

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
October 16, 2013 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

1. CALL TO ORDER

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Crandell led the Pledge of Allegiance.

3. ROLL CALL

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

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Cliff Jones, Associate Planner
Christopher Wright, Associate Planner
Sharon Heider, Beaches, Parks & Recreation Director
Pam Passow, Recreation Manager
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS- None

5. MINUTES

A. Minutes from the Planning Commission Regular Study Session of October 2, 2013

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY CHAIR PRO TEM CRANDELL, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of October 2, 2013, as submitted by staff.

B. Minutes from the Planning Commission Regular Meeting of October 2, 2013

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of October 2, 2013, as submitted by staff.

6. ORAL AND WRITTEN COMMUNICATION

Michael Johnson, resident, addressed a proposal currently being considered to eliminate street parking spaces on Avenida Vaquero. She opposes elimination of any parking spaces along Vaquero because it will make it difficult for family members to find parking when visiting elderly relatives. Residents along Avenida Vaquero already have a shortage of parking due to fire hydrants, and most residents cannot use their driveways to park because they are too short and result in cars hanging over the sidewalk and tickets. She acknowledged that the bike lanes are sometimes blocked due to oversized cars, motor homes, etc., and suggested the City consider ticketing the offenders rather than punishing everyone due to the actions of a few. She requested the City consider the needs of tax-paying drivers over the needs of cyclists when deciding this issue, and suggested that some bicyclists do not follow road rules, making the roads more dangerous for all users.

7. CONSENT CALENDAR - None

8. PUBLIC HEARING

**A. 105 West Avenida Pico and 112 Boca De La Playa – Minor Cultural Heritage Permit 13-281 – Ole Hanson Beach Club Rehabilitation
(Ciampa)**

A request to consider the rehabilitation and exterior modifications to the historic Ole Hanson Beach Club and pools within the Open Space zoning designation and Architectural Overlay (O-A). The project is located at 105 West Avenida Pico and 112 Boca De La Playa, legal description is a portion of Block 5 of Tract 821, Assessor's Parcel Number 057-192-20.

Sharon Heider, Beaches, Parks & Recreation Director, announced staff has recently determined that a glitch occurred in the public noticing for the negative declaration attached to this project, and is recommending a continuance to ensure adequate notification. She invited members of the public to speak to this item if desired, and recommended the Commission continue this agenda item to the regular meeting of November 6, 2013.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO CONTINUE 105 WEST AVENIDA PICO AND 112 BOCA DE LA PLAYA –

MINOR CULTURAL HERITAGE PERMIT 13-281 – OLE HANSON BEACH CLUB REHABILITATION, TO THE REGULAR MEETING OF NOVEMBER 6, 2013.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

B. 615 Avenida Victoria – Minor Cultural Heritage Permit 13-341 – Base of Pier Restroom Renovation (Jones)

A request to consider exterior changes to a public restroom building located at the south side of the base of the historic municipal pier. The property is located within the Pier Bowl Specific Plan within the Beach and Parks – Open Space land use designation at 615 Avenida Victoria. The legal description is Assessor's Parcel Number 058-240-15.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "Base of Pier Restroom, Minor Cultural Heritage Permit 13-341, dated October 16, 2013." Staff recommended approval of the request as conditioned.

In response to questions, Sharon Heider, Beaches, Parks & Recreation Director, indicated areas on the building proposed to be treated with stucco, and noted that if funds allow, the electric equipment shed and/or trash enclosure could also be stuccoed, but are not part of the current scope of work. Staff is proposing the rear of the building be painted white because it is not generally visible to the public and will appear to have the same finish from a short distance away. Additional improvements include removal of storage area that is currently an attractive nuisance as well as revival of existing and planting of new landscaping materials. She agreed to forward the suggestion that any excess construction funds from the original budget and/or extra funds directed to the project from Council shall be used to stucco the rear façade.

