

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
September 18, 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 Ward 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
Jeff Hook, Principal Planner
Christopher Wright, Associate Planner
Adam Atamian, Assistant Planner
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 September 4, 2013

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY CHAIR PRO TEM CRANDELL, AND CARRIED 6-0-1, WITH COMMISSIONER KAUPP ABSTAINING, to receive and file the minutes of the Regular Study Session of September 4, 2013, as submitted by staff.

B. Minutes from the Planning Commission Regular Meeting of September 4, 2013

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND CARRIED 6-0-1, WITH COMMISSIONER KAUPP ABSTAINING, to receive and file the minutes of the Regular Meeting of September 4, 2013, with the following revision:

Page 12, 4th paragraph, second sentence, replace with the following, "Chair Darden indicated that she had expressed concerns about the Pico facing sign at Design Review Subcommittee (DRSC), which was larger than the Metagenics sign. She felt that the 24-Hour Fitness applicant's request to have a more visible sign – such as Albertson's or Wal-Mart's, was based on the retail nature of its business, which is the not the original intent of the business park. Therefore, she could not support a sign larger than the Metagenics sign, but felt that the Metagenics sign had set precedent for a sign of equal size."

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

7. **CONSENT CALENDAR - None**

8. **PUBLIC HEARING**

A. 110 Avenida La Pata – Sign Exception Permit 13-224 – 24 Hour Fitness (Atamian) (continued from 09-04-13)

A request to consider 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.

Commissioner Kaupp announced that although he was not present at the September 4, 2013 meeting when this item was originally heard, he had subsequently watched the video of the meeting and feels confident to comment on the project.

Adam Atamian, Assistant Planner, narrated a PowerPoint Presentation entitled, "Sign Exception Permit 13-224, 24-Hour Fitness, dated September 18, 2013." Staff recommended approval of the request as conditioned.

Chair Darden established from staff that the applicant has the right to place an equally sized sign to the one previously installed by Metagenics if placed at the same location.

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Craig Hoffman, representing 24-Hour Fitness, thanked staff for their help in crafting the project conditions; advised his client is in agreement with the conditions of approval as proposed; requested approval of the request.

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

Mr. Atamian displayed the existing Target sign in response to an earlier request from Commissioner Ward and discussed concerns raised when that sign was originally approved.

Mr. Hoffman advised that the graphic presented for review this evening is a stock sign superimposed on the project building. He noted the sign depicted indicates more glare than will appear with the actual sign; advised the actual project signage will be subject to the signage approval process before its installation.

Commission Discussion:

Vice Chair Brown supported the signage as proposed by the applicant based on information provided by the City Attorney and staff; supported signage proposed due to the distance between the project and the street.

Commissioner Ruehlin supported the La Pata signage as proposed, commenting that the proposed oversized signage is preferable to monument signage; suggested the Avenida Pico signage be reduced to allowable size as it should be adequate for that location.

Commissioner Kaupp supported the entire signage as proposed, commenting that although the signage is larger than preferred, the building is not over-signed, the signage proposed will not be a detriment to the neighborhood, and it is appropriate for a retail oriented business.

Chair Darden agreed she would prefer smaller sized signs, but prefers the smaller sign in the location suggested by the applicant rather than a larger sign located in the Metagenics signage location.

The Commissioners agreed to add a condition of approval requiring the applicant work with staff to ensure signage lighting is compatible with the surrounding neighborhood.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-035, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SIGN EXCEPTION PERMIT 13-224, 24-HOUR FITNESS, TO ALLOW TWO WALL SIGNS TO EXCEED THE

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MAXIMUM ALLOWABLE SIGN SIZE, AND SUPERSEDING DISCRETIONARY SIGN PERMIT 99-113, LOCATED AT 110 AVENIDA LA PATA, with the following revision:

Staff to add a condition of approval requiring the applicant work with staff to ensure signage lighting is compatible with the surrounding neighborhood.

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

B. Zoning Amendment 13-313, Zoning Ordinance Clean-Up and Streamlining Items (Wright) (continued from 09-04-13)

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 that 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 administratively withdraw, or to recommend for denial, a project that has been deemed incomplete or inactive for longer than 180 days due to applicant delays.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Zoning Amendment 13-313, dated September 18, 2013." Staff recommended approval of the Zoning Amendments as proposed.

Mr. Wright displayed the application form that must be completed to allow a home based business. He explained applicants must provide contact information, initial that they understand and agree to comply with home occupation rules, and provide a description of their business. Mr. Wright explained that at one time the City required two forms to be completed for a home based business: 1) a business license application and 2) Home Occupation Permit application. A prior City Planner decided this was redundant. The business license and Home Occupation Permit applications were merged into one. This is the application Mr. Wright showed to the Commission and he noted that if the proposed zoning amendments are approved, planning staff would still have to approve a business license in order to allow a home based business. The proposed amendments would "memorialize" the existing review process. Mr. Wright

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noted that the ordinance would not remove home occupation requirements but would delete references to Home Occupation Permits and procedures because a business license is already required and provides a process for reviewing home based businesses. Mr. Wright explained that this review process has been adequate for planning to make sure business descriptions are consistent with zoning rules and to document how applicants agree to meet the code.

