

Tuesday, May 27, 2008

## Judge voids San Clemente's OK of freeway-oriented signs

Unless there is appeal, developer will have to start over in seeking permit.

By **FRED SWEGLES**

STAFF WRITER

SAN CLEMENTE – Unless there is an appeal, the City Council's approval of a sign-exception permit for a 640,000-square-foot Marblehead Coastal outlet center is null and void.

In a ruling made public Tuesday, Superior Court Judge Ronald L. Bauer said the City Council didn't adequately evaluate the impacts of the freeway-oriented signs that the council approved on a 3-2 vote Feb. 20, 2007.

"That approval is set aside, and the city must now start over and proceed in a manner consistent with the state environmental laws," said Gideon Kracov, attorney for San Clemente Citizens for Integrity in Development.

The citizens' group sued the city, challenging the city's approval of what SCCID leader Richard Boyer said could amount to 32 freeway-oriented signs along southbound I-5 at the Avenida Vista Hermosa exit. Steve Craig, who plans to build the center known as Plaza San Clemente, said it would be fewer signs and impacts would be minimal.

Bauer's ruling said nothing about the number of signs, their size or their color. Rather, the judge stated that the freeway-oriented signage Craig requested after a series of other approvals was a substantial change from prior proposals and should have been given more environmental review.

"Various proposals at earlier times were significantly smaller," Bauer wrote. "They were different; they were denied; they did not present any large number of freeway-oriented nonconforming signs. Any environmental study of those earlier proposals cannot substitute for a study of the traffic, safety, aesthetic, and land-use impacts of the plan that was ultimately approved."

City Manager George Scarborough couldn't say if there will be an appeal. "We'll have to get a detailed memo from the city attorney ... and the City Council will have to consider what their options are," he said.

Craig expressed disappointment Wednesday. "We're going to review our options," he said. "I believe the signs, the way they were designed, had very little impact, if any. We also believe there's a fair amount of confusion because of some information that was not correct (that) was passed around. We're going to try to do a better job of explaining and depicting what was being proposed."

Boyer called the judge's decision an important step for preserving the historic beauty of San Clemente for future generations. We always knew we had a strong case, and we're delighted with the outcome. We would like to thank the many citizens of San Clemente who continue to show steadfast support for preservation of our community's character."

At a one-hour trial May 19, Bauer told all parties that he'd read the documentation they submitted and would be basing his decision on procedural legalities – not on the number, size or color of signs. He issued his ruling May 22 by mail. It became public when the parties received it Tuesday.

**Contact the writer:** fswegles@ocregister.com or 949-492-5127