During discussion, the Commissioners considered using budgeted funds to stucco the entire building and waiting to construct the decorative murals in the future when additional funds became available, and the majority concurred that it was preferable to put the murals in at this point in the construction as they are more visible than the rear of the building; encouraged staff to consider all five sides of a building when remodeling and plan the budget accordingly.

Director Heider advised the City Council is the final arbitrator of this project, and she will forward their comments for consideration.

Chair Darden opened the public hearing.

Jim Giannin, resident, supported the proposed renovation as some of the City's restrooms are considered the worst in Orange County; suggested

the women's restroom be given special consideration; supported the project architecture; endorsed beginning and completing the project as soon as possible. He suggested the City consider alternative materials, such as a rubber floor that can be hosed down, to eliminate pooling of liquids on the bathroom floors.

Chair Darden closed the public hearing.

Director Heider advised that during budget discussions Council directed staff to renovate one bathroom a year, and this one was selected first as it is the most used and very visible. At its last meeting, Council determined renovation of the City's restrooms was high priority and directed staff to consider fast-tracking the remaining restrooms and issuing Request for Proposals (RFP's) for all restrooms to be done at the same time. Staff is in the process of preparing the RFP and establishing parameters to determine the potential of doing at least two simultaneously.

The two unisex bathrooms being added at the base of the pier restroom will be ADA compliant, conveniently accommodate families and those with caregivers, and can be used by all whenever either the women's or men's restrooms are being cleaned. With regard to the bathroom floors, plans call to finish the concrete with sealant, when they are hosed off or wet from water tracked in, people perceive them as unclean and sometimes water will tend to pool. She noted leveling out the floor or sloping it is not part of the bid package. Soap dispensers have also been added, and privacy doors will be added to the stalls.

Vice Chair Brown suggested staff research topping compound as a potential solution for evening out the floors and recommended additional lighting inside to improve safety, especially at night.

Director Heider noted that energy efficient lighting fixtures will be added to the outside of the building, which are currently on timers rather than motion sensitive in consideration of the adjacent residential neighborhood. She will research whether motion sensitive lighting would be a good option for inside. Priorities for refurbishing all the City's restrooms are 1) ADA compliance, 2) public health, and 3) partitions for privacy. The City is establishing an appropriate look and increasing safety in all its restrooms.

Commissioner Ruehlin commented that the City-proposed project should be held up to the same standards as those submitted by private individuals; suggested revision to some of the conditions that contain indecisive phrases such as "if funds are available" or "should be considered." If standards are not being met, the City, as applicant in this proposal, should be required to come up with the funds to meet the standards just as a private individual would be required to do.

Commissioner Eggleston recounted recent comments from German tourists who were appalled at the state of the City's restrooms; agreed standards for the City should be the same as those imposed on the public; opined that the rear façade and attached structures should also be stuccoed because this is the most visible restroom in the City.

Commissioner Kaupp supported the project and felt the design is excellent; agreed with the consistent application of stucco on all facades and attached structures; commented that the City should set the highest standards for its structures as an example for all to follow; encouraged additional landscaping, especially if additional stuccoing is not possible.

Commissioner Crandell established from staff that the restrooms will be reroofed and that the flat roofs on the accessory structures will not be reroofed as part of this proposal. In addition, he noted it is not necessary to stucco the interior of the electrical building.

Chair Darden commented that the murals are an important part of the renovation, especially as this location is the most visible restroom and heavily used by tourists and residents alike. She requested that staff consider working with the Historical Society for input on the murals, and then forwarding the mural designs to the Design Review Subcommittee for their input as well.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-038, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT 13-341, BASE OF PIER RESTROOM RENOVATION, A REQUEST TO CONSIDER EXTERIOR CHANGES TO A PUBLIC RESTROOM BUILDING LOCATED AT THE SOUTH SIDE OF THE BASE OF THE HISTORICAL MUNICIPAL PIER AT 615 AVENIDA VICTORIA, with the following revisions:

Page 5, condition no. 5, Staff will replace with standard condition for Spanish Colonial Revival building remodels regarding stucco application and mortar packing for the tile roof.