Commissioners asked several questions to clarify how the proposed amendments would change the Zoning Ordinance and allow staff to enforce zoning requirements for home based businesses. Mr. Wright explained that the proposed amendments would remove Home Occupation Permit procedures in the Zoning Code and staff would use the business license process to review home based businesses. Mr. Wright emphasized that home occupation requirements would be kept in place, such as limits on noise, traffic, employees, etc. Mr. Wright clarified that the intent of the zoning amendments is to make it so the Zoning Code reflects the existing process that has been used to review applications.

Commissioner Brown noted that the proposed ordinance would remove procedures in the Zoning Ordinance and he thought staff should make sure good procedures and enforcement tools are in other parts of the Municipal Code before they are removed from the Zoning Ordinance.

Commissioners asked Mr. Wright if the business license application would stay the same and questioned if planning staff must approve application edits.

Mr. Wright stated that the existing application would be used but minor edits would be made so there is no mention of Home Occupation Permits.

Mr. Pechous explained that the planning staff would be consulted on changes to the form.

Commissioner Eggleston established from Jim Pechous, City Planner, that staff does not follow up with site visits upon issuance of business licenses that meet code. Code Enforcement staff are sent out in response to any complaints that may be lodged against the subject business. The City requires corrective action if the business owner is not performing as required by code.

Jim Pechous, City Planner, agreed to research and bring back information regarding business license procedures as well as data indicating how many complaints are received concerning home based businesses.

Mr. Wright explained that the proposed amendment establishes a process to close inactive applications. Mr. Wright noted that this would improve customer service by allowing staff to focus on applications that are in

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good standing and applicants that are committed to working with staff to get through the review process quickly.

Commissioner Ruehlin asked for clarification on the proposed language that says deposit account funds would be refunded "upon request." Commissioner Ruehlin asked what would happen if an applicant did not request a refund.

Ajit Thind, Assistant City Attorney, agreed to research and report back regarding procedures followed concerning the return of funds on inactive applications.

Commissioner Ward asked several questions regarding the day care definition changes and noted that there appears to be overlap between a small day care home and large day care home. A large care home can have 7 to 14 children and a small day care home can have less than 8 children, which means a day care home with 7 children could be a large day care home and small day care home. Commissioner Ward asked staff to clarify this.

Mr. Wright suggested for this item to be continued so staff can research state law with the Assistant City Attorney. Staff would make any necessary changes to reflect state law and retain City oversight of day cares as much as possible.

Commissioner Eggleston suggested for staff to address vacation rental parking in the Zoning Ordinance update. Commission Darden also suggested for staff to consider parking for residences being used as wedding facilities.

Chair Darden opened the public hearing.

Gail Burke, resident, questioned whether complaints about violations committed by home based businesses were adequately addressed by Code Enforcement personnel. She had to address safety and other concerns in order to be granted a building permit to build a deck at her home. Code Enforcement personnel called her to control the dust generated by her deck project. In contrast, she has called to complain many times about the dust generated by a home based business across the street from her home to no avail. In addition, she questioned whether signage guidelines were being followed when cars/vehicles with multiple signs attached were allowed to be parked on the street.

The Commissioners acknowledged a multipage letter from Ms. Burke detailing many examples of abuse by home based businesses.

Chair Darden closed the public hearing.

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The Commissioners considered approving certain sections of the Zoning Amendment and continuing other sections while awaiting additional information from staff. They concluded it would be preferable to present it for City Council consideration in its entirety and elected to continue the entire Amendment to the October 16, 2013, meeting.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO CONTINUE ZONING AMENDMENT 13-313, ZONING ORDINANCE CLEAN-UP AND STREAMLINING ITEMS TO THE REGULAR PLANNING COMMISSION MEETING OF OCTOBER 16, 2013.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

9. NEW BUSINESS - None

10. OLD BUSINESS

A. Planning Commission Subcommittee Evaluation and Comments on the Web-Based General Plan (Hook)

A status update and possible responses to the Subcommittee's General Plan website recommendations.

Jeff Hook, Principal Planner, narrated a PowerPoint Presentation entitled, "Evaluation and Recommendation for the General Plan Website, prepared by Jim Ruehlin and Julia Darden, City of San Clemente Planning Commission, dated September 18, 2013." He displayed the City's General Plan Website and demonstrated some of the changes made in response to recommendations by the Planning Commission subcommittee. He noted staff is still working on implementing/responding to other recommended changes; stated staff is looking for a consultant to help develop a new, overall City website format; thanked Julia Darden and Jim Ruehlin for their time and assistance in serving on the Subcommittee..

