

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
September 4, 2013 @ 7:00 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 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Eggleston led the Pledge of Allegiance.

3. ROLL CALL

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

Commissioners Absent: Michael Kaupp

Staff Present: Jim Pechous, City Planner
Christopher Wright, Associate Planner
Clifford Jones, Associate Planner
Adam Atamian, Assistant Planner
Ajit Thind, Assistant City Attorney
Mary Colletti, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS- None

5. MINUTES

Minutes from the Planning Commission meeting of August 21, 2013.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Adjourned Regular Meeting of August 21, 2013, with the following revisions:

On page 3, 3rd paragraph, replace "COMMISSIONER WARD" with "COMMISSIONER BROWN".

On page 5, after the second paragraph, insert the following paragraph:
"Commissioner Brown agreed with Chair Darden that our neighbors and fellow citizens deserve time to look at the proposed development."

6. ORAL AND WRITTEN COMMUNICATION – None

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

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.

Jim Pechous, City Planner, requested that this item be tabled to a future meeting, date unspecified.

Chair Darden opened the public hearing.

Kathleen Olander, resident, misses the Ole Hanson Beach Club, not just for herself, but for many seniors who attended the Beach Club on a regular basis, one of whom she accompanied was a 90 year-old blind woman who said attending the Beach Club "kept her alive"; her handicaps prevent her from using the new facility. Ms. Olander is dissatisfied with the "Talega" pool (Vista Hermosa Sports Park pool); she said the pool is a long walk from the parking lot, and the handicapped areas are difficult to adapt to, precluding many residents, some who swam at Ole Hanson Beach Club for 30 years, from swimming at Vista Hermosa Sports Park.

Chair Darden assured Kathleen Olander, resident, that this Commission is looking into a restoration proposal for Ole Hanson Beach Club.

Carol Hagedorn, resident, has seen her neighbors unable to use the Vista Hermosa pool because there are no steps leading into the water; only a ladder.

Margo Grube, resident, does not think that the Vista Hermosa pool favors the handicapped; it's too hard to enter the pool, and the walk from the parking lot to the pool, dressing rooms and bathrooms is too far. She'd

like to see the Ole Hanson facility redone with improved senior access, such as handy showers and close-by parking.

Planning Commissioner Ward was concerned and disappointed that the Ole Hanson Beach Club item is being delayed. She said City Council wanted to push this item through, quickly, to the Planning Commission. She is concerned about the quality of life of residents, and asked that the item be moved up from October.

City Planner Pechous said that per state environmental law, as a historical site this item required a 30 day circulation notice for a negative declaration. He added that the programming for the pools is under the Beaches, Parks and Recreation jurisdiction, while the design and building issues are under the Planning Commission. He said that tonight's comments will be passed on to the Beaches, Parks and Recreation Department, and he encouraged the public to express their programming concerns to the Beaches, Parks and Recreation Director and Commission. He added that Sharon Heider, Beaches, Parks and Recreation Director wishes to facilitate the remodel of the Ole Hanson Beach Club, and, he said, staff is going "full throttle" on pushing it forward. Commissioner Brown and Chair Darden, concerned for the residents, also urged them to contact the Beaches, Parks and Recreation Commission, in writing or by attending their meetings.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO TABLE ITEM 8.A, 105 West Avenida Pico and 112 Boca De La Playa – Minor Cultural Heritage Permit 13-281 – Ole Hanson Beach Club Rehabilitation, to a future regular meeting, date uncertain.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

B. Site Plan Permit 13-080 – Alora Architecture and Model Homes
(Wright) (continued from 08-21-13)

A request to consider revised architecture and a model home complex for 36 vacant lots in Tract 16795 "Alora." The properties are located within the Low Density Residential area (TSP-RL) of the Talega Specific Plan. Specifically, the subject properties are located at 11-17 Calle Estilo Nuevo (Lots 23-26), 20-30 and 23-33 Via Lampara (Lots 7-18), 11-22 Calle Loyola (Lots 40-49), and 12-30 Via Paulina (Lots 30-39).

