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**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
June 6, 2012 @ 6:00 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 6:03 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Kaupp led the Pledge of Allegiance.

3. ROLL CALL

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

Commissioners Absent: Chair pro tem Julia Darden

Staff Present: Jim Pechous, City Planner
Jeff Hook, Principal Planner
Thomas Frank, Transportation Engineering Manager
Amber Gregg, Associate Planner
John Ciampa, Associate Planner
Adam Atamian, Assistant Planner
Zackary Posen, Senior Civil Engineer
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS

A. San Onofre Foundation (SOF) Presentation (Jim Kempton)

SOF Executive Director Mr. Kempton was not present when this agenda item was called up. No presentation was made.

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IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO CONTINUE SAN ONOFRE FOUNDATION (SOF) PRESENTATION TO THE MEETING OF JUNE 20, 2012.

B. Community Development Department Accomplishments 2011 (Pechous)

A report from the City Planner on the Community Development Department 2011 work accomplishments.

Jim Pechous, City Planner, reviewed the staff report, a summary of the work accomplished by the Planning Division of the Community Development Department in 2011. Accomplishments included: improvements in the discretionary review process, a listing of noteworthy projects processed by staff, improvements in staff's day-to-day customer service program, highlights and accomplishments of actions implemented by staff to improve residents' quality of life, work accomplished on long range and special planning projects and Historic Preservation accomplishments. In addition, the City was recognized with several awards as a result of the team work and dedication by employees, decision makers, and citizens.

The Commissioners, either individually or in agreement, provided the following commentary:

- Commended staff for its wonderful relationship with the community and governing bodies.
- Commented on the positive effects of providing a designated liaison to work with the business community.
- Acknowledged staff for its excellent efforts with the General Plan Update, enhancement of community relations, and improved report format.
- Congratulated staff for the well deserved awards.
- Acknowledged the substantial amount of work undertaken and completed in 2011.

5. MINUTES

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A. **Minutes from the Regular Planning Commission Meeting of May 16, 2012.**

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR AVERA, AND CARRIED 6-0, WITH COMMISSIONER DARDEN ABSENT, to receive and file the minutes from the Regular Planning Commission meeting of May 16, 2012, with the following revisions:

Page 5, second paragraph, first sentence, replace "CHAIR PRO TEM DARDEN" with "COMMISSIONER RUEHLIN"; replace "COMMISSIONER BROWN" with "CHAIR PRO TEM DARDEN"

Page 6, add to the last paragraph: "Also include a description of or a link to criteria for what constitutes a 'public view corridor'"

B. **Minutes from the Regular Planning Commission Meeting of May 24, 2012.**

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER CRANDELL, AND CARRIED 5-0, WITH COMMISSIONER KAUPP AND COMMISSIONER DARDEN ABSENT, to receive and file the minutes of the Regular Planning Commission Meeting of May 24, 2012, as presented.

6. **ORAL COMMUNICATIONS - None**

7. **WRITTEN COMMUNICATIONS - None**

8. **CONSENT CALENDAR**

A. **Establishment of Speed Limits** (Frank)

Review and recommend to the City Council to approve the establishments of speed limits based on engineering and traffic surveys for Avenida Pico, Avenida Vista Hermosa, and Avenida Presidio.

B. **No-Parking Zone at Calle Negocio/Calle Trepadora Bus Stop** (Frank)

Consider a request from OCTA to implement a no-parking zone for 60 feet at a bus stop on Calle Negocio/Calle Trepadora.

C. Parking Prohibitions on Camino Mira Costa (Frank)

Consider parking prohibitions on the northwest side of Camino Mira Costa at Vista Azul.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER KAUPP AND UNANIMOUSLY CARRIED TO ADOPT THE CONSENT CALENDAR AS PRESENTED BY STAFF.

[CONSENT CALENDAR ACTION]

9. PUBLIC HEARING

A. 240 La Paloma – (Tentative Parcel Map 2010-116) – La Paloma Condo Conversion (Ciampa)

A request to consider subdivision of a previously approved residential duplex to create two condominiums, located at 240 La Paloma within the Residential Medium (RM) zoning district in the Coastal Zone (CZ), legal description being Lot 2, Block 21 of Tract 793, Assessor's Parcel Number 692-092-09.

John Ciampa, Associate Planner, summarized the staff report and recommended the Commission recommend the City Council approve the request as conditioned.

Planner Ciampa noted that the applicant, who was unable to attend the meeting, agreed to the recommended conditions of approval.

Chair Anderson opened the public hearing.

Beckee Cost, daughter of the owner of the property next door to the subject site, noted the cracks recently discovered on her mom's property might have been caused by heavy equipment on the project site, and requested the opportunity to review the project plans to determine if additional comment is warranted.

