

**MINUTES OF THE REGULAR STUDY SESSION  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
September 4, 2013 at 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

---

**CALL TO ORDER**

Chair Darden called the Regular Study Session of the Planning Commission of the City of San Clemente to order at 6:00 p.m. in City Council Chambers, located at 100 Avenida Presidio, San Clemente, CA 92672.

**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  
Jim Holloway, Community Development Director  
Brent Panas, Code Compliance Supervisor  
Mike Jorgensen, Building Official  
Mary Colletti, Recording Secretary

**AGENDA:**

**Maintenance of Property** (Pechous)

Community Development staff, including representatives from Planning, Building, and Code Enforcement reviewed building maintenance requirements and how the City addresses problems where building maintenance violates municipal code requirements.

Brent Panas, Code Compliance Supervisor, gave examples of the many code violations present in San Clemente neighborhoods, including weeds and trash or vegetation in the public right-of-way and boarded up residences. He showed PowerPoint slides of properties in violation and discussed the 1982 study resulting in the Broken Window Theory, i.e., a clean, well-kept urban environment can discourage vandalism that leads to more serious crime. He cited squatters, vandalism and graffiti as issues that can escalate. He said that City Code Enforcement has three tools to deal with these problems:

1. Nuisance Section of the Health and Safety Code.
2. 1997 Uniform Housing Code
3. Abatement of Dangerous Buildings Code

Code Compliance Supervisor Panas said the Code Enforcement department tries to educate property owners and help them remedy code violations. He added that the chain of actions is this: notify the property owner, give the compliance deadline, give a citation of non-compliance, hold a non-compliance hearing, and, finally, issue a nuisance abatement order. He added that unoccupied buildings must:

- Be kept secured
- Be free of debris and discarded furniture
- Have vegetation and weeds maintained

Jim Holloway, Community Development Director, spoke of unoccupied buildings abandoned for geologic and financial reasons. He said staff tries to track down the owners when there is a code violation, often through the financing source/bank.

Community Development Director Holloway gave a PowerPoint slide show including a case study of an unoccupied San Clemente property with severe dilapidation, and in code violation. He discussed the way blight from abandoned buildings may be prevented by the owner/developer (herein also referred to as "applicant" or "applicants") being more diligent before starting the development permit process with the City, which, can, because of federal, state and local building regulations, be a very tough process. He said that owners can lose revenue during the process, especially if they remove their tenants first. He stressed that if an owner/developer contacted the City in advance of starting their building/home improvement project, they could have the process clearly outlined for them and perhaps incur "\$4,000 instead of \$40,000".

He said that many applicants could benefit by hiring a professional who could help them navigate the City's process of obtaining planning and building permits. He said that the California State Building Code is based on the International Building Code, which is very complex. He added that California has the lowest per capita carbon footprint, due to State regulations such as the State Energy Code, which regulates things like conservation, insulation, cooling and heating. Thus, California building/planning code compliance (not to mention our local requirements which include construction waste plans, water control plans, and other environmental regulations) can make the permit process more difficult, especially for an owner/contractor, or even a contractor.

His advice to applicants is to "look before you leap". He urged the Planning Commissioners to spread the word that developers should contact the City Building and Planning departments before starting a project, and that small improvements (windows, doors, simple additions) can be handled in person over the counter at the Community Development Department. In addition, he strongly suggests applicants hire a professional to help them with the permitting process.

Community Development Director Holloway said that the Community Development Department has ways to spread the word:

1. Business Liaison Program – staff meets with contractors/builders to answer their questions.
2. Customer Liaisons – staff help direct property owners in the permit/development process.
3. Planning Commissioners as Ambassadors - Coining the phrase “\$4,000 versus \$40,000”, Community Development Director Holloway urged this Planning Commission to help mitigate applicants’ loss of revenue.

**COMMISSION COMMENT:**

Staff and the Planning Commissioners discussed how Code Enforcement was a most effective tool, but since it is “complaint driven”, it is hard to “spread the word”. Commissioner Brown suggested that hiring local architects and builders would make the permit process easier for the applicant. Community Development Director Holloway agreed, and said 71% of applicants need only two plan checks if they hire local professionals.

Building Official Mike Jorgensen said that the standardized list of requirements used by City of San Clemente should come as no surprise to seasoned local professionals. He also said that the City charges a fixed fee for plan checks, which includes three reviews, and thereafter, it is based on an hourly rate.

The Planning Commissioners and staff discussed inherent problems. For example, many applicants don’t read all of the conditions of approval of their permit application, and some think that approval by the Zoning Administration or by the Planning Commission is all they need, and they neglect to seek building permits.

The Commissioners suggested that the Liaisons, in addition to walking through their regions to detect “late stage” deterioration of abandoned properties and other code violations, meet with realtors and have them notify them when properties are listed. City Planner Pechous is concerned that there is not enough staff for this. The Planning Commissioners discussed having a “field trip” where they would walk through specific neighborhoods, including Avenida Victoria, which the Commissioners agreed had great potential. Community Development Director Holloway said he would put tonight’s suggestions into the newsletter “Coastal Conversations” which goes to realtors.

Code Compliance Supervisor Panas advised that the best way to avoid situations such as the case study presented tonight is for residents to report code infractions that they see in their neighborhoods. Community Development Director Holloway agreed, and added that we need to educate local businesses and contractors that they need to contact City staff. The Planning Commissioners suggested distributing a Tip Sheet, and there was discussion of levying a fine for lack of upkeep on unoccupied buildings, but Community Development Director Holloway favors constructive measures over punitive

measures. He said his department would work up a tip sheet-type of educational tool with Code Enforcement. Chair Darden and City Planner Pechous agreed to discuss the type of session or field trip most appropriate for the Planning Commission. The Planning Commission also directed staff to prepare a new standard condition of approval to address property maintenance of vacant buildings. City Planner Pechous indicated that he will work with Code Enforcement staff to draft a condition for the Planning Commission's review.

**RECESS** – Recessed until 7:00 p.m.

Respectfully submitted,



Julia Darden, Chair

Attest:



Jim Pechous, City Planner