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**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
December 21, 2011 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

1. CALL TO ORDER

Chair Anderson called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:13 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chair Avera led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Donald Brown, Barton Crandell, Michael Kaupp; Vice Chair Lew Avera, Chair Nesa Anderson

Commissioners Absent: Jim Ruehlin, Chair pro tem Julia Darden

Staff Present: Jim Pechous, City Planner
Jim Holloway, Community Development Director
Christopher Wright, Associate Planner
Zackary Ponsen, Senior Civil Engineer
Jeff Goldfarb, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Joint City Council/Commissions/Committees meeting of November 8, 2011

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY VICE CHAIR AVERA, AND CARRIED 4-0-1, WITH CHAIR ANDERSON ABSTAINING, TO

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RECEIVE AND FILE THE MINUTES OF THE JOINT CITY COUNCIL/COMMISSIONERS/COMMITTEES MEETING OF NOVEMBER 8, 2011, AS PRESENTED.

B. Minutes from the Planning Commission meeting of November 16, 2011

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF NOVEMBER 16, 2011, AS PRESENTED.

C. Minutes from the Regular Planning Commission Study Session of December 7, 2011.

IT WAS MOVED BY VICE CHAIR AVERA SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES OF THE REGULAR PLANNING COMMISSION STUDY SESSION OF DECEMBER 7, 2011, AS PRESENTED.

D. Minutes from the Regular Planning Commission Meeting of November 16, 2011.

IT WAS MOVED BY VICE CHAIR AVERA, SECONDED BY COMMISSIONER BROWN AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING OF DECEMBER 7, 2011, AS PRESENTED.

6. ORAL COMMUNICATIONS - None

7. WRITTEN COMMUNICATIONS - None

8. CONSENT CALENDAR

A. Wayfinding Signage (Holloway)

Review of two sign color options (standard brown or a custom terra cotta) for the Wayfinding program that will make the signs compatible with the *Manual on Uniform Traffic Control Devices* (MUTCD). The Planning Commission recommendation will be forwarded to City Council for final approval.

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Jim Holloway, Community Development Director, reviewed the staff report and displayed sample signage for the Commissioners' consideration. Sign choices for consideration included brown or terra cotta signage, as well as with or without decorative scroll. Staff recommended the Commission review the proposed signage and provide direction to staff.

The Commissioners unanimously preferred the brown background over the terra cotta and agreed with the staff recommendation to eliminate the decorative scrollwork for the reasons stated in the staff report.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO RECOMMEND TO CITY COUNCIL SIGN COLOR OF BROWN BACKGROUND WITH WHITE LETTERS, AND ELIMINATION OF THE DECORATIVE METAL SCROLLWORK.

[CONSENT CALENDAR ACTION]

9. PUBLIC HEARING

A. Zoning Amendment 11-020, Nonconforming Ordinance Update (Wright)

A request for the Planning Commission to forward a recommendation to the City Council on the approval and adoption of a Zoning Code amendment. The Zoning Code amendment would update zoning requirements that affect nonconforming structures and uses. Structures and land uses are "nonconforming" when they do not comply with current zoning requirements.

Christopher Wright, Associate Planner, summarized the staff report. In response to the Commission's direction, he reviewed each of the proposed changes, discussed how the previous regulations were applied (if applicable), and clarified how the new amendment would codify existing behaviors. He recommended the Commission hear the staff report, provide input, and forward a recommendation to City Council.

In response to questions, Associate Planner Wright acknowledged that not all the recommendations made by the Commission at their August 3, 2011 Study Session were incorporated into the amendment, because direction to staff from City Council did not include making changes that would

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significantly vary from prior Council policy. Those recommendations are separately noted in the staff report and will be forwarded to City Council for consideration. In addition, he noted it is not appropriate for the City Building Official to take on the role of property evaluator due to the wide range of features and designs. The City Planner retains final determination, and has the ability to call in a third party if warranted.

Chair Anderson opened the public hearing.

Public Testimony:

The public testimony below is in reference to staff report item no. 7. *Make regulations more flexible for small single-family dwellings.*

Christine Lambert, resident and architect participating in the focus group, supported the amendments as proposed by staff; noted approval of the amendment will allow two of her projects to go forward – one will be allowed to expand extremely small structure to average size, the other will not need to go through the costly CUP application process. She encouraged the Commission to approve the amendment as it will remove regulations that discouraged people from improving their homes.

Mike Mattos, resident, supported the amendment as it will allow him and others to expand structures originally built as vacation homes just enough to allow additional comfort and encourage residents to improve their homes without losing the quaintness of their neighborhoods. His only other option is to tear down his existing home and build a much bigger home on the lot, which is allowable under the current code.

