

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
February 5, 2014 @ 7:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

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**1. CALL TO ORDER**

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Eggleston led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Wayne Eggleston, Michael Kaupp, and Kathleen Ward, Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: Jim Ruehlin

Staff Present: Jeff Hook, Principal Planner  
Adam Atamian, Assistant Planner  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

Chair Darden reported that she and Vice Chair Brown were present at the City Council meeting held on February 4, 2014; announced that the City Council approved the new Centennial General Plan, Bicycle and Pedestrian Master Plan, and Climate Action Plan at the meeting. Input from the community, GPAC, City Council, Planning Commission, citizens etc. was invaluable in creating and improving the document. She would also like to thank Jim Pechous, City Planner, and his staff for their dedicated effort. In addition, she congratulated Principal Planner Hook for a job well done, and commended him for his support and patience in helping the Commission focus their efforts, grasp the connectivity between elements, and understand the General Plan's vision.

**4. SPECIAL ORDERS OF BUSINESS**

**A. Select Interview Panel Member (Pechous)**

Select one member to serve on the interview panel for a Local Coastal Program consultant.

Chair Darden nominated Vice Chair Brown to serve on the interview panel and Commissioner Kaupp seconded the nomination. There were no other nominations, and Vice Chair Brown was unanimously appointed to serve on the interview panel for a Local Coastal Program Consultant on a unanimous vote.

**5. MINUTES**

**A. Minutes from the Planning Commission Regular Study Session of January 22, 2014**

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of January 22, 2014, with the following revision:

Page 1, under "Roll Call", Chair Darden's comments. 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence, insert "especially those regarding the General Plan" following "issues."

**B. Minutes from the Planning Commission Regular Meeting of January 22, 2014**

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of January 22, 2014, as submitted by staff.

**6. ORAL AND WRITTEN COMMUNICATION - None**

**7. CONSENT CALENDAR - None**

**8. PUBLIC HEARING**

**A. 401 South El Camino Real – Discretionary Sign Permit 13-298 – Presidio Plaza Sign Program Amendment (Atamian)**

A request to consider modifications to the requirements of the Master Sign Program of the Presidio Plaza shopping center located at 401 South El Camino Real. The property is located in the Neighborhood Commercial

zoning district (NC2) and the legal description is Lots 41 and 42 through 48 inclusive, of Tract 789, and Assessor's Parcel Number 692-403-08.

Adam Atamian, Assistant Planner, narrated a PowerPoint Presentation entitled, "Presidio Plaza Sign Program Amendment, Discretionary Sign Permit 13-298, dated February 5, 2014," including location of the project, photos of existing signage, proposed signage modifications, and new window signage regulations. Staff recommended approval of the request as conditioned.

In response to questions from the Commissioners, Mr. Atamian advised that the center's identification and monument signs will be replaced once the sign permit is approved; advised that staff has been in contact with tenants currently violating window signage maximum percentages, and staff is working to ensure a good transition to bring the property into compliance. He added that the current color palette in the center is due to uncertainty regarding allowable colors and/or erroneous approvals; advised all existing signage currently in compliance with code will be allowed to remain until signage is modified and/or tenant changes.

John Safar, Wesco Signs, representing the applicant, was available for questions.

Chair Darden opened the public hearing, and there being no public testimony, closed the public hearing.

Design Review Subcommittee (DRSC) Member Kaupp commented that some of the questions brought up tonight regarding the existing signage were also brought up during DRSC review of the project. He noted improved signage will appear gradually at the center as new tenants move in and/or signs are updated. He thanked Mr. Safar for his willingness to work with the DRSC to improve the sign program.

Commissioner Ward encouraged the center owner to require the tenants to remove unnecessary signage from their storefronts as the center would look cleaner and the City would look better as a result.

Tracy Grair, Burbank resident, representing the center owners, advised she has discussed unnecessary signage with tenants, but to no avail. She is working hard to clean up the property and enforce signage provisions.