Page 5, no. 6, replace "should" with "shall", replace "considered" with "installed"

Commissioner Eggleston commented it was important for the City Council to know that we need consistency between public and private and what we expect for private buildings we should expect for public buildings.

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

C. 302 N. El Camino Real Suite 106 – Conditional Use Permit 13-296 – Club Pilates (Jones)

A request to consider a fitness studio involving private classes and an accessory physical therapy operation in an existing building located at 302 N. El Camino Real Suite 106, within the Mixed Use zoning district, and within the Architectural and Central Business Overlay Districts (MU3-CB-A). The legal description is Lot 1, Block 3 of Tract 779, and Assessor's Parcel Number 058-072-47.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "Club Pilates, Conditional Use Permit, dated October 16, 2013." Staff recommended approval of the request as conditioned.

In response to questions from the Commissioners, Mr. Jones advised that the applicant proposes 10 minutes in between each class to allow for ingress/egress into the facility; noted the project is not conditioned to require half an hour between each class because lack of available parking is not an issue in this application; advised there is adequate parking for both classes and physical therapy uses proposed by the applicant.

Constance Moysen, applicant, advised her classes will be advantageous to City residents because they are less costly than existing classes offered by other studios; noted ability to serve the needs of novices all the way up to fitness buffs; advised all instructors are well trained and she has a doctorate in physical therapy; noted her studio will have unique service of providing physical therapy that will transition into fitness classes. Although the lower level parking lot closes at 5:00 p.m. the upper level remains open and has plenty of parking available for her clients. She does not anticipate a need for more than 10 minutes between classes as there are no machines to use or warm up/cool down exercises necessary either before or following classes. People generally arrive at the start of class and leave immediately afterward. In response to questions, she noted that all session will be booked on line, and they will know how many to expect for each class. The maximum number of reformers available per class is 10. She anticipates early focus on Pilates classes and then addition of therapy as the facility becomes better established.

Emily Iseminger, applicant, noted there will not be any equipment for participants to use when not in class.

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

In response to concerns regarding parking expressed by the Commissioners, Jim Pechous, City Planner, suggested the Commission recommend staff investigate whether any parking issues come up after

the first six months of the facility's operation. If any issues exist, staff will bring the project back to the Commission for additional review.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. 13-037 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-296, CLUB PILATES, A REQUEST TO ALLOW A FITNESS STUDIO INVOLVING PRIVATE CLASSES AND AN ACCESSORY PHYSICAL THERAPY OPERATION AT 302 NORTH EL CAMINO REAL, SUITE 106, with the following revision:

Page 5, condition no. 9, following "fitness" insert "excluding medical office use"

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

D. Zoning Amendment 13-313, Zoning Ordinance Clean-Up and Streamlining Items (Wright) (continued from 09-18-13)

The City has initiated amendments to the Zoning Ordinance that would clean up items and streamline rules and procedures. The City Council and staff have placed a high priority on customer service, and a primary customer service goal is to create a Zoning Ordinance that is clear, easy to use and streamlines review processes. The amendments are proposed to meet this goal. The clean-up amendments would: 1) correct erroneous text and/or formatting problems, 2) clarify ambiguous language, 3) remove unnecessary and/or obsolete text, and 4) provide new and updated definitions to clarify existing standards. The first streamlining amendment would remove Home Occupation Permits from the Zoning Ordinance because they are unnecessary. Business licenses are already required for home-based businesses. The second streamlining amendment would create a provision that allows the City to withdraw, or recommend for denial, a project that has been deemed incomplete or inactive for longer than 180 days due to applicant delays.

