

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
April 22, 2015 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Darden 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: Vonne Barnes, Barton Crandell, Wayne Eggleston, and Michael Smith; Chair pro tem Jim Ruehlin, Vice Chair Donald Brown, and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Adam Atamian, Associate Planner
Christopher Wright, Associate Planner
Jim Hare, Consultant Planner
Brent Panas, Code Compliance Supervisor
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Planning Commission Regular Study Session of April 8, 2015

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER BARNES, AND CARRIED 6-0-1, WITH CHAIR

DARDEN ABSTAINING, to approve the minutes of the regular study session of April 8, 2015, as submitted.

B. Minutes from the Planning Commission Regular Meeting of April 8, 2015

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND CARRIED 6-0-1, WITH CHAIR DARDEN ABSTAINING, to approve the minutes of the regular meeting of April 8, 2015, with the following revision:

Page 5, second bullet, replace with the following: "Most of the structures in the area provide covered on-site parking, and some include guest parking."

6. ORAL AND WRITTEN COMMUNICATION - None

7. CONSENT CALENDAR

8. PUBLIC HEARING

A. 204 West Paseo De Cristobal – Cultural Heritage Permit 14-496 – Petri Residence (Ciampa)

Public Hearing to consider a request for an addition to a legal nonconforming house that is adjacent to a historic house. The project site is located at 204 West Paseo De Cristobal in the Residential Low (RL) zoning district. The legal description is Lot 2, Block 13, Tract 822, Assessor's Parcel Number 692-242-12.

John Ciampa, Associate Planner, recommended the Commission table this agenda item in response to a request from the applicant for additional time to submit a revised project.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER EGGLESTON AND UNANIMOUSLY CARRIED TO TABLE 204 WEST PASEO DE CRISTOBAL – CULTURAL HERITAGE PERMIT 14-496 – PETRI RESIDENCE.

[AGENDA ITEM TABLED.]

B. 1010 South El Camino Real – Zoning Amendment 14-364/Site Plan Permit 14-365/Conditional Use Permit 14-366/Cultural Heritage Permit 14-367 – Santiago Mixed-Use (Atamian)

Public Hearing to consider forwarding a recommendation to the City Council a request to amend the Zoning Ordinance and Zoning Map to

designate portions of the Neighborhood Commercial (NC 2) zone along South El Camino Real to a new Mixed Use (MU 3.2) zone, and a request for a mixed use development consisting of seven residential units and 4,416 square feet of commercial space located at 1010 South El Camino Real. The legal description is Lots 3, 4, and 5, of Block 5, of Tract 822, Assessor's Parcel Number 692-152-23.

Adam Atamian, Associate Planner, recommended the Commission continue this item in order to ensure compliance with the Zoning Ordinance with regard to the staking of story poles.

Chair Darden opened the public hearing.

Zachary Gilman, resident, voiced concerns about parking, the impact of the project's height on views of the hillside to the east, and potential environmental concerns regarding development on the site of an old gas station.

Jennifer Massey, resident, requested staff ensure the project for the subject site is designed in compliance with all applicable standards and requirements.

Mike Lawrence, resident, voiced concern regarding increased traffic and decreased parking in the area as a result of development on this property.

Brett Hillyard, resident, expressed concern that a potential massive building on this site would block light and wind to adjacent properties; expressed concern regarding traffic and parking impacts.

Chair Darden suggested the residents discuss their concerns with Associate Planner Atamian.

There being no one else desiring to comment on this item, Chair Darden closed the public hearing.

IT WAS MOVED BY COMMISSIONER BARNES, SECONDED BY COMMISSIONER SMITH AND UNANIMOUSLY CARRIED TO CONTINUE 1010 SOUTH EL CAMINO REAL – ZONING AMENDMENT 14-364/SITE PLAN PERMIT 14-365/CONDITIONAL USE PERMIT 14-366/CULTURAL HERITAGE PERMIT 14-367 – SANTIAGO MIXED-USE TO THE REGULAR MEETING OF MAY 6, 2015.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

- C. Zoning Amendment 14-456 and General Plan Amendment 15-049
(Wright/Hare)

Public Hearing to introduce City-initiated amendments to the Centennial General Plan and Zoning Ordinance. The Planning Commission reviewed preliminary draft amendments, received public testimony, provided discussion and direction to staff, and continued the public hearing to a date certain.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "General Plan and Zoning Amendments, dated April 22, 2015." Planner Wright summarized the proposed General Plan Amendments and responded to Commission inquiries.

