

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
December 17, 2014 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Vice Chair Brown called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:02 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chair Brown led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Barton Crandell and Michael Smith; Chair pro tem Jim Ruehlin and Vice Chair Donald Brown

Commissioners Absent: Wayne Eggleston and Chair Julia Darden

Staff Present: Jim Pechous, City Planner
Christopher Wright, Associate Planner
Adam Atamian, Associate Planner
Jennifer Rosales, Senior Traffic Engineer
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS

A. Selection of Design Review Subcommittee Alternate

Due to the departure of Kathleen Ward, select one member to serve as the alternate on the Design Review Subcommittee which meets the second and fourth Wednesday of each month at 3:00 p.m. in the Community Development Department, Conference Room A.

Noting the absence of two members at tonight's meeting, the Commission elected to continue this item to their next meeting.

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO

CONTINUE SELECTION OF DESIGN REVIEW SUBCOMMITTEE
ALTERNATE TO THE REGULAR MEETING OF JANUARY 7, 2015.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

5. MINUTES

A. Minutes from the Planning Commission Regular Study Session of December 3, 2014

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of December 3, 2014, as submitted.

B. Minutes from the Planning Commission Regular Meeting of December 3, 2014

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY CHAIR PRO TEM RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of December 3, 2014, as submitted.

6. ORAL AND WRITTEN COMMUNICATION - None

7. CONSENT CALENDAR

A. Parking Prohibition on Avenida De La Estrella (Rosales)

Consider forwarding a recommendation to the City Council to approve a parking prohibition on Avenida De La Estrella.

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED TO APPROVE THE CONSENT CALENDAR AS PRESENTED.

8. PUBLIC HEARING

A. Municipal Code Amendments (Titles 17, 16, 2), Clarification and Streamlining of Processes (Wright)

This is a City-initiated amendment of Municipal Code Title 17 "Zoning" (Zoning Amendment 14-056), Title 16 "Subdivisions", and Title 2 "Administration and Personnel." The code changes would primarily occur in the Zoning Ordinance. The zoning amendments are proposed to complete the second phase of the Zoning Ordinance update — an implementation measure of the Centennial General Plan. The Planning

Commission will consider the code changes and forward a recommendation to the City Council.

Christopher Wright, Associate Planner, summarized the staff report; reviewed changes since the previous Commission meeting (November 5, 2014). Staff recommended that the Commission recommend City Council approval of the Amendment.

Vice Chair Brown opened the public hearing.

Sean Danesh, Coto de Caza resident, owner of City property, detailed expenses and difficulties he has had in his attempts to redevelop a former Mobil Gas Station site, including potential that it has been rezoned and his original proposal may not be allowed. He established from staff that his contact staff person left City employment approximately 5 years ago, and asked how to proceed with the project.

Jim Pechous, City Planner, provided his contact information for follow up. Mr. Pechous noted that it has been several years since his contact staff person has worked for the City and he is not aware of an application or issues on the property.

Vice Chair Brown read a letter from Commissioner Eggleston into the record. Commissioner Eggleston urged the Commission to proceed with caution while considering changes to streamlining the permit process, specifically with regard to 1) maintaining the public participation process for minor repair and preservation of historic structures, 2) only allowing parking waivers if existing public parking is unaffected, and 3) ensuring that business owners are well informed as to the regulations concerning "one item only" display without permit and banner regulations. Additionally he requested City Council and Planning Commission be informed prior to staff issuing a Special Activity Permit. A full copy of Commissioner Eggleston's letter can be obtained at the Planning Division.

Vice Chair Brown closed the public hearing.

Vice Chair Brown stated for the record that although he was absent from the November 5, 2014, meeting where this item was previously heard, he reviewed the meeting on video to ensure he is up to speed on the issues at hand. Additionally, he announced that the Commission had already discussed this item at 3 study sessions and 1 formal meeting before tonight's meeting.

Addressing Commissioner Eggleston's letter, Associate Planner Wright provided examples of some of the types of minor repairs and preservation issues that staff would be able to waive review on; advised staff is intending to provide information on waivers granted by staff in the Commission's packets as well as on the City's website; described the

process the public would follow to appeal a decision; noted no changes to the fee schedule for the public to appeal decisions (the fee is \$500.00). He advised there are no plans to change parking space waiver policies; noted that the requirement for temporary permits for one display item is not a priority for code enforcement; advised staff can scan Special Activity Permits as they are issued so they can be accessed via the City's website. In response to a suggestion from Chair pro tem Ruehlin, Mr. Wright stated that documents are printed as PDF's as much as possible to make them searchable, selectable and allow highlighting for a higher level of customer service whenever possible.

City Planner Pechous noted the types of waivers staff is proposing to be allowed at the staff level are extremely minor. City staff endeavors to help guide residents through restoration and historic preservation techniques, and the public should be rewarded for their efforts to restore historic homes with reduced fees when very minor changes are proposed. He noted staff currently notifies the Historic Society when they are considering waivers for historic structures. He agreed to inform the Commissioners as well when waivers, for minor repairs and preservation measures, are approved for historic structures.

Associate Planner Wright advised the Commission that they will have an ongoing opportunity to provide feedback on the reporting of staff waiver decisions and on the merit of decisions themselves. For example, steps can be taken to allow the Commission to pull a waiver from the Consent Calendar to ask questions and comment. The Council will be able to review the Commission's comments via video or through the meeting minutes. With regard to the \$500 fee for the public to appeal decisions, the public often will contact a Council Member when they have concerns and want a decision appealed. The public would encourage the Council to call up the item. There is no fee attached to that process.

