pier and seek outside funding sources to help support these efforts."	References in the General Plan to the "Pier Bowl" are to be expanded to include the words "and pier", where appropriate. Policies to be added that provide for the preservation and enhancement of the pier as well as pier maintenance.
LU-38	Council referenced Land Use Implementation Measure 22 which reads as follows: "Working with the Chamber of Commerce, Downtown Business Association, Pier Bowl Merchants' Association, property owners and business (sic), support efforts to develop economic development tools to aid in the area's continued revitalization."	Land Use Implementation Measure 22 to be revised to replace the word "business" with "businesses and other organizations."
LU-39	Council discussed Land Use Implementation Measure 26 which reads as follows: "Consider traffic calming strategies in the neighborhood retail center (between Avenida Cadiz and Esplanade)." Concern was voiced with regard to the locational specificity of the measure.	Land Use Implementation Measure 26 to be revised to read as follows: "Consider traffic calming strategies in the area."

LU-39	Council referred to Land Use	Staff is to meet with City legal
	Implementation Measure 28 which reads as follows: "Develop a new streetscape and landscaping plan and Safe Routes to School program to implement the Mobility and Complete Streets Element and Bicycle and Pedestrian Master Plan." Council noted the significant costs associated with implementing the subject measure. A point was raised that if the City applies for Safe Routes to School grant funding, and the grant application is denied, that the City may be obligated to fund the improvements or risk liability. Staff noted that there is a section in the Bicycle and Pedestrian Master Plan on Safe Routes to Schools. Discussed whether language relating to Safe Routes to Schools should be deleted.	counsel to determine if there is merit associated with deleting reference to "Safe Routes to Schools" from the General Plan and Bicycle and Pedestrian Master Plan.

Council continued discussion of the General Plan to the Council meeting of October 1, 2013.

<u>ADJOURNMENT</u>

MOTION BY COUNCILMEMBER DONCHAK, SECOND BY MAYOR PRO TEM BROWN, CARRIED 5-0, to adjourn at 9:38 p.m. to an Adjourned Regular Meeting to be held on October 1, 2013 in the Council Chambers, located at 100 Avenida Presidio, San Clemente, California. Closed Session items will be considered at 4:30 p.m. The business meeting will commence at 5:00 p.m.

CITY CLERK of the City of San Clemente, California

MAYOR of the City of San Clemente, California