Christopher Wright, Associate Planner, presented a Phasing Plan, the proposed architecture elevations, and summarized the meeting the applicant arranged with the neighborhood on August 29, 2013 to discuss the proposed architecture. Associate Planner Wright said the impression he got from that meeting was that residents are concerned that the proposed architecture is too dissimilar to that of homes on Via Lampara and Calle Estilo Nuevo. In particular, the residents are especially opposed

to the California Ranch elevations. Mr. Wright asked residents at the meeting if they had concerns with Phase 1 and Phase 4 (where there are currently no homes built) and the proposed model home complex on Via Paulina. After asking several times, Mr. Wright said residents did not express any objections to or concerns with Phase 1 and Phase 4 moving forward as proposed. Based on this information, Mr. Wright drafted a revised resolution that he provided to the Commission prior to the public hearing. He recommended the Commission consider approving Phase 1 and Phase 4 with that resolution. He recommended for Phases 2 and 3 to be tabled so the applicant can continue to work with the neighborhood residents and consider design changes.

Rick Puffer, applicant/Project Manager for William Lyon Homes, thanked staff for their presentation and feedback based on comments at the neighborhood meeting. Mr. Puffer stated he provided the Commission with a letter from Talega Associates LLC that states the proposed architecture was reviewed and found to be consistent with design standards outlined within the Talega Specific Plan. Mr. Puffer said the CC&Rs and bylaws state that guest builders are to submit architectural plans to the "declarant" for review and approval. Mr. Puffer stated that Talega Associates LLC is the declarant and that the letter confirms William Lyon Homes has gone through that process. Mr. Puffer noted there was open dialogue at the neighborhood meeting and he heard several concerns. Based on that feedback, Mr. Puffer mentioned William Lyon Homes is open to proposing a fourth elevation for Phase 2 and Phase 3 to respond to the neighborhood's concerns regarding the current plans.

Commissioner Ward asked for clarification on the fourth elevations, mentioning she was not clear how that would work with three model homes.

Mr. Puffer said there are currently three elevations: Mission, Spanish Colonial, and California Ranch. Each of those elevations are spoken of in the Talega Specific Plan. They would introduce a new elevation type, a fourth architectural style, on Calle Estillo Nuevo and Via Lampara to provide additional variation.

Commissioner Ward noticed there was a lack of lighting on the proposed elevation compared to the existing houses in the neighborhood. Commissioner Ward stated the proposed plans have one light where the existing houses have noticeably more lighting.

Rick Puffer, Project Manager for William Lyon Homes responded that there are lights on the garage fronts and above the front entries, but some lights would be within courtyards.

Commissioner Ward said those lights are not shown on the plans.

Mr. Puffer stated they are not on the rendering the Commission has but are on the building plans. Mr. Puffer said the lighting is something he can address.

Commissioner Eggleston asked if the applicant proposes to include turrets and courtyards on the plans for Phase 2 and Phase 3.

Mr. Puffer said it seems to be the prevailing opinion that the plans are missing turrets. He said the intent is to actively work with the neighborhood to create plans. The plans currently included courtyards.

Commissioner Eggleston emphasized that the proposed plans need to be consistent with the architectural quality, finishing, materials, and styles with existing homes. Commissioner Eggleston stated that while the proposed plans may be consistent with the Talega standards, the proposed plans are not consistent with the standards of the street and need to be consistent. He asked if the color of the roofs would be consistent with the existing houses.

Rick Puffer, Project Manager for William Lyon Homes, responded that he is taking the resident's comments into serious consideration, and realized the importance of Commissioner Eggleston's concerns. In regard to the tile roofs, he said that the manufacturer does change shades every few years, but the roofing materials used will be similar in shade, and William Lyon Homes would be sure to use high-priced, quality materials like the existing homes.

Chair Darden opened the public hearing.

Victoria Graves, resident, and Century 21 OMA realtor, was shocked at hearing with the proposed elevation changes for "half of Lampara", and said that the real estate community in general were not aware of the proposed changes going forward. She said this is a concern. Usually, she said, San Clemente Talega home tracts are consistent. She said realtors use comparables and new homes have to stay consistent with the existing homes on a given tract.

Adriana Lovinescu, resident (Alora), had attended an HOA/William Lyon Homes meeting, and looked online for information. She said residents were not given enough information in the staff report to adequately evaluate tonight's proposal. At the neighborhood meeting, there were three color renderings of the plans but no building heights, colors, massing information, or materials were presented. There were no side-by-side comparisons. She noted that the proposed elevations also are not given at tonight's meeting. She believes the proposed homes have little similarity to the existing homes, not just of Alora, but of the rest of Talega. She discussed facade and side yard setbacks, and the highly articulated and distinct designs of existing homes in Alora, which she feels the new proposal does not include. There are a series of one story or one story

and one half building elements, second story offsets, and interior courtyard spaces to break up the building mass from the side yards and from the street. In comparison, the proposed buildings are a block with very little articulation on side and front elevations. She believes the development as proposed tonight will have a negative impact, and she is against proceeding further until more comparisons and information are forthcoming for the entire project. She passed a color booklet of the existing homes in Alora to the Planning Commission to view.

