

**MINUTES OF THE REGULAR STUDY SESSION
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
November 20, 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 (arr. 6:28 p.m.) and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Cliff Jones, Associate Planner
Brent Panas, Code Compliance Supervisor
Eileen White, Recording Secretary

AGENDA

A. Downtown Report Summer 2013 (Holloway/Jones/Panas)

A report from Community Development Department regarding Downtown activities observed by Planning and Code Enforcement staff during the Summer of 2013. Report includes: 1) Planning Division summary of Parking Counts for the Downtown and potential recommendations for parking management; 2) Code Compliance Division summary of code enforcement and outreach efforts performed in the Downtown; and 3) Code Compliance Division summary of staff "ride along" with Sherriff's Department to evaluate night time activities within the Downtown including methods of evaluating restaurant/bar compliance with conditions of approval.

Code Compliance Division Summary of Code Enforcement/outreach Efforts; Code Compliance Division Summary of Staff Ride-along.

Brent Panas, Code Compliance Supervisor, reviewed photographs of sample code violations by Downtown/T-Zone businesses encountered by staff this past summer season. Violations include inappropriate signage/banners and merchandise displayed outdoors. Staff's approach is to first educate regarding the infraction, secondly issue notice of correction, and then thirdly to issue citations. This process works well to balance enforcement with a business friendly approach, while at the same time using the City's limited resources wisely. In addition, he reviewed violation statistics and described his experiences on a ride-along bar check. For safety reasons, he recommended continuance of current policy where the police report to them when they see infractions during bar checks, with Code Compliance officers doing follow-up check with owners. Staff recommended the Commission hear the report and provide feedback.

In response to questions from the Commissioners, Mr. Panas noted that Code Enforcement workforce consists of one full-time and 2 part time employees; noted new businesses receive a thick packet of information at the time the license is granted, which may or may not include detailed signage information; advised because the City's response is complaint-driven, that certain businesses can feel singled out; noted that officers do not patrol during the week, but try to walk/drive by the area on weekends for spot checks.

Jim Pechous, City Planner, explained that the City's hiring freeze has contributed to the shortage of staff; noted with the strengthening of the economy it may be possible to revise the working schedules. He agreed it may be possible for staff to give presentations at Realtor, Chamber of Commerce, Downtown Business Association, and other community meetings in an effort to be proactive and educate businesses regarding signs and permits.

Commissioner Kaupp agreed it would be beneficial for the Downtown Business Association to reach out to new property owners and/or educate regarding the City's Architectural Overlay, signage, etc., to help alleviate staff's load; commented on the loud talking, screaming, etc coming from Nomad's deck when in use.

Commissioner Ruehlin suggested staff consider producing video, prerecorded PowerPoint, or other information sharing options for business representatives to view on their own time; suggested other types of sessions such as webinars and /or web meetings would also be helpful for raising awareness of rules and regulations.

Commissioner Eggleston commented that staff is spending a lot of its time educating businesses; he suggested the City either needs more code enforcement officers or should not spend as much time issuing warnings

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and/or follow ups; suggested Planning staff review guidelines with business owners and/or tenants to ensure they are aware of the rules; commented on the large amount of nighttime activity in the “Devil’s Triangle” area of the Downtown.

Mr. Papas noted staff has plans to increase awareness, but has recently been working on cleaning up code, considering amendments, and making the City’s website more user friendly and easier to navigate; advised City and State regulations specify enforcement periods; noted one of the biggest issues with bars and restaurants is leaving doors and/or windows open in the summer for ventilation/cooling purposes.

Chair Darden suggested staff schedule a discussion regarding the impacts associated with outdoor dining and grandfathering of conditions for a future Study Session.

Planning Division Summary of Parking Counts for the Downtown

Cliff Jones, Associate Planner, reviewed the results of a parking survey of the Downtown area conducted by City interns. He reviewed the areas surveyed and presented lot-specific recommendations to help the City manage parking in the T-Zone. In addition, he provided a history of parking studies done in past years, summarized significant events that have affected parking in the past, and provided details of the waiver program. Staff recommended the Commission review and provide comment regarding recommendations presented in the report.

Following brief discussion of specific recommendations, Chair Darden suggested staff bring this topic back to the Commission for another session of brainstorming, discussing recommendations, etc. She asked staff to bring back for discussion the new bike parking plans for the Downtown as well.