Jim Hare, Consultant Planner, reviewed proposed amendments to make the Zoning Ordinance consistent with the Centennial General Plan and responded to questions.

The Commissioners took straw votes on portions of the land use and development standard amendments to reflect abstentions and opposing viewpoints. The staff report for the General Plan Amendment (Attachment 4, Exhibit A) and staff report for the Zoning Amendment (Attachment 2, Exhibit A) both contain numbered lists that identify and describe various land use issues. These issues were presented and voted on in three parts as follow (the reference numbers and a brief description are provided below):

Part 1

Part 1 of the discussion includes land use issues in which the full Commission could participate and vote on items.

General Plan Issue	Description	Motion
1	Change land use designation from Neighborhood Commercial (NC1.2, NC1.3) to Privately Owned Open Space (OS2).	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
2	Rename the Light Industrial land use designations from LI-2 to LI. No change to allowable uses or standards.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
3	Change the land use designation to Light Industrial (LI).	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.

4	Change the land use designation to Privately Open Space to reflect existing uses. The property is common area open space in a residential tract such as landscaped medians, pocket parks, hillside buffers, etc. Similar land use changes were made in the 2014 General Plan update to reflect existing uses, but some remnant parcels were missed. The proposed changes update the land use map further to include missed parcels.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
5	Change the land use designation to Privately Open Space to reflect existing uses.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
6	Change the land use designation to Privately Open Space to reflect existing uses.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
7	Change the land use designation to Privately Open Space to reflect existing uses.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
8	Update the land use map to reflect a 2012 General Plan Amendment (GPA12-184) that changed the land use designation from Private Open Space (OS2) to Residential Low Density (RL).	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
9	Change land use designation to Neighborhood Commercial (NC1.3). This reverses an unintended land use change in the 2014 General Plan update.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
10	Change land use designation to Neighborhood Commercial (NC1.2). This reverses an unintended land use change in the 2014 General Plan update.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.

11	Change the land use designation to Privately Open Space to reflect existing uses. The property is common area open space (landscaped median) in a residential tract or is an open space easement.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
12	Restore a Private Open Space land use designation or adjusts the boundary line for accuracy. This reverses an unintended land use change in the 2014 General Plan update.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
13	Restore the CC2 Floor Area Ratio (FAR) standard to a maximum of .50. This reverses an unintended land use change in the 2014 General Plan update.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
14	Make changes in row 13, above, and updates the maximum FAR standard for the Medical Office Overlay to be a maximum of 1.0 north of Camino Mira Costa.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
15	Add Affordable Housing Overlay that was omitted from the map by mistake.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
16	Update the Regional Commercial (RC) Floor Area Ratio standard to reflect Plaza San Clemente (in Marblehead Coastal Specific Plan). Also, the change is proposed to reflect a land use change in the 2014 General Plan update, which changed the hospital site (Camino De Los Mares) from Regional Commercial (RC2) to Community Commercial 2 (CC2).	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
17	Change map to show a street to reflect existing use as Right-of-Way. The short street is in the Marblehead Coastal Specific Plan.	Moved by Vice Chair Brown, seconded by Commissioner Eggleston and unanimously carried to approve.