Chair Anderson advised Ms. Cost that this project had already been granted approval through the review process and tonight's approval would

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be for a subdivision of the property. She advised Ms. Cost and staff to exchange contact information for further discourse.

Chair Anderson closed the public hearing.

IT WAS MOVED BY VICE CHAIR AVERA, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 12-012, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE TENTATIVE PARCEL MAP 2010-116, LA PALOMA CONDOMINIUMS, A REQUEST TO SUBDIVIDE A RESIDENTIAL DUPLEX INTO TWO CONDOMINIUMS TO ALLOW FOR SEPARATE OWNERSHIP OF RESIDENTIAL UNITS LOCATED AT 240 LA PALOMA.

[SUBJECT TO CITY COUNCIL APPROVAL]

B. 201 Avenida Del Mar – (Conditional Use Permit 12-096) – Shore Live Entertainment (Atamian)

A request to consider live entertainment and dancing use for The Shore restaurant located at 201 Avenida Del Mar in the Mixed Use zoning district, legal description being Lots 1, 2, 3, 33, and 34, Block 17 of Tract 779, Assessor's Parcel Number 058-112-64.

Commissioner Kaupp recused himself from considering this item due to property ownership within 500 feet of the subject site and left the meeting room.

Adam Atamian, Assistant Planner, narrated a PowerPoint Presentation entitled "Conditional Use Permit 12-096, The Shore Live Entertainment, dated June 6, 2012." He suggested revision to Condition no. 30 for clarity, addition of "After 9:00 p.m." to the start of Condition no. 17, and removal of redundant Condition no. 23. Staff recommended approval of the use permit subject to the revised conditions.

In response to Commissioner Crandell's question regarding potential increase in parking requirement due to revised use, Jim Pechous, City Planner, advised that adding dancing and live entertainment to the restaurant does not change its status as a restaurant. He agreed to

research whether additional parking is required and to bring the project back if additional review is warranted.

Ed Silkaitis, applicant, thanked Planner Atamian for his help with the application. He believes that The Shore Restaurant has been a catalyst for the revival of the downtown area, adding jobs to help the local economy, creating tax revenues for the City and helping to keep the downtown area alive and vibrant. He has applied for and received many Special Activity Permits for special events in the past few years, with events run responsibly, without incident, and proven to be popular with patrons. He would like the flexibility to create special events without the need for permits on a case-by-case basis, and intends to explore karaoke nights, parties, light music, comedians, DJ's local talent, etc. At this time he has no plans to offer entertainment on Monday or Tuesday nights, but would like to keep the option available. Regarding his parking, he noted that the maximum number of persons allowed by Fire Department standards will not change, and agreed to a condition stating the same if so desired by the Commission.

Mr. Silkaitis requested that the Commission consider revising Condition no. 16, as 3 security personnel is overly restrictive and additional expense. Two security personnel have been adequate in the past. In addition, he requested removal of "After 9:00 p.m." to the beginning of Condition no. 17, as it would necessitate the removal of persons under 21, including families with children, from dining at the restaurant whenever live entertainment occurred. He suggested "After 10:00 p.m.", as the restaurant stops serving food at that time.

Chair Anderson opened the public hearing.

KC Austin, resident and security personnel at the restaurant, advised that the restaurant is very mellow and low key, with none of the drawbacks, such as fighting, excessive drinking, or problems associated with a bar. In the time he has worked there, there have been no problems with security. He requested the Commission allow those under 21 to sit with their parents and finish eating after 9:00 p.m.

William Crowell, resident and General Manager at the restaurant, requested families and others under 21 years of age be able to dine at the restaurant until 10:00 p.m. They check ID's before liquor service, and keep

it above-board to ensure compliance with ABC regulations. They plan to feature music until midnight up to five nights a week, and want to be good neighbors and continue to offer a safe, fun environment for their patrons.

Tony Bedolla, resident and musician, has worked as a DJ in the restaurant. He finds the restaurant very safe and comfortable. Patrons come in to enjoy good food with light, mellow entertainment. He supported allowing minors to dine until 10:00 p.m.

Nick Terrafranca, Laguna Niguel resident, provides live background music at The Shore with his band. The restaurant features a great atmosphere, good entertainment, high quality food, and a wonderful location. He supported the condition changes as proposed by the applicant.

Ed Kweskin, resident, supported approval of The Shore Restaurant project as proposed by staff, as well as the revisions suggested by the applicant. He felt this type of quality use was consistent with the visioning for Avenida Del Mar and he encouraged the Commissioners to keep supporting the continued evolution of the Downtown area.

Dr. Nick Terrafranca, Laguna Niguel resident, is the band's manager as well as parent to a member. He believes 2 security personnel are sufficient for the type of live entertainment provided, and supported allowing minors to dine until 10:00 p.m. The restaurant attracts young families, college-aged youth, and patrons seeking a restful, comforting environment. The restaurant allows local talent to play, attracts new people to the City, and provides employment and tax revenue dollars.

