

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
March 18, 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

Commissioner Barnes 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
Amber Gregg, Associate Planner
Cliff Jones, Associate Planner
Thomas Frank, Transportation Engineering Manager
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Planning Commission Adjourned Regular Meeting of March 9, 2015

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY to receive and file the minutes of the Adjourned Regular Meeting of March 9, 2015, with the following revisions:

Page 4, 1st paragraph, replace the 5th sentence that begins, "Additionally, she noted..." with "She pointed out that the 3 oversized well designed

monuments make enlarged signage on building facades unnecessary, emphasizing that with today's modern technology many shoppers rely on GPS devices to locate stores."

Page 6, 2nd to last paragraph, add the following at the end of the paragraph, "On a vote of 6-1, with Commissioner Barnes opposed, the Commission approved the oversized signage on the building facades."

Page 8, under "REPORTS OF COMMISSIONERS/STAFF," Commissioner Crandell's comments, replace "April 22 to May 25" with "April 25 to May 2"

6. ORAL AND WRITTEN COMMUNICATION - None

7. CONSENT CALENDAR - None

8. PUBLIC HEARINGS

A. 2316 South El Camino Real – Interpretation 13-505/Conditional Use Permit 13-249/Architectural Permit 13-251/Site Plan Permit 13-252 – La Ventura Event Center (Gregg)

A request to consider a new one-story commercial building, a Conditional Use Permit for a shared parking agreement and operation of a special event facility totaling 5,505 square feet, and an interpretation concerning an accessory structure for a courtyard wall. The project is located at 2316 South El Camino Real in the Neighborhood Commercial zoning district (NC3) and the legal description is Lots 3 and 4, Block 10, Tract 852, and Assessor's Parcel Number 690-446-17.

Commissioner Smith and Chair pro tem Ruehlin disclosed for the record that they met separately with the applicant to provide input in response to a request from the applicant.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, "La Ventura Event Facility, CUP 13-249/IP 13-505/AP 13-251/SPP 13-252, dated March 18, 2015;" provided history of the site; displayed site plans, renderings, elevations, and landscaping plans; indicated the parcel to be purchased and used for parking; recommended approval of the project as conditioned.

In response to questions from the Commission, Associate Planner Gregg advised insulation of the building must meet California Building Codes and the project is conditioned to require additional action in the event noise impacts occur; noted a Special Event Permit, which is limited to 15 a year, would have to be obtained by the facility in order to do an event featuring outdoor amplified sound; stated that Police Services reported no noise

complaints for Hapa J's, El Mariachi, Outrigger have been lodged; one complaint regarding noise at Big Helen's turned out to be unfounded.

In response to questions, Matthew Richardson, Assistant City Attorney, advised that although the applicant is conditioned to require patrons not to park on Avenida San Gabriel, because it is a public street and the public has a legal right to park there, individuals cannot be cited for parking along the street.

Don Kappauf, applicant and property owner, advised his intent is to take a vacant lot with a negative history and build something that will benefit the City. Iva Lee's will be the only caterer for the site, and they are a proven business within the City with an excellent reputation for managing events. The project will create jobs and increase sales tax revenues for the City, and other businesses in town will benefit. The building is smaller than allowed and provides more parking than required. They have decreased the facility to one story, agreed to close earlier than originally proposed, and decreased the maximum capacity in response to expressed concerns. He has attempted to negotiate with a neighboring property owner for additional parking to no avail; will require his staff to park in the alley parking spaces; intends to continue negotiating with adjacent property owners to develop creative parking alternatives. When more than 80 guests are expected, he will provide valet parking at no cost to guests, and there are plenty of free parking spaces available in an adjacent City-owned lot.

Andy Baggett, Seal Beach resident and valet service provider, described how cars will be parked to expand the number of cars parked on marked spaces; described strategies used by his employees to ensure cars will not be stacked beyond the site; noted as a beach city resident, he understands issues related to parking; discussed the type of services he provides to ensure no negative impacts to residents, including parking the cars of neighbors if needed; noted texting will be used to help the cars move along efficiently; noted in the event problems occur, he has well established strategies and good communication practices to ensure quick resolutions.

Chair Darden opened the public hearing.

Rick Anderson, resident, expressed confidence in the applicant's ability to run the facility as promised; noted need for this type of facility in City.

Paul Marquis, resident, spoke to Mr. Kappauf's character and integrity.