Mario Pschaidt, resident, agrees with resident Lovinescu that the proposed model homes will not blend in with existing homes, and agrees with Commissioner Eggleston, that the architecture and quality of new homes must blend in with existing homes. He would like the project to undergo more review. He is most concerned with Phases 2 and 3 because there are existing houses on those streets, but also has concerns for the overall phases. He said Talega is a tract home community that must maintain a consistent look.

Clifton Sykes (goes by Trey Sykes), resident, is concerned that new homes be uniform with existing homes, so there will not appear to be an "old Alora" and a "new Alora". He wants to point out a few facts. At the last meeting, there were 40% of homes represented. Tonight, over 60% of the homes are represented. He feels the process has been unstructured and flawed for several reasons. The builder mentions they have a letter from Standard Pacific, who apparently has some authority to approve the project by the CC&Rs. Although, the letter does not say the plans are approved, but says the proposed plans are consistent with standards. More importantly, the letter says the CC&Rs state houses cannot be larger than 4,515 square feet, but the proposed houses are larger than that so it isn't clear whether Standard Pacific saw the correct plans. This is the first flaw. The second flaw is that the design review board has not seen the plans and is surprised they haven't. The design review board wants to review it. The third flaw is the plans that were provided with the staff report two weeks ago were incorrect. The plans are different than those that are provided tonight. The fourth flaw is that the neighbors have to get sign off from neighbors and go through a tough process, and William Lyon should have to go through the same process. Lastly, Mr. Sykes says that a new fourth elevation is being discussed, but we have not heard anything about the elimination of the elevations that are currently proposed. Mr. Sykes is concerned that the proposed elevations for new homes in Phases 2 and 3 won't conform to the elevations of existing homes; he is a resident of Phase 2. He is also concerned with the other phases because it isn't clear what incentive the developer will have to make design changes for Phase 2 and Phase 3, if Phase 1 and Phase 4 move forward.

David Hurwitz, resident, reiterated that the Standard Pacific report does not state the plans are approved, and that one of the proposed floor plans is 4,639 square feet, although the Standard Pacific letter states that none

can be over 4,515 square feet. Of major concern was that tonight's proposal had not been put through the Talega community's design review process. He said the Talega design review specifications are 80 pages long, and that this project should go through the entire Talega design review process before returning to the Planning Commission. He added that sufficient noticing to some residents, required when in the Talega design review process, had not been given in this case.

Chair Darden closed the public hearing.

Chair Darden said it appears we do not have a "win-win" situation that the applicant thought was in place.

City Planner Pechous stated that staff always recommends that an applicant proceed through the Homeowners Association (HOA) process prior to submitting their application. However, it is not a legal requirement for the HOA to approve the plans before they go through the City process, given CC&Rs are a private, not a civic issue. The City does not monitor CC&R rules and regulations and whether they are met. It is not the City's role. That said, currently the City requires proof of HOA approval before building permits can be issued. He said the City enforces City rules and findings, not CC&Rs. He is sympathetic with the neighbors' concerns, and quoted some findings required on the Site Plan Permit, that illustrate the need for the project to be compatible with the neighborhood. Based on these findings, the City can require the applicant to work on the plans to make sure they fit the neighborhood, but they cannot require HOA approval of the plans in order for the City to consider the project. He said again we suggest that the applicant go through the HOA, but it is the responsibility of the developer to coordinate with the HOA.

Rick Puffer, applicant/Project Manager for William Lyon Homes stated that he reviewed the CC&Rs with Kathy at Merit, the management company for the HOA. He said that Section 17.4 of the CC&Rs discusses how the declarant must approve plans for a guest builder, which they are, and Talega Associates LLC is the declarant. He noted that they have a letter from them that says the plans are consistent with the Specific Plan. Mr. Puffer said the square footage of 4,630 square feet was a typo, and that no proposed homes are going to be over 4,500 square feet.

Chair Darden asked for discussion on whether this project meets findings for the Site Plan Permit.