Commissioner Ruehlin noted all the recommendations for improvement focus on automobile parking. He requested staff bring back information concerning complete streets solutions, such as improved bike maneuvering/parking and improved pedestrian experiences as well, because improving those options will also help parking. In addition, he would like to discuss options for allowing parking waivers for business owners in exchange for improved biking/pedestrian experiences.

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Vice Chair Brown commended Mr. Jones for the excellent report; Mr. Jones commented that the summer interns did an excellent and thorough job on the parking survey. Also having our interns update the parking survey saved the City approximately \$10,000.

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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**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
November 20, 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 7:03 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Eggleston 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
Sean Nicholas, Associate Planner
Amber Gregg, Associate 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 November 6, 2013

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND CARRIED 5-0-2, WITH COMMISSIONER CRANDELL AND COMMISSIONER KAUPP ABSTAINING, to receive and file the minutes of the Regular Meeting of November 6, 2013, with the following revision:

Page 1, remove "Michael Kaupp from "Commissioners Present" and place in "Commissioners Absent"

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B. Minutes from the Planning Commission Regular Meeting of November 6, 2013

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

Page 8, last paragraph, first sentence, replace "doors" with "windows"

Page 9, 2nd paragraph, replace in its entirety with the following, "Commissioner Ruehlin commented that the primary concern when redesigning historic buildings should be preserving the historic experience of the building. Commissioner Ruehlin was in favor of all aspects of the application except for the changes under the arch. He opined that removing the windows and adding a door changes the experience of the building by altering the view and flow through the building. He observed that the changes could be acceptable if the building needed to be altered for adaptive reuse, but there was no evidence that the changes to the arch were required to support its current use. Additionally, if the project is supported by the remainder of the Commission, he requested support for shielding the restored outdoor light fixtures to eliminate light trespass onto other property. With regard to the automatic opener for the French doors in the lobby, he suggested staff may want to consider asking the North Beach Community Association if they would be interested in financially supporting that addition."

Page 10, 3rd paragraph, after the 1st sentence, delete the remainder of the paragraph and replace with the following, "She felt strongly that the City should set the example in preservation of our historic properties. She did feel that the windows and the archway-without the doors and extra side windows- were a character-defining feature. She found the remarks that Larry Culbertson has attributed to the historic architect regarding the importance of that elevation and the detrimental effect of the doors and new windows to be quite powerful. She believes that adding the windows and door undermines the historic integrity of the arch and does not support these additions and wishes that the City would take another approach. However, if the elevation must be altered in order for the project to move forward, she supports eliminating all the historic windows, as maintaining them-along with the new windows and the door-does not really support the historic integrity; it just makes us feel better about removing a character-defining feature and it is a bad architectural solution. She supports storing the windows, but feels it is unlikely that the elevation would ever be returned to its historic state."

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6. **ORAL AND WRITTEN COMMUNICATION - None**
7. **CONSENT CALENDAR - None**
8. **PUBLIC HEARING**

A. 3015 Eminencia Del Norte – Conditional Use Permit 13-399 – Nickel Rough Grading (Gregg)

A request to consider a Conditional Use Permit to rough grade a parcel, not accompanied by development, located at 3015 Eminencia Del Norte. The parcel is located in the Forster Ranch Specific Plan and the properties land use designation is Residential Very Low. The legal description is Lot 7 of Tract 11781 and Assessor's Parcel Number 680-521-03.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, "Nickel Rough Grading, CUP 13-399, dated November 20, 2013;" recommended approval of the request as conditioned.

Dan Nickel, applicant, advised that grading of the lot to the stated elevation is a condition of the settlement reached over lawsuits stemming from the previous grading; requested approval in order to borrow funds to develop the lot; noted a building height restriction will be placed on the lot as a condition of the settlement.