Mark Williams, resident, Montgomery Motorcycle Company owner, supported the project; commented the new use will continue much needed revitalization of the area.

Scott Kelly, resident, supported Mr. Kappauf for his integrity and character; commented that as a builder he is confident that as conditioned the project will not negatively impact nearby residents.

Mike Cosenza, resident, expressed confidence in the applicants' ability to run a successful business.

Will Yarbrough, resident and City building inspector, opposed the project as it will negatively affect his way of life in regards to parking and noise; questioned how the applicant will ensure none of the facility patrons park on San Gabriel; opined the proposed facility is not a good fit for the neighborhood.

Laura Engeman, resident, questioned how the use will self regulate, especially with regard to preventing patrons from parking on San Gabriel; asked how the applicant will prevent loitering in the parking lot after 10:00 p.m. at night; questioned how the Special Events Permit process works.

John Martin, resident and America's Heroes Tribute Boardmember, welcomed a new event place in town for the benefit of all residents.

Bryan Johnson, resident, supports development of the vacant property, and development of this type of facility to fill a need in the community. However, he does not support the proposed facility at this site. The original two-story office use proposed is preferred due to less negative impacts on the neighborhood. He is worried about negative impacts in the way of traffic, loitering, and noise.

Chuck Narey, owner of the Spanish Village Center immediately adjacent to the subject property, opposed the proposed use due to issues with parking and traffic. His property shares an easement with this and another property, and there are issues between the property owners that remain unresolved. He also questioned an approval at the Zoning Administrator level that will allow one of the parties to construct a fence across the easement.

Randy Dietz, resident, opposed the proposed use due to noise and traffic impacts; questioned how the applicant would be able to stop public from parking on San Gabriel; questioned how the sewer system, which is sometimes overwhelmed in its current condition, will be able to handle the extra usage that will result with the proposed use.

Maya Carew, resident, supported the proposed project; commented on the professionalism and talent of Iva Lee's to ensure proper management of the venue and no impacts to adjacent residents.

Richard Longobardo, resident, supported the proposed use as it will bring more options for weddings and events for residents interested in

supporting their own community, benefit the City in increased sales tax revenues and local jobs; expressed confidence in the management team's ability to manage the site to avoid negative impacts to adjacent residents.

Cyrus Mavalvala, resident, supported the proposed use as a way for residents to support local venues rather than go outside the City; expressed confidence in the applicant's intent to run a quality business with integrity.

Tod Brei, resident, questioned where any additional cars will go; commented that San Gabriel is narrow and requires that cars go all the way to the end before they can turn around; questioned the safety of children playing when/if cars go up and down the street looking for parking; questioned whether plans to employ valet services will be effective in keeping cars off San Gabriel; opposed the use due to potentially alcohol impaired drivers, increased traffic, and noise impacts to the neighborhood.

Brian LoPresti, resident, agreed that although it is nice to have the vacant site cleaned up/developed, he does not feel the proposed use is the best fit for the neighborhood; noted parking on San Gabriel is always a premium and expressed concern that his kids and others living on the street will be in danger from unfamiliar drivers looking for parking.

Charles Kroukowski, Irvine resident, suggested that public parking prohibition on San Gabriel would be enforceable under certain circumstances; noted if the parking/easement dispute with the properties adjacent to the subject site is resolved, additional parking will be available for use to further limit potential impacts to adjacent neighbors.

Toni Dietz, resident, questioned how ingress and egress would be controlled on the site.

Chair Darden closed the public hearing.

In response to comments/questions during public testimony, Associate Planner Gregg advised that the facility could apply for 15 Special Activity Permits per year with outdoor amplified sound; there is no limit to the number of indoor events the facility can hold. The required parking numbers already include parking for employees/staff; Public Works has reviewed the application and provided no comment on the status of the sewer line; the applicant will be required to provide cones to block ingress/egress to San Gabriel when over 80 guests are expected; legal issues regarding access/parking between the subject property and two adjacent sites are of no concern to the City because it is a private matter.

Thomas Frank, Transportation Engineering Manager, advised he has reviewed the traffic study and conceptual plans. With the proposed land

use, traffic numbers anticipated, and proposed improvements, the potential impacts are not significant and expected not to impact the levels of service for the adjacent intersection, and no queuing issues are anticipated. Valets are trained to quickly move cars. Although he cannot promise that stacking will not ever occur, he does not see it as a significant issue for the proposed use.