18	Proposed changes: 1) aligns land use designations with lot lines which changes a small Light Industrial area into Mixed Use 3.1 (MU3.1), 2) clarifies standards for the Mixed Use Overlay by adding them to the land use table, 3) renames and consolidates Light Industrial designations from Li-1 and Li-2 to LI, 3) increases the maximum Floor Area Ratio (FAR) of the underlying Light Industrial designation from .35 to .50 (consistent with existing uses) and increases the maximum FAR of the Mixed Use Overlay from 1.0 to 2.0.	Moved by Vice Chair Brown, seconded by Commissioner Eggleston and unanimously carried to approve.
19	Same as above except the land use boundary is aligned to follow lot lines so a small portion of the lot is changed from Mixed Use 3.1 (MU3.1) to Light Industrial (LI).	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
20	Same as above but no adjustment in land use boundaries.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
21	Restore the land use designation from Mixed Use 3.1 (MU3.1) designation by reversing the unintended change to MU2 in the 2014 General Plan update.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
23	Change land use designation from Mixed Use 1 (MU1) to Residential Medium Density (RM).	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
24	Change land use designation from Mixed Use 1 (MU1) to Neighborhood Commercial (NC2).	Moved by Vice Chair Brown, seconded by Commissioner Eggleston and unanimously carried to approve.
25	Restore the land use designation to Residential Low Density (RL) to reflect existing uses and the character of a residential neighborhood.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.

26	Add Affordable Housing Overlay (-AH) that was not included on the map by mistake.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.
28	Change the land use designation from Mixed Use 4 (MU4) to Residential High Density (RH).	Moved by Vice Chair Brown, seconded by Commissioner Eggleston and unanimously carried to approve.
30	Restore Community Commercial (CC3) designation and standards that were unintentionally excluded from the 2014 General Plan update by mistake.	Moved by Vice Chair Brown, seconded by Chair pro tem Ruehlin, unanimously carried to approve.

Zoning Issue	Description	Motion
1	Zone change from Regional Commercial (RC2) to Community Commercial 2 (CC2). Update CC2 zoning standards and allowed uses to reflect the General Plan and the current RC2 zoning standards.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
2	Update standards to reflect the proposed General Plan Amendments.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
3	Add Medical Office Overlay (-MO).	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
4	Renames the zone from Neighborhood Commercial (NC2) to Neighborhood Commercial 1.2 (NC1.2). No change in standards.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
5	Renames the zone from Neighborhood Commercial (NC1) to Neighborhood Commercial 1.1 (NC1.1). No change in standards.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.

6	Zone change from Regional Commercial (RC1) to Community Commercial 2 (CC2). Update standards to reflect the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
9	Zone change from Commercial (C-2) and Manufacturing (M-2) to Light Industrial (LI) and add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU). Add standards consistent with the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
10	Zone change from Commercial (C-2) and Manufacturing (M-2) to Light Industrial (LI) and add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU). Add standards consistent with the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
11	Zone change from Commercial (C-3) to Light Industrial (LI) and add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU). Add standards consistent with the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
12	Zone change from Commercial (C-3) to Light Industrial (LI) and add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU).	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
13	Zone change from Commercial (C-2) to Mixed Use 2 (MU2). Add Architectural Design Overlay (-A) and Pedestrian Overlay (-P). Add standards consistent with the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
14	Zone change from Commercial (C-2 and C-3) to Mixed Use 2 (MU2). Adjust zoning boundary to align with lot lines. Add Architectural Design Overlay (-A) and Pedestrian Overlay (-P). Add standards consistent with the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.

15	Zone change from Commercial (C-3) to Mixed Use 2 (MU2). Add Architectural Design Overlay (-A) and Pedestrian Overlay (-P). Add standards consistent with the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and carried 6-0-1 with Commissioner Crandell abstaining, to approve the changes, except for the addition of the Architectural Design Overlay zone. On this issue, staff was directed to research and return with information concerning the addition of Architectural Design Overlay <i>[later in the meeting, the majority of the Commission recommended that properties be removed from the Architectural Overlay (in the General Plan) that primarily front Calle Los Molinos, not El Camino Real]</i> .
17	Zone change from Neighborhood Commercial (NC2) to Neighborhood Commercial 1.2 (NC1.2) and add Architectural Design Overlay (-A).	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
18	Zone change from Neighborhood Commercial (NC2) to Residential Medium Density (RM).	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
19	Zone change from Neighborhood Commercial (NC2) to Residential Medium Density (RM).	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
20	Zone change from Residential Medium Density (RM) to Neighborhood Commercial 1.2 (NC1.2).	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and Unanimously carried to approve.
21	Zone change from Residential Medium Low Density (RML) to Residential Medium Density (RM) and add Affordable Housing Overlay (-AH).	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.