Commissioner Ruehlin explained that many of the suggested revisions became apparent during attempts to find information; advised that the changes when implemented will make the website more user friendly; acknowledged the effort involved in improving traceability; commented that subcommittee's intent is not to redesign the website but to establish goals and assist in accomplishment of the goals. In addition, he volunteered to serve on the Citizen's Group to review responses to the Request for Proposals (RFP's) for the website designer.

Mr. Hook advised that the General Plan Website that is currently on the City's website is a working version only and does not reflect the Planning Commission's final recommended changes. It is not ready to be used as an official reference and will eventually be updated once Council approves

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the General Plan. Eventually, it may need to be reorganized into a different format depending upon the results of the upcoming website consultant's work. Priorities for website completion have yet to be established, and duties and/or responsibilities for staff have yet to be assigned. At this point, the focus is on making the website helpful and easy to use. He is looking forward to learning more about including a Policy Support Matrix. He invited all to attend the City Council meeting next Tuesday beginning at 4:00 p.m. where the Draft General Plan will be discussed. He has requested that all Planning Commissioners receive the staff report for the meeting, and they should receive them within the next few days.

11. REPORTS OF COMMISSIONERS/STAFF

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of September 4, 2013
- C. Staff Waiver 13-159, 217 Avenida Cabrillo
- D. Staff Waiver 13-329, 352 W. Paseo De Cristobal
- E. Staff Waiver 13-336, 135 Avenida Florencia
- F. Staff Waiver 13-337, 422 S. La Esperanza
- G. Staff Waiver 13-340, 662 Camino De Los Mares
- H. Staff Waiver 13-342, 1640 N. El Camino Real
- I. Staff Waiver 13-347, 2621 S. El Camino Real

Vice Chair Brown announced that at the last Coastal Advisory Committee meeting, the Committee discussed the Ocean Fee renewal and heard an update on the Sand Replenishment Project. He informed the Committee that draft versions of the Local Coastal Plan should be coming to them for consideration early next year.

Chair Darden commented that the Peak Democracy presentation had been informative and interesting. She is looking forward to the additional presentation scheduled for a future Study Session.

Jim Pechous, City Planner, agreed to schedule the additional presentation as soon as possible and suggested the Commission consider a follow up session to discuss the services available and potential recommendations for City Council consideration.

12. ADJOURNMENT


IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to adjourn at 9:04 p.m. to Study Session to be held at 6:00 p.m. on October 2, 2013, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

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Respectfully submitted,

Julia Darden, Chair

Attest:



Jim Pechous, City Planner

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10-01-13

These minutes will be considered for approval at the Planning Commission meeting of 10-02-13.

**MINUTES OF THE REGULAR STUDY SESSION
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
September 18, 2013 @ 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 6:02 p.m. in City Council Chambers, located at 100 Avenida Presidio, San Clemente, CA 92672.

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
Eileen White, Recording Secretary

AGENDA

A. Peak Democracy (Brian Judd)

The City of San Clemente is exploring online civic engagement services as the residents are increasingly interested in online interactivity with the City government. This is one in a series of presentations from private consultants regarding tools that can improve public outreach. Brian Judd from the Planning Center and a representative from Peak Democracy will demonstrate some of their outreach tools and how other jurisdictions have put them to use in their communities to enhance public outreach.

Brian Judd, The Planning Center Consultant, introduced Mike Alvarez, from Peak Democracy, a provider of online civic engagement services that are explicitly designed to augment interactivity between the City and residents, as well as diversify the demographics of those providing feedback. He recommended the Commission hear the Peak Democracy presentation via teleconference call and consider the services provided by Peak Democracy when making its recommendation to City Council.

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Mike Alvarez, representing Peak Democracy, reviewed Peak Democracy’s website, including its Mission Statement, testimonials, goals, client list, and client satisfaction ratings; displayed sample questionnaire for gathering public input; described methods used to avoid known pitfalls inherent to information gathering techniques; discussed importance of staff guiding the brainstorming process to limit the spread of misinformation and/or potential support for nonexistent projects; displayed live demonstrations from various cities currently using Peak Democracy services; demonstrated how resident participation is monitored.

In response to questions, Mr. Alvarez noted that data would only be handed over to a third party in the event Peak Democracy was required to by law; advised the City will retain all data gathered in the event a contract with Peak Democracy is terminated; demonstrated how administrators of the site can collect and categorize the data. In addition, he noted that although in some instances information collected by Peak Democracy mirrors the comments made during public testimony on controversial issues, some cities have decided that comments made through online forums are more representative of the broader public. He advised the services can be customized to provide forums to address each City’s unique needs.

Chair Darden thanked Mr. Alvarez for his informative presentation and advised the Commission would be reviewing additional product before making a recommendation to City Council.

Report received and filed.


COMMISSION COMMENT: None

RECESS - Recess until 7:00 p.m.

Respectfully submitted,

 Julia Darden, Chair

Attest:


 Jim Pechous, City Planner

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