Commissioner Ruehlin thinks that sometimes less lighting enhances the natural beauty of a neighborhood. Commissioner Ward likes more lights around the garage for safety, and she favors lighting similar to those in existing homes in said community. Commissioner Eggleston sees a "huge disconnect" between the current community and the development proposed tonight, as evidenced by the residents' comments. Commissioner Crandell favors more subtle transitions in design from

existing homes to new homes (in regard to Phases 2 and 3). Commissioner Brown agrees with the resolution in regard to Phases 1 and 4, but thinks Phases 2 and 3 should go through Talega design review.

Chair Darden and the Planning Commissioners agreed to focus discussion on Phases 1 and 4, and continue discussion for Phases 2 and 3 to a later date, to ensure that Phases 2 and 3 meet all required findings as presented in the resolution. They would like more interplay between the applicant and the Talega design review/HOA, or, per Chair Darden, directly between the applicant and the residents, who clearly showed their disapproval tonight. She would also like Phases 2 and 3 to go before City of San Clemente's Design Review Subcommittee.

Commissioner Eggleston was concerned that certain neighborhoods from Phases 1 and 4 were not represented by residents tonight. Associate Planner Wright discussed noticing, per Chair Darden's question and showed a map detailing that residents within 300 feet of each and every property were notified, including properties beyond the Phase 1 and Phase 4 areas. Commissioner Ruehlin was concerned that all proposed elevations were not represented on the City's website, and Associate Planner Wright said that is common practice not to post proposed architectural plans on the website, due to copyright law (confirmed by Attorney Ajit Thind). He said the website indicates that items such as those elevations are under separate cover, available to the public if they contact the City and come in and view the plans. Associate Planner Wright said he received only one query from the public regarding the proposed plans under separate cover, and he responded, but heard nothing further.

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER BROWN, AND CARRIED (4-2), WITH CHAIR DARDEN AND COMMISSIONER WARD OPPOSED, TO ADOPT RESOLUTION NO. PC-13-031, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, APPROVING SITE PLAN PERMIT 13-080, A REQUEST TO CONSIDER REVISED ARCHITECTURE AND A MODEL HOME COMPLEX FOR 20 VACANT LOTS IN TRACT 16795 "ALORA", LOCATED ON STREETS CALLE LOYOLA AND VIA PAULINA, and made a recommendation that:

Phase 2 and Phase 3 be brought back to the Planning Commission for further review. Additionally, the Planning Commission recommends that staff and the applicant revise plans for Phase 2 and Phase 3 for better design consistency with the existing tracts, recommends that staff work with the applicant and public to get input for the plans to be revised to be more consistent with existing architecture. Also, the Commission directs staff to have the Phase 2 and Phase 3 plans reviewed by the Design Review Subcommittee and to notify Alora residents of that meeting so they can participate in those discussions, prior to the future Planning

Commission hearing for this agenda item. The Commission stressed that the resolution includes a change from 36 vacant lots to 20 vacant lots.

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

C. 987 Avenida Vista Hermosa – Conditional Use Permit 12-334/Site Plan Permit 13-200/Architectural Permit 13-201 – Verizon Wireless at Vista Hermosa Sports Park (Jones) (continued from 08-21-13)

A request to consider allowing the replacement of a field light pole with a cellular field light pole at Avenida Vista Hermosa Sports Park located at 987 Avenida Vista Hermosa within the Public Use zoning district within the Forster Ranch Specific Plan. If approved, the field lighting would be relocated to the cellular pole at the same elevation and orientation as the existing lighting to assure there is no added light pollution. The park site is located at the southwest corner of the intersection of Avenida Vista Hermosa and La Pata and is a portion of Assessor's Parcel Number 124-081-64.

Clifford Jones, Associate Planner, showed an aerial view with the location and a visual simulation of the proposed field light pole, which is made by the same manufacturer as the existing cellular pole, with no added light pollution. He showed photos of the same type of field light poles currently installed at Bonito and San Gorgonio parks, including a photo of the proposed equipment building. Associate Planner Jones, in response to the Commissioners' questions, said that the light will be the same as with the current pole, the new pole will be two feet higher, and there will be more radio frequency coverage with the proposed pole, to capture more of the Talega community. He added that since the proposal meets the City's Wireless Master Plan and Design Guidelines, staff recommends this resolution for approval.

