

These minutes will be considered for approval at the Planning Commission meeting of 07-22-15.

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**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
June 30, 2015 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Darden called the Adjourned Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:08 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Crandell 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
John Ciampa, Associate Planner
Scott Smith, City Attorney (6:32 p.m. arrival)
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES - None

6. ORAL AND WRITTEN COMMUNICATION

Barbara Billings, resident, requested the City's help with preserving a mobile home park/senior housing. She lives at Palm Beach Court, which is a mobile home park for seniors, and they were recently notified the park will be sold.

Jim Pechous, City Planner, provided his contact number.

7. CONSENT CALENDAR - None

8. PUBLIC HEARING

**A. Coastal Land Use Plan for the City's Local Coastal Program (Ciampa)
(continued from 06-24-15)**

Public Hearing to consider a request for the Planning Commission to review and make a recommendation of approval to the City Council for the adoption of the City's Land Use Plan for the City's Local Coastal Program.

Chair Darden invited the public to provide comment.

Public Comment:

Cheryl Moe, resident, provided a video and some photographs illustrating drainage, debris, dangerous conditions, and hazardous situations in Lobos Marinos, Montalvo, and Riviera Canyons. With social media, some these areas have become more popular with undesirable activities and loitering. She acknowledged the City's understanding of the issues, and urged including language from experts in the Land Use Plan (LUP) that will clarify what distinguishes a natural wetland in need of a proper setback from an established drainage point.

Alex Maniscalco, attorney representing Capistrano Shores Mobile Home Park, thanked staff and the City Attorney for their timely assistance; suggested additional edits.

Sue Loftin, attorney representing Capistrano Shores Mobile Home Park, thanked staff for assistance; requested Capistrano Shores Mobile Home Park be granted the same rights and recognition as other mobile home parks within the City; related difficulties obtaining permits for manufactured homes/mobile home replacements.

Sherman Stacey, attorney representing Capistrano Shores Mobile Home Park, objected to language in the LUP that requires coach owners to waive their rights to improve/construct sea walls in order to bring in a new coach; referred to language in LU-99 that would allow the Park to create a Master Plan/Permit or Exclusion Permit that would encompass all the coaches in the Park and questioned whether the CCC would allow either option.

Scott Smith, City Attorney, advised that negotiations between Capistrano Shores Mobile Home Park and the City have been long, contentious, and arduous. With regard to ongoing litigation, the City will be bound by the decisions of the CCC and/or legal settlements. Language reflecting those decisions will then be incorporated into the LUP. In response to a question, he noted the City would be the respondent, likely along with the CCC, to litigation filed as a result of permits issued/denied.

In response to comments from individual Commissioners regarding reluctance to forward this document to City Council with outstanding

issues/outstanding litigation, Jim Pechous, City Planner, advised the issues addressed within the document apply City-wide, not just in Capistrano Shores. Additionally, the City is mandated within an established time frame to make the document consistent with the newly adopted General Plan. He recommended the Commission trust the approval process, with its many checks and balances, and take action this evening. The document will come back to the Commission following edits from the CCC.

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

- Established from staff that the LUP requires homeowners to hire an independent biologist to make an ESHA determination, with a team of biologists and the CCC making a final determination.
- Established from staff that although certain applications from the mobile home park have been approved at the City level, the City cannot issue building permits until CCC approval has been granted.
- Established from staff that following action by the Planning Commission on the LUP, the document will be reviewed and acted upon by City Council. The document will then go to CCC for their consideration. CCC revisions will be incorporated into the document, and it will again be presented for Planning Commission, then City Council consideration and actions.
- Expressed concern with forwarding this document to City Council when there are outstanding issues/litigation with Capistrano Shores Mobile Home Park.
- Suggested staff consider provisions for in-lieu fees in exchange for making development feasible.
- Suggested revision to Policy PUB-59, 1st sentence, as follows: replace "area north of Capistrano...point" with "areas"

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY CHAIR PRO TEM RUEHLIN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-018, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN UPDATE TO THE CITY OF SAN CLEMENTE COASTAL LAND USE PLAN, with the following revisions:

1. Text relating to hazards conform to any court decision between (a) Capistrano Shores Mobile Home Park or any owner therein and (b) the California Coastal Commission relating to these provisions, and
2. Capistrano Shores Mobile Home Park and its owners, the City, and California Coastal Commission, and the State Department of Housing and Community Development resolve specific use

- provisions for Capistrano Shores to be incorporated into the LUP itself, and
3. The General Plan Amendment initiated by City Council in February 2015 will eventually be incorporated into this document.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

9. NEW BUSINESS - None

10. OLD BUSINESS - None

11. REPORTS OF COMMISSIONERS/STAFF

Commissioner Crandell requested staff plan a study session on how design guidelines are applied to projects and when and where our different guidelines are used.

Commissioner Barnes noted it had been a pleasure and an honor to serve with them; thanked support staff for all their efforts behind the scenes.

12. ADJOURNMENT

IT WAS MOVED BY CHAIR DARDEN, SECONDED BY CHAIR PRO TEM RUEHLIN, AND UNANIMOUSLY CARRIED to adjourn at 8:40 p.m. to an Adjourned Regular Planning Commission meeting to be held at 6:00 p.m. on July 8, 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