Assistant Planner Atamian provided his contact information and agreed to forward to Ms. Grair the record of outstanding code enforcement complaints regarding tenants at the center, guidance regarding the City's signage guidelines, and temporary signage permit information.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER EGGLESTON AND UNANIMOUSLY CARRIED TO

ADOPT RESOLUTION NO. PC 14-003, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT 13-298, PRESIDIO PLAZA SIGN PROGRAM AMENDMENT, A REQUEST TO MODIFY THE MASTER SIGN PROGRAM OF THE PRESIDIO PLAZA SHOPPING CENTER LOCATED AT 401 SOUTH EL CAMINO REAL.

**[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]**

**B. Senate Bill 2 Emergency Shelter Ordinance (Obrero)**

Senate Bill 2, the Emergency Shelter Ordinance (SB 2), requires that cities adopt an ordinance allowing the establishment of emergency shelters to accommodate emergency shelters, by right, in at least one land use zone. This would include at least one year round shelter and other seasonal or year round shelters for homeless persons, threatened or abused women and children, and transitional housing for persons transitioning into permanent housing. The ordinance does not require cities to build or provide funding for such uses. It allows cities to establish standards to regulate and provide emergency shelters' location, size, parking, proximity to other emergency shelters, length of stay, lighting, security and management. The City completed an evaluation of possible zones to meet SB 2 requirements and based on that evaluation, is considering amendments to the Rancho San Clemente Specific Plan and the Zoning Ordinance to allow such uses in the Specific Plan Area's Business Park and Industrial Park zones.

Denise Obrero, Housing Programs Planner, narrated a PowerPoint Presentation entitled, "Senate Bill 2, dated February 5, 2014." Senate Bill 2 (SB 2) requires cities and counties to designate at least one zone or overlay zone where emergency shelters, transitional housing and supportive housing are allowed as permitted uses without a conditional use permit or other discretionary use permit. Included in the staff report was a Summary of Emergency Shelter Ordinances Provisions in Orange County for all cities in Orange County as well as brief summaries of provisions/actions of four neighboring cities to address SB 2 requirements. Following research and comparison studies, a task force composed of community members and City staff concluded that the Rancho San Clemente Business Park (RSCBP) was the most appropriate area to accommodate emergency shelters. Staff recommended the Commission consider the staff report, hear public testimony, and provide direction on 1) the proposed district boundaries where SB 2 would be applied, and on 2) the HCD-recommended performance standards for emergency shelters, listed in Attachment 5, and then continue this item to a date certain.

On a question from Commissioner Eggleston, Ms. Obrero explained that Deputy Joseph Bull was not part of the task force. In addition, Ms. Obrero

described standard notification procedures and offered to provide copies of mailing labels of those notified.

Jeff Hook advised that SB 2 guidelines are very specific regarding what the City is allowed to regulate. Specifically, these are: number of beds, off street parking, size and location of exterior and interior waiting areas, provisions of on-site management, proximity to other shelters, length of stay, lighting, and security during hours of operation. Development standards for emergency shelters may not be applied in such a way that would frustrate efforts to establish an emergency shelter use. The number of beds needed is based on the best estimate of the number of homeless persons in the community. If the City has already met the need, they can set discretionary requirements for additional shelters that go beyond the minimum required to meet the recognized need. In addition, he noted that the City of San Clemente will probably not be able to participate in a "regional solution" with adjoining cities, as allowed under State law, since Dana Point, San Juan Capistrano and Mission Viejo have already established their own ordinances and there is no incentive for them to partner with San Clemente. He also described the differences between emergency shelters, transitional and emergency housing.

Chair Darden opened the public hearing.

Father Patrick Crenar, resident, commended staff for their hard work with this challenging issue. No matter what location is approved, he believes there will be people that challenge the decision. He supported the staff report recommendation and noted the faith community can be counted on to help set up and run the emergency shelter. He ran a similar type of shelter on the East coast and there were no negative impacts on the surrounding community. He believes a shelter can be perceived as a great asset to the City and advised that a community is judged by how they treat their most vulnerable members. In response to questions, he noted that the shelter back East was developed in partnership with the City and the faith community. The City handled transportation issues, while the faith community banded together to provide food and shelter.