23	Rename zone from Mixed Use (MU3) to Mixed Use 3.0 (MU3.0) to reflect the General Plan. Update standards.	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
27	Rename zone from Neighborhood Commercial (NC2) to Neighborhood Commercial (NC1.3).	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.
28	Rename zone from Mixed Use (MU5.1) to Mixed Use 5 (MU5).	Moved by Chair pro tem Ruehlin, seconded by Vice Chair Brown and unanimously carried to approve.

Part 2

Part 2 includes land use issues located within 500 feet of property owned by Chair Darden. For these items, Chair Darden recused herself at 9:38 p.m. Chair Darden did not return to the meeting.

General Plan Issue	Description	Motion
27	Amend land use standards to clarify that stand-alone residential uses are allowed in the Mixed Use 3.1 (MU3.1) land use designation, outside the Pedestrian Overlay.	Moved by Chair pro tem Ruehlin, seconded by Commissioner Barnes and carried 6-0-1, with Chair Darden abstaining to approve.

Zoning Issue	Description	Motion
7	Zone change from Mixed Use (MU3) to Mixed Use 3.1 (MU3.1) to reflect the General Plan. Add Architectural Design Overlay (-A) and Pedestrian Overlay (-P). Add standards consistent with the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Commissioner Barnes and carried 6-0-1, with Chair Darden abstaining, to approve.
8	Zone change from Mixed Use (MU3) to Mixed Use 3.1 (MU3.1) to reflect the General Plan. Add Architectural Design Overlay (-A), Pedestrian Overlay (-P), and Mixed Use Overlay (-MU). Add standards	Moved by Chair pro tem Ruehlin, seconded by Commissioner Barnes and carried 6-0-1, with Chair Darden abstaining, to approve.

	consistent with the General Plan.	
22	Rename zone from Mixed Use (MU3) to Mixed Use 3.1 (MU3.1). Specify stand alone residential is allowed. Update standards to reflect the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Commissioner Barnes and carried 6-0-1, with Chair Darden abstaining, to approve.
24	Zone change from MU3 to Residential Medium Density (RM) to reflect the General Plan.	Moved by Chair pro tem Ruehlin, seconded by Commissioner Barnes and carried 6-0-1, with Chair Darden abstaining, to approve.

Other land use Issue - Description	Motion
Change the land use designation or standards for a portion of Avenida Granada (lots shown in the PowerPoint Presentation) so stand alone residential uses are allowed. Land use changes may include keeping the designation as Mixed Use but allowing stand alone residential uses as an option, or changing the land use to Residential Medium density and allowing only residential uses. This includes lots on the even side of Avenida Granada (approximately lots addressed as 224 to 244) where existing uses are mostly residential.	Moved by Commissioner Crandell, seconded by Chair pro tem Ruehlin, and carried 6-0-1, with Chair Darden abstaining, to direct staff to reconsider rezoning this land use designation to either Mixed Use with Residential or Residential.

Part 3

Part 3 included land use issues that are located within 500 feet of property owned by Chair Darden or Vice Chair Brown. For these issues, Chair Darden and Vice Chair Brown recused themselves. Chair Darden recused herself at 9:38 p.m. Chair Darden did not return to the meeting. Vice Chair Brown recused himself at 10:15 p.m. and returned to the meeting at 10:55 p.m.