Chair Anderson closed the public hearing.

During the ensuing discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Agreed the restaurant attracted families and groups seeking a low-key, mellow venue with a safe and comfortable atmosphere and good food.
- Commented that the restaurant has invigorated Avenida Del Mar, complements other venues in the Downtown area, has been consistently courteous to its adjacent neighbors, and has not had security problems at its numerous past events.

- Established from staff that the Sheriff's Department has indicated they are in agreement with allowing minors to remain in the restaurant until 10:00 p.m. when food service ends, and also support only requiring two security personnel at this time.

The Commissioners elected to revise/add conditions to reflect consensus on the following issues:

- Condition no. 16 revised to two (2) security personnel during live entertainment with language added to increase the number of security on site, at the discretion of the police department, if 2 is deemed inadequate.
- Condition no. 17 changed to "After 10:00 p.m." which will allow minors to stay in the restaurant dining area until 10:00 p.m. Additionally, the Commissioners inserted language to allow the applicant, with prior, written approval by the City Planner, to allow minors to stay past the 10:00 p.m. curfew for special events.
- Condition no. 23 struck in its entirety as recommended by staff.
- Condition no. 30 revised as recommended by staff.
- New Condition added by staff to address parking requirements.

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER RUEHLIN, AND CARRIED 5-0-1, WITH COMMISSIONER KAUPP ABSTAINING, TO ADOPT RESOLUTION NO. PC 12-010, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 12-096, THE SHORE LIVE ENTERTAINMENT, A REQUEST FOR LIVE ENTERTAINMENT AND DANCING FOR AN EXISTING RESTAURANT USE LOCATED AT 201 AVENIDA DEL MAR, with the following revisions:

Page 7 Condition no. 16, 1st sentence, replace "three (3)" with "two (2)"; add to the end of the condition, "If it is found that two security guards are not adequate, at the discretion of the Police Department, they may require additional security on site."

Page 7, Condition no. 17, add to the beginning of the 1st sentence, "After 10:00 p.m."; add to the end of the condition, "With prior, written approval of the City Planner, applicant may allow persons under 21 years of age after the hours of 10:00 p.m. for special events."

Page 8, Condition no. 23, delete in its entirety.

Page 8, Condition no. 30, replace with the following: "In the event that noise impacts neighboring properties, the tenant must soundproof the facility, or use other best management practices as determined by the City Planner, to eliminate the problem and comply with the City's noise ordinances."

Page 8, new Condition no. 31 (after renumbering), "Prior to the issuance of a building permit, the project will meet all applicable parking requirements for the use."

[PLANNING COMMISSION DECISION FINAL. SUBJECT TO CITY COUNCIL CALL UP]

Commissioner Kaupp returned to the meeting room.

**C. 1311 Calle Batido – (Conditional Use Permit 12-062) – Saddleback Church
(Gregg)**

A request to consider establishing a church use in an industrial building located at 1311 Calle Batido in the Talega Business Park, legal description being Lots 1 and 2, Tract 13917, Assessor's Parcel Number 701-033-24.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled "Saddleback Church, Conditional Use Permit 12-062, dated June 6, 2012." She suggested adding two conditions of approval to address parking and reclaimed water usage. Staff recommended approval of the request as conditioned.

Commissioner Brown commented that his suggestion that the applicant explore potential for reclaimed water usage was prompted by the church's proposed use estimate of 97,000 gallons per month.

In response to Commissioner Ruehlin's suggestion that alternative methods be considered to satisfy the parking requirement rather than paving on the adjacent vacant property with a park-like setting, Planner Gregg explained that the church anticipates needing a substantial amount of parking during the week for its weekday activities, classes, and services. Parking on site during the week is dedicated to office uses and adjacent

sites are not suitable for off-site parking agreements due to topography changes. In addition, she noted the park-like parcel is zoned for business park uses. Requiring the applicant to retain it as a park could be considered a penalty for making it attractive before its development, or it could be considered a "taking" because it is private property and zoned for development. In addition, if it is not used as parking for this use, it could be developed for another use.

City Planner Pechous advised that the amount of parking proposed is required for this use. Although some cities have creative solutions, such as starting out with minimums and then developing parking as the need arises, the City's codes do not allow that approach.

James Thayer, Laguna Hills resident, architect and Director of Development for the Church, representing the applicant, thanked Planner Gregg for her valuable assistance, and noted agreement with the conditions of approval.

Mr. Thayer noted that due to the high expense of creating this parking, the Church considered many alternatives to establishing parking on the vacant lot, including shared parking agreements, before concluding that paving over the adjacent vacant lot was the only solution. He noted the vacant site is not really used as a park, and that plans call for a large outdoor plaza for church use. In addition, 36 percent of the developed site will be landscaped. In addition, he noted that new lighting fixtures will match existing, are totally shielded for neighboring properties, and will have no light spillage due to the green areas around the property.