In response to a suggestion from Commissioner Barnes, the Commission discussed potential to require the applicant to install a sound meter on the outside patio. Acoustical Engineer Carl Yanchar, representing the applicant, advised that an outdoor sound meter would pick up ambient noise from the freeway and El Camino Real in addition to noise generated from other sources. The Commission elected to not require installation of an outdoor sound meter.

In response to concerns expressed by Commissioner Eggleston regarding the proposed use's potential negative impacts on adjacent neighbors including queuing, Commissioner Crandell reported that his office is adjacent to an event center located in San Juan Capistrano, which also uses Iva Lee's as its sole caterer. In the eight years he has been there, he has yet to witness a situation with the valet parking that led to queuing on Camino Capistrano. Additionally, he noted that in addition to weddings, the site also hosts meetings and other events that do not feature music.

Commissioner Eggleston did not support the proposed project due to potential queuing, especially at the beginning and end of an event, which may negatively impact neighborhood traffic.

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

- Commended the applicant for the quality, five-sided concept architecture.
- Thanked the applicant for being amenable to recommendations during the Design Review Subcommittee review.
- Supported the Interpretation for its ability to mitigate sound to reduce impacts to surrounding uses.
- Commended the applicant for proactively purchasing the adjacent vacant lot in order to provide more than the required parking.
- Agreed this type of facility is needed in the community.
- Supported the choice of Iva Lee's for caterer, citing its good reputation for managing events as well as the importance of having a caterer with knowledge and familiarity with the site layout and amenities.
- Suggested additional efforts to work with the Sugar Shack for parking agreement.

- Suggested that existing condition of San Gabriel, as a narrow street with limited parking, would be a disincentive for those looking for parking spaces.
- Opined that the proposed use would create less negative impacts on the neighbors that its existing vacant condition with loitering issues.
- Commended staff for addition of a condition requiring mitigation in the event noise impacts occur.
- Suggested the potential of negative impacts has been greatly reduced with the more than required amount of parking, single caterer, sound wall, site design, and valet service.
- Suggested the business owner create a symbiotic relationship with the surrounding community to ensure quick resolution of any issues that may occur.
- Requested staff review the parking requirements for this type of use to ensure adequate parking is supplied.
- Commented that the proposed operations plan, including traffic cones to prohibit egress and ingress via San Gabriel, the mitigation plans in response to the sound study, the proposed hours of operation, the single catering provider with a reputation for doing an excellent job, and the sole valet service provider with an awareness of and strategies in place to address potential traffic congestion, should go a long way to eliminate issues before they arise.
- Suggested addition of a condition of approval to require the applicant provide wayfinding signage indicating public parking areas.
- Commented that although the neighborhood has legitimate concerns regarding this type of use adjacent to residential uses, statistics provided by staff regarding the absence of code compliance complaints about similar mix of uses, in addition to the mitigation measures and operational plans proposed for this use, indicate potential for minimum impacts on adjacent residential uses.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY CHAIR PRO TEM RUEHLIN, AND CARRIED 6-1-0, WITH COMMISSIONER EGGLESTON OPPOSED, TO ADOPT RESOLUTION NO. PC 15-011, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-249, ARCHITECTURAL PERMIT 13-251, SITE PLAN PERMIT 13-525, AND INTERPRETATION 13-505, LA VENTURA EVENT CENTER, A REQUEST TO CONSIDER THE CONSTRUCTION AND OPERATION OF A NEW EVENT FACILITY, LOCATED AT 2316 SOUTH EL CAMINO REAL, with the following revision:

Page 10, condition no. 22.B., strike, "with no control/expansion joints"

Page 17, add new condition no. 61 as follows: "Prior to issuance of certificate of occupancy, applicant to provide wayfinding signs for public parking so patrons are aware of parking areas. Parking signs shall be reviewed and approved by the City Planner."

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

B. 313 North El Camino Real – Conditional Use Permit 14-228/Minor Cultural Heritage Permit 14-229 – Fig at 313 (Jones)

A request to consider allowing minor exterior changes to a historic building to accommodate a restaurant use, a full range of alcohol for on-site consumption, and a shared off-site parking agreement. The historic building is located at 313 North El Camino Real. The legal description is Lot 79, of Tract 789, Assessor's Parcel Number 057-133-13.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "Conditional Use Permit 14-228/Minor Cultural Heritage Permit 14-229, Fig at 313, dated March 18, 2015; displayed photos of existing site, site plans, and colored renderings of proposed new use for Commission consideration; suggested addition of condition of approval requiring the applicant to complete HPPA improvements prior to occupancy; recommended approval of the request as conditioned.