On September 18, 2013, the Commission supported most of the zoning amendments, but had some questions about the elimination of Home Occupation Permits, procedures for the withdrawal of inactive applications, and day care definitions. The Commission continued the item so staff could research and report on: 1) business license procedures and how they compare to Home Occupation Permits, 2) the refunding of surplus deposit account funds for the withdrawal of inactive applications, and 3) State definitions and rules for day care facilities in residential zones. The Commission also directed staff to make sure: 1) the proposed day care definitions are consistent with State law, and that

2) day care facilities are restricted as much as possible in residential zones. Staff presented the findings of their research and the proposed revisions. He noted the staff report has two options regarding small family day care centers in multi-family dwellings for Commission consideration; the more restrictive language would prohibit small family day care centers in multi-family dwellings. Currently, a small family day care is allowed in a multi-family dwelling with a Minor Conditional Use Permit. The second option (alternative text attached to staff report) would not make the code more restrictive. Staff requested the Commission provide input with regard to small family day care centers in multi-family dwellings. Staff recommended the Commission to defer action on the elimination of Home Occupation Permits to allow further research by staff. Overall, staff recommended the Commission vote in support of City Council approval of the remaining amendments as proposed by staff.

In response to questions from the Commissioners, Mr. Wright advised that existing small family day care centers in multi-family dwellings would be allowed to continue as a nonconforming use, but no new applications would be permitted. The Commission also asked about Home Occupation Permits and regulations for home occupations. Mr. Wright stated that home occupations can not occupy more than 20% of a dwelling for the business and required parking spaces in the garage cannot be used for the business. There are other restrictions in place to ensure home occupations are compatible with residential areas. Home occupations are to be conducted indoors with few exceptions for outdoor uses, such as limited private swimming instruction in exterior swimming pools.

Jim Pechous, City Planner, described the difference between a business license and a Home Occupation Permit. Home Occupation Permits are mostly required for small, sole proprietor-type businesses that operate out of a residential home. They are required in addition to a business license. Working in your own home for a company with headquarters elsewhere does not usually trigger the need for a Home Occupation Permit. All home based business activities must follow Zoning Ordinance requirements to ensure certain activities, such as manufacturing, could not be done that negatively impacts a residential neighborhood. He noted Code Enforcement is tasked with enforcing Home Occupation Permits should they receive a complaint or notable issues arise that are reported to City staff.

At the September 18, 2013 Commission meeting, the City Attorney was directed to confirm what the City should do with deposit accounts if an inactive application is withdrawn, there is extra money in an account, and an applicant does not request a refund. Mr. Wright described State requirements that apply to unclaimed funds. It has long been practice for staff to make repeated efforts to contact an applicant to notify them they are eligible for a refund, using various forms of communication and all contact information provided. Sometimes staff can not contact an

applicant or the applicant does not respond. According to State law, the City may close accounts and keep unclaimed funds, if funds are unclaimed for three years and the City posts a notice in a newspaper (once a week for two consecutive weeks) and an applicant fails to request a refund within 45 days. The Commission noted that they appreciated staff's efforts to contact applicants and suggested this practice be continued. Unclaimed money should be kept when other efforts to arrange a refund have not worked.

Commissioner Crandell mentioned language in the State Residential Building Code that seems to be effective at addressing unclaimed funds. He advised staff to take a look at that language. On the subject of home occupations, Commissioner Crandell advised that all OSHA regulations must be met if cabinetry work is being done out of a residential home and suggested the City call the State for help shutting down a non-compliant business.

Chair Darden opened the public hearing.

Gail Burke, resident, related problems she has encountered in attempts to abate a construction-oriented business from operating from a residential home. She understood that staff is recommending the Commission to defer action on Home Occupation Permits for now. When the subject is considered in the future, Ms. Burke suggested a representative from Code Enforcement be present at staff and Commission meetings to make sure all have opportunity for input. She brought copies of regulations from the City of Mission Viejo for the Commissioners to review, and noted the City is losing out on a large amount of money by allowing this operation to continue.

Chair Darden closed the public hearing.