In response to the Commissioners' questions regarding the proposed equipment building, Associate Planner Jones and City Planner Pechous said the site had been carefully chosen by staff as being the least disruptive site as far as installation, view and current and future park uses, and maintenance. Commissioner Brown expressed concern over how other carriers would share the equipment building, his concerns over exhaust, ventilation, and fuel storage problems, and the aesthetic and safety issues that could occur if the area became an "antennae farm". He asked if the number of carriers at that site could be limited. Associate Planner Jones said the Wireless General Plan does not limit number of carriers, but it is City property and additional permitting would of course be required as new carriers applied.

Commissioner Ward recommended that requiring other carriers be able to locate at that site be added to the Conditions of Approval and Associate Planner Jones said that could be added.

Peter Blied (applicant), Verizon Wireless, traced the history of this application, including its revision per his meeting with Beaches, Parks and recreation Commission, and the extensive planning that went into finding an acceptable site. He described the equipment on the proposed field light pole, including a four foot microwave dish. The Commissioners asked for the use of a two foot microwave dish instead, and Peter Blied agreed. In response to the Commissioners' questions about height, he said the proposed height was required so as not to "skip" service over the La Pata corridor which slopes downward. He said that Talega is known for problems with coverage. He added that the current proposal was carefully planned with staff to cause the least disruption, and that other carriers could share the site, but probably not the equipment building due to its size. Commissioner Ruehlin commended Mr. Blied on the coverage maps provided to the Commissioners. Mr. Blied said that Verizon is playing "catch-up", trying to provide coverage in San Clemente; he said it's like "a thumb in a leaky barrel", and they have to keep moving forward, perhaps adding future sites.

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

Commissioner Brown favors it, especially knowing that it met with the approval of Beaches, Parks and Recreation. Commissioner Ruehlin does not like added visual blight, but sees a need, although he's concerned that the equipment building, if expanded, will block the view, and he does not wish the site to become a cellular "field", with no visual interest. Commissioner Crandell said the Design Review Subcommittee had not considered the issue of future expansion of the proposed equipment building. Commissioners Ruehlin and Crandell agreed that it would be beneficial for Beaches, Parks and Recreation to consider how to handle expansion, from an aesthetic viewpoint.

The Commissioners discussed limiting the number of future carriers, and discussed recommending that Verizon and future carriers be re-evaluated every 10 years for aesthetics and improved (more stealth) technology, and they would like to recommend to City Council to add that clause to the leases.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER WARD, AND UNANIMOUSLY CARRIED, TO ADOPT RESOLUTION NO. PC 13-030, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 12-334/SITE PLAN PERMIT 13-200/ARCHITECTURAL PERMIT 13-201, ALLOWING THE REPLACEMENT OF A FIELD LIGHT POLE WITH A CELLULAR FIELD LIGHT POLE AT AVENIDA VISTA HERMOSA SPORTS PARK LOCATED AT 987 AVENIDA VISTA HERMOSA, WITH THE ADDED CONDITION THAT THE MICROWAVE DISH NOT EXCEED TWO FEET IN DIAMETER.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER BROWN, AND CARRIED (5-1), WITH COMMISSIONER CRANDELL OPPOSED, TO APPROVE RECOMMENDING THAT STAFF INVESTIGATE INCLUDING A PROVISION TO THE LEASE TO CAUSE THE APPLICANT TO UPGRADE THE AESTHETICS OF THE INSTALLATION NO LESS THAN EVERY 10 YEARS, IF SUCH IMPROVEMENTS ARE AVAILABLE.

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

D. 110 Avenida La Pata – Conditional Use Permit 13-220/Minor Site Plan Permit 13-221/Minor Architectural Permit 13-222/Discretionary Sign Permit 13-223/Sign Exception Permit 13-224 – 24 Hour Fitness (Atamian)

A request to consider a commercial recreation use, minor site improvements, minor exterior façade improvements, and a Master Sign Program with signs exceeding the maximum allowable sign size. The project is located at 110 Avenida La Pata in the Business Park zoning district of the Rancho San Clemente Specific Plan. The legal description is Lot 4, of Tract 12125, Assessor's Parcel Number 688-141-01.

Adam Atamian, Assistant Planner, showed a PowerPoint presentation entitled "9-4-13 24 Hour Fitness Applicant Presentation.pptx", discussed the lot size, location and structure of the building, the prospective tenants, Dealer Socket and 24 Hour Fitness, and the advantage to employment density, compared to the previous resident, Metagenics. He said the new tenants will provide almost 80 new jobs.