In response to questions from the Commission, Associate Planner Jones relayed information from Police Services indicating individuals are allowed to legally cross Avenida de la Estrella outside of crosswalks because only one of the nearest intersections is controlled by a traffic signal; noted the applicant is eligible for 5 grandfathered parking spaces, but has elected to not utilize the grandfathered parking and arrange for 7 spaces at the church site in response to recommendation from staff.

Charles Ramm, architect for the applicant, noted that this building was built as a restaurant in 1927 and through the years has had various uses; speculated the signage will be small and located on the restaurant awning.

Ghassan Dahabreh, applicant, reported the adjacent Presbyterian Church has indicated they have no objection to installing signage indicating spaces for the restaurant use; advised he currently operates a restaurant on Main Street in Huntington Beach; anticipates providing Modern Italian food; noted they may use photographs found on site indicating previous tenants/owners to decorate the restaurant.

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

The Commissioners commended the applicant for using the site conservatively and modestly, preserving its historical integrity, and agreeing to complete the HPPA improvements prior to occupancy.

Associate Planner Jones agreed to check with the City's Transportation Manager into potential to install painted or flashing crosswalk to accommodate those walking back and forth between the church and the reciprocal businesses that share parking.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-009, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 14-228/MINOR CULTURAL HERITAGE PERMIT 14-229, FIG AT 313, A REQUEST TO CONSIDER ALLOWING MINOR EXTERIOR CHANGES TO A HISTORIC BUILDING TO ACCOMMODATE A RESTAURANT USE, A FULL RANGE OF ALCOHOL FOR ON-SITE CONSUMPTION, AND A SHARED OFF-SITE PARKING AGREEMENT. THE HISTORIC BUILDING IS LOCATED AT 313 NORTH EL CAMINO REAL, with the following revision:

Page 9, add condition no. 22 as follows: "The required improvements identified within the Historic Property Preservation Agreement (HPPA) for the property shall be completed prior to occupancy of the restaurant use."

[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 March 3, 2015
- C. Staff Waiver 15-068, 227 Avenida Monterey
- D. Staff Waiver 15-069, 1031 Avenida Pico
- E. Staff Waiver 15-070, 219 Calle Roca Vista
- F. Staff Waiver 15-078, 153 Avenida Victoria

Chair pro tem Ruehlin reported that the Mobility Task Force met last Monday to finalize work items. Staff is currently working on a final report to be reviewed in April by the Task Force for presentation to City Council in May. He agreed to forward request from Chair Darden that the Commission also have the opportunity to view the Task Force's presentation.

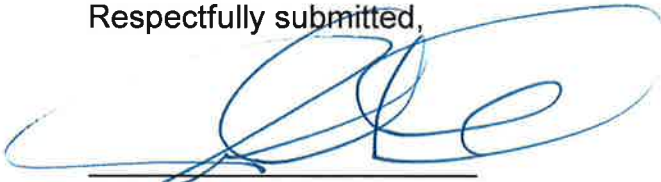
Matthew Richardson, Assistant City Attorney, reviewed Brown Act provisions in response to requests from the Commission regarding attendance at public meetings, discussion of issues between individuals, and testimony as members of the public. Best practices to avoid perception of Brown Act violations include avoiding sitting together at public meetings, indication that they are speaking as individuals when speaking in public, avoidance of discussion of anything remotely related to Planning Commission issues at social events, and making it clear to the public that their mind is open until the public has been heard and the issue has been properly vetted. He encouraged the Commissioners to continue their practice of publically disclosing prior discussions with applicants during the public hearing. It is permissible for them to carpool with the provision that no Planning Commission issues are discussed in the car.

Jim Pechous, City Planner, agreed to agendize a field trip for the Commission to review the progress of and/or completed projects in response to a request from Commissioner Barnes.

12. ADJOURNMENT

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED to adjourn at 10:20 p.m. to the Joint Council/Commissions/Committees Meeting to be held at 7:00 p.m. on March 31, 2015 at Wedgewood at the Municipal Golf Course located at 150 E. Avenida Magdalena, San Clemente, CA.

Respectfully submitted,



Julia Darden, Chair

Attest:



Jim Pechous, City Planner