Richard Jansen, resident, supported the proposed amendments to allow those with non-conforming aspects of their homes to add on or improve without drastic measures. He thanked staff for their willingness to take action to help residents in difficult situations.

David York, resident and architect, supported the proposed amendment as it will encourage the public to enhance their homes for comfortable modern living, and result in much less demolition of charming homes.

Chair Anderson closed the public hearing.

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For clarification purposes, the Commissioners suggested the language revisions as set forth below.

Jeff Goldfarb, Assistant City Attorney, agreed to review the ordinance with staff to ensure it is consistent with Planning Commission direction.

Commissioners recommended City Council consider directing staff to consider establishing guidelines for those homes with side entry garages, specifically those with side entry garages that render the homes noncompliant with regard to 18 foot driveway setbacks.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. 11-045, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ZONING AMENDMENT 11-020, AMENDING TITLE 17 OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE RELATING TO NONCONFORMING STRUCTURES AND USES, with the following revisions:

Exhibit A

Page 4, 11th paragraph, item B. shall read as follows: "Nonconforming structures may be repaired according to City and State Codes, policies and guidelines."

Page 5, 3rd paragraph, replace 1. Exceptions, a.i and a.ii with the following:

1. Exceptions

- a. Exceptions for safety or added compatibility. Major alterations are not restricted, if the City Planner finds:
 - i. The alterations further improve the safety of the structure.
 - ii. The alterations further improve the compatibility of the structure with the neighborhood.
 - iii. The alterations further improve the architecture's compatibility with the City's design guidelines.

Page 5, item 2.a. after "removes" insert "the structural frame in"; item 2.b. after "alters" insert "the structural frame in"

Page 5, item no. 3, 2nd sentence shall read as follows: "The following requirements apply when the structural frame is removed or altered in 50 percent or greater of a structure's exterior walls."

Page 7, 3rd paragraph, item G.2., second sentence shall read as follows: "When a nonconforming structure has a roof that does not comply with height requirements, the roof's height shall be reduced to meet requirements, when 50 percent or greater of a roof's structural frame is removed or altered."

Pages 7, 4th paragraph, replace items G.2.a, a.i, and a.ii with the following:

- a. Exceptions for safety or added compatibility. Major alterations are not restricted, if the City Planner finds:
 - i. The alterations further improve the safety of the structure
 - ii. The alterations further improve the compatibility of the structure with the neighborhood.
 - iii. The alterations further improve the architecture's compatibility with the City's design guidelines.

Page 9, item 1.3. after "50" insert "percent"

Page 11, item B.2. 1st sentence, replace "alcohol" with "alcoholic beverages"; 2nd sentence, replace "alcohol" with "alcoholic beverages"; B.2.a. 1st sentence, replace "alcohol" with "alcoholic beverages"; B.2.b. 1st sentence, replace "alcohol" with "alcoholic beverages"; B.2.c. 1st sentence, replace "alcohol" with "alcoholic beverages".

Page 12, 7th paragraph, item D.1., 2nd sentence, replace "does have" with "does not have"

Page 13, 4th paragraph, item A.2. replace "greater of" with "greater than"

Exhibit B

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Page 2, 8th paragraph, item 12. 1st sentence, strike "according to City...guidelines."; last sentence, after "roof tiles" insert "roof sheathing"

Page 3, 1st paragraph, item 15. 1st sentence, strike "roof sheathing"

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

10. NEW BUSINESS - None

11. OLD BUSINESS - None

12. REPORTS OF COMMISSIONERS/STAFF

Included in the Commissioners' packets for their review:

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of December 7, 2011
- C. Staff Waiver 11-530, 1141 Via Callejon A
- D. Staff Waiver 11-532, 316 Avenida Granada A

Commissioner Brown announced that the December Coastal Advisory Committee meeting had been canceled, and noted the January meeting has a full agenda. Two Coastal Advisory Committee recommendations, concerning street sweeping signage increases and the plastic bag ban, were heard at the recent City Council meeting, with Council deciding not to take action until after the strategic planning session in January 2012.

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13. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER BROWN AND UNANIMOUSLY CARRIED TO ADJOURN AT 10:19 P.M. TO THE REGULAR STUDY SESSION TO BE HELD AT 6:00 P.M. ON JANUARY 18, 2012, IN COUNCIL CHAMBERS AT CITY HALL LOCATED AT 100 AVENIDA PRESIDIO, SAN CLEMENTE, CA.

Respectfully submitted,

Nesa Anderson, Chair

Attest:



Jim Pechous, City Planner

DRAFT