Assistant Planner Atamian discussed landscaping additions and signage. He said the Conditions of Approval will be corrected so as not to require 24 Hour Fitness to stagger classes by a half an hour, as staff has determined there will be no problems with parking availability. He said the proposed signage will be compatible with the area, and he concluded that staff recommends approval of this resolution.

Assistant Planner Atamian answered the Commissioners' questions, responding that Rancho San Clemente Association would maintain the slope, and must approve any changes done to it, in keeping with the City's Landscaping Plan. City Planner Pechous stated that City Planning must be advised of any such plans, and must approve them first. Commissioners Brown and Eggleston were concerned that trees would be removed or pruned without permission, if they obstructed signage. City Planner Pechous responded that if that became the case, Code Enforcement could demand compensation (i.e. replacement with same-height trees).

Craig Hoffman, of Project Dimensions, along with property owner Scott Rooney, and Craig Hardy of 24 Hour Fitness (the applicants) indicated that they concur with the Conditions of Approval stated in the staff report. Craig Hardy, 24 Hour Fitness, discussed the top-of-the line executive club being proposed for the site, including a “kids club” babysitting service with very tight security, a 25 yard indoor pool with stairs and lifts, and a reduced fee for seniors (their “Silver Sneakers” program). He discussed their many amenities including a basketball court and upgraded locker rooms, and workout machines with attached monitors. He’s excited about the new facility, and thanked Assistant Planner Atamian for all of his hard work. In response to Commissioner Brown’s query, Craig Hardy of 24 Hour Fitness said that the larger sign is needed to attract customers.

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

In Commissioner discussion, Commissioner Ruelin thanked staff for providing employment density statistics. He likes the addition of 24 Hour Fitness to the business park although he does not think a sign exception should be made.

Commissioner Crandell favors the sign exception as well as the Site Plan Permit. Chair Darden agreed that since this is a retail business and can’t be compared to other businesses in the park, a sign exception is justified, especially since it is not larger than the current Metagenics sign. Commissioner Brown agrees with Commissioners Darden and Crandell, but his concern is with the landscaping findings. He wants wording to eliminate the possibility of pruning without permission on the site’s slope.

City Planner Pechous suggested adding a Condition of Approval stating that the applicant must get City approval to prune trees to enhance signs (it could be tied to the sign approval).

Commissioner Ward is not in favor of the sign exception, and thinks oversized-signs on both sides of the building are excessive. Commissioner Eggleston supports the Conditional Use, but not the sign exception. Commissioner Ruehlin supports the sign exception for the La Pata-side sign, but not for the sign on the Pico side, and Commissioner Brown agreed with him.

City Planner Pechous suggested removing the Sign Exception Permit from the resolution and voting on the other resolution items.

In further discussion with staff, the Commissioners discovered that the applicant could install a larger sign under the Sign Exception Permit than was issued for the current tenant, Metagenics, if the applicant moved the sign over to the Metagenics’ sign position, and Assistant City Attorney Ajit Thind confirmed that the Sign Exception Permit *does* “run with the land”. City Planner Pechous and Assistant City Attorney Thind agreed that, in

light of the above, the Sign Exception Permit for this item should be continued to the next regular meeting.

Assistant Planner Atamian, after conferring with the applicant, said the applicant was willing to agree to the standard sign size, if this resolution could be approved tonight, and that they would waive their right to change the signage later, but Assistant City Attorney Thind and City Planner Pechous were not comfortable with this, and, per City Planner Pechous, while staff and the Commission favor approving the 24 Hour Fitness use of the building, they want to do it correctly, and bring back the Sign Exception Permit to the Commission, once they have more information.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC-13-032, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-220/MINOR SITE PLAN PERMIT 13-221/MINOR ARCHITECTURAL PERMIT 13-222/DISCRETIONARY SIGN PERMIT 13-223, 24 HOUR FITNESS, TO ALLOW A COMMERCIAL RECREATION USE, MINOR SITE IMPROVEMENTS, AND MINOR EXTERIOR FACADE IMPROVEMENTS, AT 110 AVENIDA LA PATA, AND AMEND ALL ASPECTS OF THE RESOLUTION REFERRING TO THE PROPOSED SIGN EXCEPTION PERMIT 13-224, AS NOTED BY THE CITY PLANNER.