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

During discussion, the Commissioners clarified and suggested revisions to conditions as warranted.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER WARD, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-044, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-399, NICKEL ROUGH GRADING, A REQUEST TO ROUGH GRADE AN AREA NOT ACCOMPANIED WITH DEVELOPMENT LOCATED AT 3015 EMINENCIA DEL NORTE, with the following revisions:

Page 4, (continuation of) Condition no. 3, 1st sentence, replace "building permit" with "grading permit" (two locations)

Page 4, Condition no. 5, 1st sentence, replace "final inspection" with "final grading"

Page 5, Condition no. 13, add to the beginning of the paragraph, "Prior to the issuance of final of the grading permit,"

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

B. 310 E. Avenida Pico – Amendment to Conditional Use Permit 80-11 – U-Haul Left Turn Lane (Nicholas)

A request to consider an amendment to a previously approved Conditional Use Permit which established the U-Haul facility at 310 E. Avenida Pico. The applicant is requesting the removal of a condition of approval prohibiting a median cut for a left turn lane into the facility. The Assessor's Parcel Number is 691-433-02.

Sean Nicholas, Associate Planner, narrated a PowerPoint Presentation entitled, "Amendment to Conditional Use Permit 80-11, Pico U-Haul Left Turn Lane, dated November 20, 2013." Staff is recommending the Commission maintain the prohibition against median cuts and deny the request. He noted if the Commission approves the request, the project will require approval from the California Coastal Commission before it would go into effect.

Chair Darden complimented Mr. Nicholas on the thorough staff report, commenting that inclusion of pertinent General Plan policies facilitated comprehension of the issues and saved time.

Jim Lorimer, representing the applicant, requested the Commission consider amending the current Conditional Use Permit to allow for a left turn lane into the property. The request is in response to clients' needs and concerns, and would improve safety for those returning trucks and other traffic around the facility as a result. Currently those returning trucks have to pass the site and make a u-turn at busy North Beach/El Camino Real intersection. The u-turn is difficult to navigate, which increases danger for other motorists, bicyclists and pedestrians. He has a petition with 2,000 signatures on it in support of the proposal. He is willing to perform a study of the sight distance impacts and noted costs for the median cut would be borne by U-Haul. They are willing to install additional landscaping and/or decorative pavers as well. In response to questions, he noted the main issue with the City is the blocking of a designated scenic corridor; advised they do not provide maps and/or directions for clients; noted most problems came about when Avenida Pico was expanded to two lanes in each direction and the median installed.

Kevin Scofield, Murrieta resident, representing U-Haul, advised business has greatly increased in the last 10 years; noted styles of rental trucks have not changed substantially.

Mr. Nicholas advised that both the City Engineer and Traffic Engineer provided comments regarding this project and indicated potential negative impacts on traffic flow and road safety.

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

During the ensuing discussion, the majority of the Commissioners, either individually or in agreement, supported the staff recommendation and provided the following commentary:

- Supported the staff report recommendation to deny the request based on compliance with General Plan guidelines concerning Scenic Highway and Scenic Corridor protection provisions.
- Suggested the applicant increase safety of clients and others by providing maps and/or instructions on the most efficient and safest ways to navigate surrounding streets as well as ingress/egress of site.
- Expressed reluctance to go against recommendations from City Engineer and Traffic Engineer; suggested denial without prejudice to allow applicant to work with City to potentially develop solution that would resolve issues.
- Suggested potential traffic hazards may develop when trucks try to maneuver into left turn lane or are stacked in left turn lane while waiting to make left turn.
- Supported original prohibition as a means to limit turning points on Avenida Pico and preserve the scenic view corridor.

Vice Chair Brown established from staff that there is a left turn lane at the light at Avenida Vista Hermosa to service the City lot. He recently followed a U-Haul truck being returned by a Marine moving here from Twenty-Nine Palms, and observed difficulties with maneuvering the truck as it made a u-turn at North El Camino Real. He felt that allowing the trucks to make a left turn into the lot would increase safety for all, but commented it may be difficult to obtain California Coastal Commission approval of the request. Because the City has a seemingly safe and fully functioning left turn lane approximately 200 feet away from the proposed left turn lane, he supports the applicant's request.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER EGGLESTON, AND CARRIED 6-1-0, WITH VICE CHAIR BROWN OPPOSED, TO ADOPT RESOLUTION NO. PC 13-045, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, **DENYING** AMENDMENT TO CONDITIONAL USE PERMIT (CUP) 80-11, PICO U-HAUL LEFT TURN LANE, A REQUEST TO CREATE A LEFT TURN LANE IN AND OUT OF THE U-HAUL FACILITY LOCATED AT 310 EAST AVENIDA PICO.