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

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 12-012, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 12-062, SADDLEBACK CHURCH, A REQUEST ESTABLISHING A CHURCH USE IN AN INDUSTRIAL BUILDING LOCATED AT 1311 CALLE BATIDO, with the following revisions:

Page 8, add Condition no. 32 as follows: "The applicant shall enter into an off-site parking agreement which shall be recorded with the property after the approval of the Conditional Use Permit, but prior to Certificate of Occupancy, pursuant to Section 17.64.110 of the Zoning Ordinance. [Citation – SCMC Section 17.64.110]"

Page 8, add Condition no. 33 as follows: "The applicant shall work with the Santa Margarita Water District to see if reclaimed water is required or feasible. [Citation – Added by Planning Commission at 6.6.2012 Planning Commission meeting]"

[PLANNING COMMISSION DECISION FINAL. SUBJECT TO CITY COUNCIL CALL UP]

10. NEW BUSINESS - None

11. OLD BUSINESS

A. General Plan Policies (Hook)

Continued review of draft General Plan Natural Resources and Safety Element goals, policies and implementation measures.

Jeff Hook, Principal Planner, displayed the text of draft elements on the overhead projector and requested the Planning Commission provide input while he edited the text as directed by the Commission. He noted that once the Commission completes its preliminary review of the individual draft General Plan elements, a comprehensive Public Hearing draft will return to the Commission for final review and action.

Natural Resources Implementation Measures

Following discussion, the Commissioners suggested revisions as follows:

Page 2, Measure 13: staff to revise to make consistent with NR-2.7 under "Aesthetic Resources" with regard to undergrounding of existing above-ground public utilities whenever possible.

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Page 2: add new Measure 17, staff to include language to include promotion of coordinating with public facility providers to encourage energy conservation.

Under "Dark Skies," Measure 17: strike "as a model for adopting new" and insert "to aid in developing"

Page 2, Measure 19: replace "buildings and parks" with "buildings, parks, and streets"

Page 2, nos. 23 to 29: the Commissioners requested staff clarify the intent of these measures and report back to the Commission.

Geologic, Seismic and Soil Hazards:

Following discussion, the Commissioners suggested revisions as follows:

Page 1, Policy S-1.3: strike in its entirety because it is redundant with California Building Codes.

Page 1: Building and Engineering to review Policies S-1.1 to S-1.9 to ensure in agreement with existing practices and reflect General Plan goals.

Page 2: first line, replace "withstand the design standard for seismic events in the area" with "meet current building codes"

Flooding and Marine Hazards:

Following discussion, the Commissioners suggested revisions as follows:

Page 1, First paragraph, 6th sentence: staff to check with the consultant to clarify intent and meaning of statement.

Page 1, Policy S-2.1: should state as follows: "We retain existing natural, unlined watercourses as the City's primary flood control channels, and whenever feasible, support the restoration of natural earthen channels."

Page 1, Policy S-2.3: Engineering and Building staff to review and clarify, especially with regard to "prohibit development"

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Page 2, under "Additional Links": add "City of San Clemente Climate Action Plan"

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO CONTINUE GENERAL PLAN POLICIES TO THE REGULAR MEETING OF JUNE 20, 2012.

[ACTION PENDING. PLANNING COMMISSION ITEM CONTINUED.]

12. REPORTS OF COMMISSIONERS/STAFF

Included in the Commissioners' packets for their review:

- A. Discuss First Meeting in July (Pechous)
- B. Tentative Future Agenda
- C. Minutes from the Zoning Administrator meeting of May 16, 2012
- D. Staff Waiver 12-173, 613 Calle De Soto

City Planner Pechous announced that this July's first meeting for the Commission falls on the Fourth of July. He advised the Commissioners to cancel the meeting, and noted a make-up meeting would not be necessary.

Commissioner Crandell requested staff provide all elements from the GPAC Committee once they are finished and ready for review in order to give the Commission extra study time before their meetings. Planner Hook agreed to provide the documents as soon as they are available.

Commissioner Brown announced that the next meeting of the Coastal Advisory Committee would occur on June 14, with the Poche Beach Study Results Alternatives on the agenda. In addition, he noted that Mary Vondrak is being promoted to the primary staff liaison for the CAC.

Planner Pechous announced that Planning Commission interviews for returning candidates are Monday beginning at 5:00 p.m. Commissioners Kaupp, Brown, and Ruehlin are up for re-appointment.

Commissioner Brown announced he will miss the June 20, 2012, meeting due to vacation.


13. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to adjourn at 10:11 p.m. to the Regular Study Session to be held at 6:00 p.m. on June 20, 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

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