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

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED, TO CONTINUE SIGN EXCEPTION PERMIT 13-224, 24 HOUR FITNESS, TO THE NEXT REGULAR MEETING TO BE HELD ON SEPTEMBER 18, 2013.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

E. 721 Avenida Salvador – Conditional Use Permit 11-547 – Verizon on Salvador (Jones)

A request to consider allowing a faux eucalyptus tree containing cellular antennas on a City reservoir site at 721 Avenida Salvador. The subject property is located in the Rancho San Clemente Specific Plan designated as Private Open Space (OS 2). The legal description is Assessor's Parcel Number 690-502-16.

Clifford Jones, Associate Planner, displayed a PowerPoint presentation including photos of the proposed site with a visual simulation of the faux eucalyptus tree, discussed the equipment enclosure, the required tree height, and showed a sample of the proposed faux eucalyptus. This

installation meets findings, and will provide necessary cellular coverage as a benefit to the community, so staff recommends approval of this resolution.

Commissioner Brown asked for a two foot microwave dish instead of the one proposed. The Planning Commissioners discussed tree species, leaf shapes and color of faux trees, wanting to ensure the proposed eucalyptus will blend in with existing trees on site.

Sonal Thakur, Verizon, applicant, thanked Associate Planner Jones for his hard work and cooperation. She said current coverage is marginal (refer to the coverage map), and this will benefit the community. She said the branch density is 2.7 branches per foot, and this is the same as the faux foliage made by SCI and used at a Laguna Hills site. She thinks a two foot microwave dish would suffice.

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

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED, TO ADOPT RESOLUTION NO. PC 13-033, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 11-547/SITE PLAN PERMIT 13-232, ALLOWING A FAUX EUCALYPTUS TREE CONTAINING CELLULAR ANTENNAS ON A CITY RESERVOIR SITE AT 721 AVENIDA SALVADOR, WITH THE ADDITIONAL CONDITION THAT THE MICROWAVE DISH ANTENNA BE LIMITED TO TWO FEET IN DIAMETER.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER EGGLESTON, AND CARRIED (5-1), WITH COMMISSIONER CRANDELL OPPOSED, TO RECOMMEND THAT STAFF INVESTIGATES INCLUDING A PROVISION IN THE LEASE TO CAUSE THE APPLICANT TO UPGRADE THE AESTHETICS OF THE INSTALLATION NO LESS THAN ONCE EVERY 10 YEARS, IF SUCH IMPROVEMENTS ARE AVAILABLE.

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

F. Zoning Amendment 13-313, Zoning Ordinance Clean-up and Streamlining Items (Wright)

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: 1) 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: 2) 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.

City Planner Pechous recommended continuing this item to the next regular meeting to be held on September 18, 2013.

Chair Darden opened the public hearing.

Alex Maniscalco Esq, an attorney representing Capistrano Shores Mobile Home Park, said the owners are opposed to the language in the Zoning Ordinance in regard to the Open Space zoning code. They have objected in previous communications to the City (see his correspondence dated May 29, 2013 and July 24, 2013). He said owners have been deprived of due process in regard to noticing. They want to see either the OS2 be restored to the S1 prior to 1996 or, that the current OS2 be revised to emulate an R1, in which a permitted mobile home park is not subject to a Conditional Use Permit when development is proposed. They do not wish to be considered a legal nonconforming entity, especially when adequate notice is deprived them. As part of the Open Space Citizen Vote Provision, Mr. Maniscalco's request, above, would restore the status quo, and a vote by the City is not needed, per Mr. Maniscalco.

Chair Darden closed the public hearing.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED, TO CONTINUE 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, CREATE A PROVISION FOR THE WITHDRAWAL OF INACTIVE APPLICATIONS, AND REMOVE REDUNDANT "HOME OCCUPATION PERMITS", TO THE NEXT REGULAR MEETING TO BE HELD ON SEPTEMBER 18, 2013.

[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 August 21, 2013
- C. Staff Waiver 13-315, 1905 S. Ola Vista
- D. Staff Waiver 13-316, 308 Avenida Victoria
- E. Staff Waiver 13-320, 315 Avenida Monterey

Commissioner Ruehlin reported that he had met with the City Mayor in regard to the General Plan website, and that they will meet again to continue discussion.


12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED, to adjourn at 10:48 p.m. to the Study Session to be held at 6:00 p.m. on September 18, 2013, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Julia Darden, Chair

Attest:



Jim Pechous, City Planner

DRAFT