Vice Chair Brown pointed out that staff has suggested streamlining for condo conversions for smaller projects. Although the Commission has not discussed this change during previous meetings, all concurred that it would be appropriate.

Associate Planner Wright suggested the Commission consider allowing staff to work with the City Attorney's office to fine tune the document to ensure it is legally defensible, correct minor typos, and provide minor technical changes where necessary. In response to Chair pro tem Ruehlin's concerns regarding potential crimes stemming from unsecured wireless connections, Associate Planner Wright advised this not may be a land use issue, and suggested the topic be addressed in the future following more research.

In response to a comment from Chair pro tem Ruehlin that the General Plan specifically addresses parking counts taken during off peak times to

ensure maintaining village character and not creating excess capacity during off peak times of the year, City Planner Pechous noted that staff takes many things into account when analyzing parking, including looking at average and seasonal use. Associate Planner Wright noted that a shared parking request can not be approved unless it's found to be consistent with the General Plan.

Staff and the Commission reviewed the document and suggested clarifications/changes as noted below.

Commission Comment:

Commissioner Smith commended staff for all the hard work that went into improving the streamlining process, especially as the City has been known for difficulties getting permits. To ensure no negative impacts occur, he suggested re-review of the procedural changes in a year's time to ensure it is successful. Any weaknesses or inconsistencies can be addressed at that time.

Commissioner Ruehlin supported the proposed changes, as well as having a Study Session in a year's time to consider if improvements can be made to the process.

Commissioner Crandell was confident in the changes proposed because he is confident in City staff. He also supported review in a year's time.

Vice Chair Brown commended staff for their diligent and highly detailed work on the proposed Amendment. He requested that the one year follow-up review be televised so it can be easily seen by the public and City Council.

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION PC 14-051, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ZONING AMENDMENT 14-056 TO CLARIFY THE APPLICATION REVIEW PROCESS, WHILE MAINTAINING OR ENHANCING QUALITY OF LIFE; AND MAKE WIRELESS ANTENNA PROCEDURES CONSISTENT WITH FEDERAL LAW, with the following revisions to Attachment 2, Exhibit A:

Page 5, 1st paragraph, 3rd sentence, after "(when projects are located in a Specific Plan area), Zoning Ordinance", insert "and, Coastal Land Use Plan."

Page 7, delete item A.1.c and following paragraph in their entirety.

Pages 16, 24, 28, 31, 36, 48, 53, 58, 60, 62, 66, 71, & 74 (and wherever else this typographical error appears throughout the document) replace "17.16.175" with "17.12.175"

Page 24, 1st and 2nd paragraphs (Subsections G and H), delete ", of this title"

Page 24, 3rd paragraph, 3rd sentence (Subsection I), replace "may be revoked" with "may also be revoked"

Page 46, last paragraph, add to the end of the 3rd sentence (Subsection E.2.c), "or if a project involves a 50% or greater expansion of a single family dwelling with less than 1,400 square feet of floor area."

Page 50, add to the end of the second paragraph, (B. Authority) as follows: "The City Planner has the discretion to refer applications to the Zoning Administrator for review and final action."

Page 78, last paragraph, (D.3.), delete in its entirety.

Page 79, exhibit, "Maximum Fence Height" (Figure 17.24.090), delete in its entirety.

Page 84, 3rd paragraph, 4th sentence (Subsection 3.b), strike "that are four inches...inches square"

Page 85, 1st paragraph, (ii) strike, "in the interior...six inches" and replace it with "to eight feet, six inches, not located within the front yard setback, street side yard setback, and rear yard setback (for through lots)."

Page 85, 2nd paragraph, (iii), delete in its entirety.

Page 86, last paragraph, (D.4.) delete in its entirety. On Page 87, there is similar text for Subsection D.4. to remain.

Page 111, last paragraph, 2nd sentence (Definition "Finished Grade"), delete "a maximum...City Engineer" (Staff will clarify how planters are addressed.)

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 14-052, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AMENDMENTS TO MUNICIPAL CODE TITLE 2 AND TITLE 16 TO CLARIFY THE APPLICATION REVIEW PROCESS AND ALLOW THE ZONING

ADMINISTRATOR APPROVE TENTATIVE TRACT MAPS FOR CONDOMINIUMS AND CONDOMINIUM CONVERSIONS.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY CHAIR PRO TEM RUEHLIN, AND UNANIMOUSLY CARRIED TO RECOMMEND STAFF WORK WITH THE CITY ATTORNEY'S OFFICE ON ANY MINOR EDITS OR REVISIONS PRIOR TO CITY COUNCIL REVIEW OF THE PROPOSED AMENDMENTS."

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

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED TO RECOMMEND THE CITY PLANNER PROVIDE A REPORT AND ANALYSIS ON STREAMLINING AND HOW IT IS WORKING FOR PLANNING COMMISSION REVIEW FOLLOWING THE FIRST YEAR.

[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 December 3, 2014

Vice Chair Brown reported that at their last meeting, the Coastal Advisory Committee voted to request the City Manager authorize staff time to agendize for City Council consideration potential expansion of the Street Sweeping Program in order to minimize runoff into the ocean; noted the Committee expects to receive a report on the Local Coastal Plan at their January 2015 meeting.


12. **ADJOURNMENT**

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED to adjourn at 9:11 p.m. to the Study Session to be held at 6:00 p.m. on January 7, 2015, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Donald Brown, Vice Chair

Attest:



Jim Pechous, City Planner

DRAFT