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[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]**C. 101 Avenida Serra – Conditional Use Permit 13-177/Cultural Heritage Permit 13-178 – Nomad’s Surf Lodge (Jones)**

A request to consider a hotel use and exterior changes to the building located at 101 Avenida Serra. The project is located in the Mixed Use zoning district, and in the Architectural Overlay (MU3-A). The legal description is Lot 6 of Block 4, Tract 779, and Assessor’s Parcel Number 058-073-19.

Commissioner Kaupp recused himself from considering this agenda item due to property ownership within 500 feet and left chambers. He did not return to the meeting.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, “Nomad’s Surf Lodge, CUP 13-177/CHP 13-178, dated November 22, 2013.” He noted signage is not part of this application; described proposed building improvements, including those proposed during Design Review Subcommittee review; indicated sample design materials; described how proposed shuttle service would operate; explained that the use meets required parking standards due to grandfathering. Staff recommended approval of the request as conditioned.

Jim Pechous, City Planner, explained that the Zoning Ordinance permits a change of use provided the new use requires the same number or fewer parking spaces as the prior use. He noted any use proposed would have the same parking deficiency as there were no parking requirements at the time the building was constructed. The reason the City zoning code includes grandfather parking provisions is to allow buildings with deficient parking to continue to be occupied. Without such provisions, transfer from an old to new use would be severely curtailed if not eliminated completely because these older buildings have no room to add parking and would have to sit vacant, unless parking could be added. He noted the project is conditioned to require installation of a bike rack/parking area in order to encourage employees to ride bikes, and suggested the applicant provide bikes for guests to use around town. He clarified that there is no amplified music allowed on the outdoor deck of the existing restaurant.

In response to questions, Mr. Jones explained that, to maximize its parking for guests, the applicant proposes management strategies such as sharing of employees between proposed hotel and existing restaurant and proposed shuttle service to eliminate need for guests to rent/bring their own cars. He noted the project is also conditioned to prohibit the use

of wrought iron balconies as drying racks for towels or wetsuits; the applicant intends to establish a drying room for this purpose.

Jeff Gourley, hotel applicant, described the concept for this project. He envisions a surf lodge which would be marketed heavily overseas and attract a captive audience for surfing instruction and enjoyment. Representatives from the lodge will pick visitors up at train station or airport, and provide transportation around town via shuttle or bike rental. In order to reduce need for parking, the two uses on site will share the same management and staff. He noted elimination of a driveway apron will create 2-3 additional parking spaces on the street, and feels the best plan has been created for this site. He noted the building façade would be much improved with the new use, which will in turn help to beautify the street. He will have bike racks and bike rentals available for his employees/guests and noted he prefers to have visitors without cars, as they in turn will patronize his restaurant on site. He envisions a surf resort concept, with instruction at every surfing level, kayak instruction, and guided tours. Maximum capacity of the lodge per Building Code standards is 40 persons but occupancy will likely be much lower than that; they will provide double suites and teen rooms for 4-6 with a coach. He intends to use the Nomad Restaurant parking lot for loading/unloading of supplies and guests, and will not block the nearby alley. In response to questions, he noted that the car alternative plans were developed to try and eliminate the need for car parking spaces; described the "drying room" procedures; pointed out the areas for bike racks/storage; indicated a potential scooter parking area.

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

Commissioner Eggleston related that a friend running a similar operation told him that although he provides shuttle service, 8 out of his 10 guests arrive by car. He established from Ajit Thind, Assistant City Attorney, that in the event this project is approved, and parking issues arise, a hearing would be scheduled, and the CUP could be revoked or amended to resolve issues. In addition, Attorney Thind advised that the Commissioners have the option to condition the project to require review at some point in the future. Commissioner Eggleston endorsed the project concept, but was concerned about intensity of use, especially with the addition of an affordable housing project approved for the adjacent lot. He does not support the project as proposed.

Commissioner Ruehlin commented that many businesses have failed at this location, and the applicant to date has had success with the existing use; noted the use proposed is very much in line with the types of projects discussed in the Draft General Plan; opined that the extra street parking space and façade improvements will help improve the street overall. Although the restaurant portion of the project is not agendaized this

evening for discussion, he expressed concern regarding noise from the restaurant/hotel site until 10:00 p.m. He recommended addition of a condition of approval to require shielding of outdoor lighting fixtures to eliminate light trespass on neighbors.