General Plan	Description	Motion
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Issue		
22	Correct the policy wording to reflect intended policy of extending the Overlay from downtown to North Beach and downtown and the El Camino Real/Interstate-5 interchange.	Moved by Commissioner Crandell, seconded by Commissioner Barnes and carried 5-0-2, with Vice Chair Brown and Chair Darden abstaining to approve.
29	Proposed changes: 1) restricts projects to two stories along El Camino Real while allowing a third story and basements underneath the downward slopes that extend rearward to the alley (currently three stories are allowed along El Camino Real, 2) apply new "height ceiling" limitations to ensure projects are a maximum of two stories along El Camino Real (measured from El Camino Real property line), 3) increases the two-story plate line height limit from 26 feet to 30 feet and increases the two-story top-of-roof height from 33 feet to 35 feet; to reflect current building practices and market conditions; 4) amends policy LU-3.05, amends table LU-1, and strikes policy LU-13.03 to clarify that stand-alone residential uses are prohibited, and 5) adds missing standards in the land use table LU-1 for clarification. No changes in density are proposed.	Moved by Commissioner Crandell, seconded by Commissioner Barnes, and carried 4-1-2, with Commissioner Eggleston Opposed and Vice Chair Brown and Chair Darden abstaining to approve.

Zoning Issue	Description	Motion
16	Zoning change from Neighborhood Commercial (NC2) to NC3 and update standards to reflect density increase in General Plan (from .35 Floor Area Ratio to .50). Add Architectural Design Overlay.	Moved by Commissioner Crandell, seconded by Commissioner Barnes, and carried 4-1-2, with Commissioner Eggleston Opposed and Vice Chair Brown and Chair Darden abstaining to approve.

25	Zone change from Neighborhood Commercial (NC2) to new Mixed Use 3.2 (MU3.2) district. Add standards to reflect General Plan Amendment in process.	Moved by Commissioner Crandell, seconded by Commissioner Barnes, and carried 4-1-2, with Commissioner Eggleston Opposed and Vice Chair Brown and Chair Darden abstaining to approve.
26	Zone change from Neighborhood Commercial (NC2) to Neighborhood Commercial 3 (NC3) and update standards to reflect density increase in General Plan (from .35 Floor Area Ratio to .75). Add Architectural Design Overlay.	Moved by Commissioner Crandell, seconded by Commissioner Barnes, and carried 4-1-2, with Commissioner Eggleston Opposed and Vice Chair Brown and Chair Darden abstaining to approve.

Vice Chair Brown opened the public hearing.

George Alvarez, resident, requested the Commission consider rezoning a portion of Avenida Granada to allow Residential Use as an option. He is trying to remodel an existing residential home and is finding it very difficult to accommodate commercial use and the required parking on a 4,000 square foot lot. He wants the City to allow mechanized vehicle lifts for access to and storage of vehicles to meet required parking.

Ron Trosper, resident, agreed with Mr. Alvarez's comments and supported rezoning a portion of Avenida Granada to allow residential use.

Cindy Fleming, Dana Point resident, spoke as a member of the Architectural Guild of South Orange County. They recommend the Commission consider limiting building mass to two stories in the MU3.2 area using a "height ceiling" measurement approach that would allow a third story in the rear on certain properties sloping downwards on a portion of South El Camino Real. A copy of the Architectural Guild of South Orange County's letter detailing the recommendation is included in the staff report.

Nick Buchanan, resident, opposed the reduction of three stories to two stories in the MU3.2 area along El Camino Real but realizes the Council directed such changes. With a reduction to two stories, Mr. Buchanan supported amendments that increase two-story height limits for projects as suggested by the Architectural Guild of South Orange County.

There being no others desiring to speak to this item, Chair pro tem Ruehlin closed the public hearing.

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

General Plan:

- Exhibit B, Page 14, requested staff to clarify two story height limits apply to mixed use projects on lots 12,000 square feet or smaller in the MU3.1 area.
- The majority of the Commission recommended that properties be removed from the Architectural Overlay that primarily front Calle Los Molinos, not El Camino Real.

Zoning Amendments:

- Exhibit B, Page 8, requested staff ensure language regarding outdoor seating is compatible with language in the General Plan.
- Exhibit B, Page 9, eliminate "Internet Access Studio/Internet Café to reflect ordinances that have been recently processed and adopted by the City Council."
- Exhibit B, Page 11, revise #18 to eliminate reference to "Internet Access Studio/Internet Café."
- Exhibit C, Page 10, ensure Mobile Home information is correct and consistent with policy intent for the MU5 area.
- Exhibit C, Page 10, ensure Restaurants with Drive-through information are consistent with policies in the General Plan.