Nancy McIntyre, resident, spoke on behalf of the Board of Directors of a group called IHope that serves the homeless in South Orange County. She commended the City of Laguna Beach for its friendship shelter, which is primarily intended for use by Laguna Beach homeless, and recommended the City follow Laguna Beach's lead. She is confident IHope volunteers, the faith community, families, and churches in town can create partnerships with the City to make an emergency shelter feasible. During the years she has helped the homeless find shelter, she has seen many success stories. In response to questions, she noted construction of a kitchen on site is not necessary as meals can be brought in and served on benches; advised inclusion of bathrooms and showers is very important. In addition to chronic homeless, IHope has helped families

move into motel rooms, sent loved ones home via the Greyhound Bus service, provided laundry services, provided case management, medical care, and a computer lab training to help the homeless secure employment and get back to self sufficiency. She has records indicating the number of those helped over the years. IHope staff uses signs, websites, flyers and work with Officer Bull to promote their services. Drug testing is not required for use of IHope services, and they have security personnel and a security system to ensure the safety of volunteers. If a situation occurs, they call the police, or the mental health unit if necessary. She estimates the City does not have a large number of transients; speculated that over 50 percent of the homeless persons she has helped have drug and/or alcohol dependency issues and noted case management helps the mentally ill stay on their medications. Those using the shelter cannot be falling down drunk or unruly. It is most important that shelter visitors are not a danger to staff, the volunteers, or themselves. Security on site takes care of the occasionally unruly visitor, and calls to Officer Bull result in immediate response. She noted that homeless people often police themselves so they don't lose the facility. A now shuttered facility in Capistrano Beach totally staffed by volunteer security did not experience any problems in this regard. She agreed to research whether the staff and security personnel at the Laguna Beach shelter are all volunteers and report back.

Cathy Domenichini, resident and IHope Board Member, described physical design techniques that can be used to create a secure environment. She endorsed the recommended location as it will have the lowest impact on the community and encouraged the Commission to follow the guidelines and not make an emergency shelter prohibitively difficult or costly to establish. She endorsed the need for a facility to serve the homeless and opined that many in the community would be willing to support and contribute to this project.

Ed Conner, San Juan Capistrano resident and IHope Board member, commended City staff as they are exemplary and working hard to establish a suitable area to establish an emergency shelter. Although he would have preferred a shelter location closer to Downtown, where the homeless prefer to congregate, there is potential to provide a bus or shuttle to the subject location. It is important to have a shelter in South County to protect the homeless from the elements, feed them, get them off the street, and hopefully help them find jobs. If the shelter is not established, the homeless will just stay in the Downtown area and there will be no positive changes. He noted that IHope is currently looking at a location outside of the City to establish a shelter. As a lawyer, he has represented homeless people pro bono to try and improve the situation in Santa Ana. His wife runs the food bank at the Mission in San Juan Capistrano. IHope works with HUD, the County, cities and other organizations to provide shelter and food for the homeless and try to get them back on their feet. He noted that because the homeless will need

transport to get to the shelter, they can be screened before allowed on the transport to ensure they are not a danger to themselves or others.

Chair Darden closed the public hearing.

Deputy Bull noted he attended many of the subcommittee and/or task force meetings and feels involved in the effort. He encouraged as much security as possible at the shelter site, and commented that the volunteers at the shelter act as eyes and ears of law enforcement. Although the majority of the City's homeless congregate in the middle of the City, he has found them all over town and some prefer to live on the outskirts. Some will bike or walk to the shelter, and some will just appear if it is built. He agreed with the estimate of an average of 60 to 65 homeless persons annually. He noted this has been consistent over the years, and added that the number can fluctuate dependent on season. He sees new homeless people on a weekly basis; some just stay a few days and move on, while others may stay for a while. A large number of homeless people are on drugs or alcohol or both. Also mental health issues are of consideration. He estimated over 50 percent are abusing alcohol.