Commissioners thanked Ms. Burke for her persistence, patience, and information from the City of Mission Viejo; requested a study session with information from other cities, potential solutions, options, etc. In addition, they requested staff work with representatives from Code Enforcement and Building Division to ensure all are on the same page.

Mr. Wright advised the Commission that staff will consider Home Occupation Permit in the next phase of the Zoning Ordinance update that will involve a comprehensive process to streamline zoning procedures where it is more appropriate to make decisions at lower levels. Also, staff will consider ideas for consolidating applications to make it easier for the public to understand the review process and minimize the different types of forms to complete for various projects. Throughout the Zoning Ordinance update process, staff will consult with various departments and the public on issues, including building professionals that are familiar with and regularly use the City's Zoning Code.

The Commissioners discussed potential prohibition of small family day care centers in multi-family dwellings, focusing on impacts to multi-family dwellings caused by the day care center, potential need for day care centers in multi-family areas, and safety issues with regard to balconies, stairs etc. The Commission requested staff to provide additional information when they consider day care homes in future phases of the Zoning Ordinance update. The Commission asked for staff to provide information on the number of day care centers currently operating in the Los Mares multi-family area and the number of residents potentially affected by a decision to limit small family day care centers in single family homes. In addition, staff should discuss the existing need for services with Denise Obrero, Housing Coordinator.

Jim Pechous, City Planner, recommended the Commission defer decision on the issue of small family day care centers in multi-family dwellings to a future meeting. Existing regulations can remain in place for the time being, and staff will bring back additional information and potential actions at a future meeting.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-034, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ZONING AMENDMENT 13-313, A REQUEST TO CLEAN UP ZONING ORDINANCE INCONSISTENCIES AND ERRORS AND CREATE A PROVISION FOR THE WITHDRAWAL OF INACTIVE APPLICATIONS, with the following recommendations:

Alternative text for Table 17.32.030, as set forth in Attachment 7, adopted.

Commission recommendation regarding Home Occupation Permits deferred to future meeting.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY CHAIR PRO TEM CRANDELL AND UNANIMOUSLY CARRIED DIRECT STAFF TO RESEARCH AND RETURN WITH REQUESTED AND ADDITIONAL INFORMATION REGARDING SMALL DAY CARE HOMES IN MULTI-FAMILY LOCATIONS.

[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 October 2, 2013
- C. Staff Waiver 13-391, 1802 N. El Camino Real
- D. Staff Waiver 13-395, 234 W. Avenida Palizada
- E. Staff Waiver 13-401, 223 Trafalgar Lane
- F. Staff Waiver 13-402, 315 Avenida Del Mar
- G. Staff Waiver 13-405, 174 Avenida Del Mar
- H. Staff Waiver 13-408, 318 Encino Lane
- I. Staff Waiver 13-409, 503 Monterey Lane

Vice Chair Brown reported that the next Coastal Advisory Committee meeting will be the joint meeting with Council, Commissions, and Committees on October 22, 2013. In addition, he noted the City Council has reviewed 5 chapters of the Draft General Plan, with 7 more to go.

Commissioner Eggleston requested staff add an additional meeting/study session for the Commission to visit the 100 and 200 blocks of Avenida Victoria and Avenida Granada for purposes of reviewing the properties located in the area. He suggested a weekend day might be most convenient for the Commission and suggested an early start time to take advantage of daylight hours.

Chair Darden suggested the additional meeting take place following Council's final action on the General Plan. In addition, she requested the Commissioners contact her with any input or suggestions they may have for the Planning Commission's annual update at the joint meeting.

Commissioner Crandall announced he would not be present at the next regular meeting.


12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to adjourn at 8:10 p.m. to the Joint Council/Commissions/Committees meeting to be held at 7:00 p.m. on October 22, 2013, at Wedgewood at the San Clemente Municipal Golf Course located at 150 E. Avenida Magdalena, San Clemente, CA.

Respectfully submitted,

Julia Darden, Chair

Attest:



Jim Pechous, City Planner

DRAFT