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER CRANDELL, AND CARRIED 6-0-1 (WITH CHAIR DARDEN ABSENT FROM THE MEETING) TO CONTINUE ZONING AMENDMENT 14-456 AND GENERAL PLAN AMENDMENT 15-049 TO THE REGULAR MEETING OF MAY 6, 2015.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

**D. Zoning Amendment 15-086 – Prohibition of Commercial Mascots
(Wright/Panas)**

Public Hearing to consider a request to amend the Zoning Code to prohibit the use of commercial mascots as advertising.

Brent Panas, Code Compliance Supervisor, summarized the staff report. He noted receipt of two items of written communication from Liberty Tax Service opposed to the proposed prohibition.

Commissioner Eggleston stated for the record that he provided information to the City regarding the presence of human mascots.

Chair Darden disclosed for the record that approximately 10 years ago she provided services for H & R Block, but they are not current clients of her firm.

Chair Darden opened the public hearing.

Connie Licausi, Laguna Beach resident and Orange County Area Developer for Liberty Tax, discussed the reasons why uniformed marketers are important to the success of this location and the business overall.

Brenda Yecke, Liberty Tax Service and Laguna Beach resident, disagreed that traffic was negatively affected by uniformed marketers; discussed signage challenges with this location.

Vicky Wilson, Liberty Tax Service and Laguna Beach resident, stated that the practice of using uniformed marketers has provided job opportunities for many individuals that are unable to find jobs elsewhere.

Tammy Dunn, Liberty Tax Service and Laguna Niguel resident, discussed the importance of having uniformed marketers in order to bring in businesses to their location; commented that prohibiting this style of marketing would be against their right of free speech; expressed concern that their business would not continue to thrive if uniformed marketers are prohibited.

There being no one else present desiring to speak to this item, Chair Darden closed the public hearing.

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

- Established from staff that other local cities, including Lake Forest, Irvine, Newport Beach, Aliso Viejo, Mission Viejo, Rancho Santa Margarita, and Huntington Beach have similar signage prohibitions, and to date there have not been any successful legal challenges.
- Established from staff that Liberty Tax Service has options that would result in increased/more prominent signage at their location.
- Expressed concern that uniformed mascots in the public right of way are a traffic concern.
- Supported prohibiting uniformed mascots to reflect community standards.
- Supported prohibiting uniformed mascots to maintain the health and safety of residents.
- Expressed concern that allowing uniformed mascots for businesses may lead to proliferation of uniformed mascots throughout town.

- Suggested allowing uniformed mascot signage with special permits.
- Suggested staff work with the owners to explore opportunities to increase signage at Liberty Tax Service.
- Suggested staff provide information regarding traffic issues related to uniformed mascot signage for consideration.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER SMITH, AND CARRIED 5-0-2, WITH COMMISSIONER CRANDELL AND CHAIR DARDEN OPPOSED, TO RECOMMEND THE CITY COUNCIL ADOPT ZONING AMENDMENT 15-086, with the following recommendation:

The City should work diligently with the property owner and tenants to increase allowable signage at Liberty Tax Service.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

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 April 8, 2015
- C. Staff Waiver 15-110, 513 Avenida Presidio
- D. Staff Waiver 15-120, 110 Avenida Palizada
- E. Staff Waiver 15-121, 152 W. Avenida Junipero

Vice Chair Brown reported that at their next meeting, the Coastal Advisory Committee will hear a presentation from Lawrence Honma regarding sand replenishment.

Commissioner Crandell announced that Commissioner Eggleston has agreed to attend the April 29, 2015, DRSC meeting in his stead. He stated a preference for scheduling additional Planning Commission meetings when there are a large number of items to be considered rather than having a large agenda at a single meeting.


12. **ADJOURNMENT**

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER BARNES, AND UNANIMOUSLY CARRIED to adjourn at 11:00 p.m. to an Adjourned Regular Meeting to be held at 6:00 p.m. on May 6, 2015, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Julia Darden, Chair

Attest:



Jim Pechous, City Planner

DRAFT