Mr. Gourley advised that he has voluntarily stopped service to the deck by 10:30pm at night for the good of the neighborhood, noting that whether restaurant guests come from the lodge or surrounding areas, there is a maximum amount of 36 that can be seated. His goal is to create a nice relaxing surf environment, and he has been considerate of his neighbors and tried to reduce any parking or noise impacts caused by his restaurant.

Chair pro tem Crandell supported the proposed project and expressed concern about imposing additional parking restrictions on the project. He does not want to put the applicant in the position of investing money to develop the project, and then be subject to future parking requirements that cannot be met. The applicant is entitled to proceed with the project without providing those spaces by right; future reviews are usually only attached to projects with parking waivers. He noted the lodge will not always be fully occupied, and endorsed outdoor light shielding. He noted that there is a maximum number allowed on the deck, and the applicant is required to stay at that number of individuals, no matter whether they are restaurant patrons or visitors at the lodge.

Vice Chair Brown supported the proposed project; suggested review of parking and noise issues after 12 months.

Commissioner Ward supported the proposed project because it will add pedestrian use to the area. She is concerned about noise impacts to the neighborhood and supported review within a prescribed time period.

Chair Darden supported the project as proposed with addition of required review after a prescribed amount of time; agreed with staff regarding intent of grandfathering with parking rights as development would be unlikely unless grandfathering occurred. She supported the proposed business model and its novel approach to address parking.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY CHAIR PRO TEM CRANDELL, AND CARRIED 5-1-1, WITH COMMISSIONER EGGLESTON OPPOSED AND COMMISSIONER KAUPP ABSTAINING, TO ADOPT RESOLUTION NO. 13-043, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-177/CULTURAL HERITAGE PERMIT 13-178, NOMAD'S SURF LODGE, A REQUEST TO ALLOW A HOTEL USE AND EXTERIOR CHANGES TO THE BUILDING LOCATED AT 101 AVENIDA SERRA, with the following revisions:

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Page 6, eliminate Condition no. 13 in its entirety.

Page 8, add Condition no. 21 as follows: "The owner/operator of the hotel use shall ensure that hotel patrons' personal items are not hung, draped, or stored on the balconies or other outdoor areas on the subject property."

Page 8, add Condition no. 22 as follows: "All outdoor lighting shall be fully shielded and allow no light trespass on adjacent properties."

Page 8, add Condition no. 23 as follows: "12 months after the commencement of the use, if the City Planner determines there are problems regarding the intensity of the hotel's impact on the surrounding neighborhood, the use will be brought back to the Planning Commission for further consideration."

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

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 November 6, 2013
- C. Staff Waiver 13-447, 145 and 147 Avenida Del Mar
- D. Staff Waiver 13-460, 216 W. Esplanade
- E. Staff Waiver 13-461, 219 Avenida Victoria
- F. Staff Waiver 13-463, 234 W. Avenida Palizada
- G. Staff Waiver 13-465, 300 S. El Camino Real
- H. Staff Waiver 13-466, 151 Avenida Del Mar

Vice Chair Brown reported that at their last meeting on November 14, 2013, the Coastal Advisory Committee reviewed design for the base of the Pier restroom remodel; reported that the City has received copies of the California Coastal Commission's comments on the General Plan; noted the Coastal Advisory Committee will be presented with the City's Local Coastal Plan in the next few months. In addition, he announced that the City Council approved the Bike and Pedestrian Master Plan and Climate Action Plan at their last meeting.

Jim Pechous, City Planner announced that Tom Franks, Traffic Engineer will be available at the Commission's next meeting; advised issues brought up regarding the Commission's role as the Traffic Commission will be discussed at a future study session. He advised the Commissioners to review parking issues for discussion at their next study session and encouraged them to contact Cliff Jones, Associate Planner, with suggestions for research of other cities' parking

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guidelines to allow staff time to research and report back. He noted intention to add dark skies condition of approval as standard to projects so the Commission will not have to add it to each project as it is approved.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED to adjourn at 9:05 p.m. to the Study Session to be held at 6:00 p.m. on December 4, 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

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