Commissioner Eggleston acknowledged the need for the City to abide by State law and expressed concern that relevant stakeholders in the RSCBP may not be aware of tonight's meeting and the proposal before the Commission. He recounted a personal experience he had with some homeless people last summer. At Park Semper Fi, where there was a problem with homeless people camping out, drinking, smoking etc., and there was over \$3,000 in damage. He called the police himself and the police have come out in response to calls from others as well. Drug dealing at the park has also been documented. The Sheriff's Department has provided great support, and Marines living in the area also monitor the location. Homeless people from Los Angeles told him they came to the City in response to a flyer from IHope. After contacting IHope, he attended a meeting with Officer Bull and IHope members. Most of the meeting involved strategies to protect IHope volunteers from the homeless. He stressed that San Clemente cannot become a magnet for homeless with chronic drug, alcohol and mental health problems.

Commissioner Kaupp also expressed concern that no property owners, business owners or residents were present this evening to address this proposal, and endorsed personal notification of the president of the business park association and other stakeholders. He supported the proposed SB 2 boundaries while acknowledging drawbacks due to its distance from where the homeless congregate; he noted nearby access to bus stop important for easy access.

Vice Chair Brown supported the location as it complies with the newly-adopted General Plan goals; agreed enhanced outreach is in order.

Commissioner Ward stressed importance of reaching out to 24-Hour Fitness, other businesses, and a nearby church to ensure they are aware of the proposed SB 2 ordinance. She expressed concern that some chronically homeless will choose not go to this location, or to any shelter, but agreed this will be a suitable area for an emergency shelter for others in need. She noted issues between 24-Hour Fitness and the homeless in general that are well documented on the internet.

Commissioner Crandell commented that although this location satisfies SB 2 requirements, it is important that the City also considers other locations, even those that may require zoning changes to make it work. He established from staff that homeless shelters currently are not allowed in any zone within the City, with or without a CUP.

Chair Darden endorsed enhanced notification of nearby business/property owners; pointed out that this evening they were just considering potential, and did not have an application; asked for additional information on such facilities in other cities, especially with regard to issues such as security and practical considerations.

In response to questions, Deputy Bull described standard procedures when dealing with intoxicated persons. The jail facility will not hold them, and ultimately a deputy must be taken off the street to monitor their behavior until they are sober and can take care of themselves.

The Commissioners agreed that they needed additional information and time to ensure notification of stakeholders. The Commissioners, either individually or in agreement, requested staff provide additional information/guidelines regarding the following issues:

- An appropriate amount of security must be provided on site.
- Alcohol and narcotics possession will be prohibited; research whether drug testing is allowed/necessary.
- Management strategies established with immediate response from deputies when needed.
- Preference given to local San Clemente homeless.
- Establish appropriate shower/toilet ratios.
- Parking provided; no inoperable or non-registered cars allowed.
- Staff should be certified and have a support system; staff and management need ability to transition people, work with organizations to help the homeless, not just volunteers.
- Staff to provide recommendations regarding waiting area, smoking, proximity to other shelters, lighting, and meal service.
- Showers and laundry services must be provided on site.
- Intake and waiting areas should be inside, not just screened from outside.



- Rules established to govern waiting/loitering at the shelter; no loitering around until the shelter opens.
- Research whether other cities have certification of volunteers, and how the volunteers' safety is addressed.
- Establish standards so that potential applicants are aware what is expected.
- Supported the staff report and task force recommendation that the RSCBP be considered as an appropriate location for a shelter housing facility.

IT WAS MOVED BY CHAIR PRO TEM CRANDELL, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO CONTINUE THIS AGENDA ITEM TO THE MARCH 19, 2014, MEETING; DIRECT STAFF TO INVESTIGATE THE ISSUES IDENTIFIED AND COME BACK WITH RECOMMENDATIONS.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

**9. NEW BUSINESS - None**

**10. OLD BUSINESS – None**

**11. REPORTS OF COMMISSIONERS/STAFF**

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of January 22, 2014
- C. Staff Waiver 14-012, 209 Avenida Victoria
- D. Staff Waiver 14-016, 105 W. Paseo De Cristobal
- E. Staff Waiver 14-026, 218 W. Paseo De Cristobal

**12. ADJOURNMENT**


IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER WARD, AND UNANIMOUSLY CARRIED to adjourn at 9:37 p.m. to the Regular Meeting to be held at 7:00 p.m. on February 19, 2014, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

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Julia Darden, Chair

Attest:



Jeff Hook, Principal Planner

DRAFT