

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
July 22, 2015 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Brown called the Adjourned Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chair Ruehlin led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Michael Blackwell, Wayne Eggleston, Michael Smith, and Zhen Wu; Chair pro tem Barton Crandell, Vice Chair Jim Ruehlin, and Chair Donald Brown

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Adam Atamian, Associate Planner
Amber Gregg, Associate Planner
Sean Nicholas, Associate Planner
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 Adjourned Regular Meeting of June 30, 2015

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER EGGLESTON, AND CARRIED 5-0-2, WITH COMMISSIONER BLACKWELL AND COMMISSIONER WU

ABSTAINING, TO APPROVE THE MINUTES OF THE ADJOURNED REGULAR MEETING OF JUNE 30, 2015, AS SUBMITTED BY STAFF.

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

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY VICE CHAIR RUEHLIN, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE ADJOURNED REGULAR MEETING OF JULY 8, 2015, AS SUBMITTED BY STAFF

6. ORAL AND WRITTEN COMMUNICATION

Jean Kirkland, resident, provided her history as a long term resident and business owner; indicated difficulties associated with her business and personal life; asked if any type of local assistance is available to senior women/business owners going through difficult times.

7. CONSENT CALENDAR - None

8. PUBLIC HEARING

A. Conditional Use Permit 15-081/Discretionary Sign Permit 15-082 – The Coast Project Identification Signs (Nicholas)

Public Hearing to consider a request to redevelop five existing identification signs and develop one new sign within various locations of the Coast Homeowners Association owned Open Space areas within The Coast Subdivision, Tract 9272, in the City of San Clemente.

Sean Nicholas, Associate Planner, narrated a PowerPoint Presentation entitled, "The Coast Development Identification Signs, DSP 15-082/CUP 15-081, dated July 22, 2015," and recommended approval of the request. A copy of the PowerPoint Presentation is on file with the Planning Division.

Chair Brown opened the public hearing.

Tom Marier, resident, supported the proposed signage as an improvement over existing.

Chair Brown closed the public hearing.

IT WAS MOVED BY COMMISSIONER EGGLESTON SECONDED BY CHAIR PRO TEM CRANDELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-038, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT 15-082

AND CONDITIONAL USE PERMIT 15-081, THE COAST DEVELOPMENT IDENTIFICATION SIGNS, FOR SIX IDENTIFICATION MONUMENTS SIGNS THROUGHOUT THE COAST RESIDENTIAL SUBDIVISION

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

B. 1409 South El Camino Real – Conditional Use Permit 15-160 – Tommy’s Restaurant Full Alcohol (Nicholas)

Public Hearing to consider a request for a full range of alcohol service for indoor and onsite consumption for an existing restaurant located at 1409 South El Camino Real within the Neighborhood Commercial (NC2) zoning designation. The legal description is Lot 1, of Block 6, of Tract 851, Assessor’s Parcel Number 692-131-07.

Alex Hunt, Planning Intern, reviewed the staff report and recommended approval of the request.

Peter Rock, the applicant, advised the site has 45 parking spaces, which is in excess over the required amount; described how taxis can circulate the site/pull up in front to pick up customers; noted the business will continue to operate as a restaurant offering alcohol service; requested the 7:00 a.m. start time in order to provide patrons with alcoholic drinks associated with breakfast.

Chair Brown opened the public hearing.

Tom Marier, resident, supported the request.

Joe Anderson, resident, provided character references for the business owners; recommended approval of the request.

Lee van Slyke, resident, supported the request and early start time for breakfast-related alcoholic drinks.

Chair Brown closed the public hearing.

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

- Suggested but did not get majority approval for a later alcohol beverage start time rather than the 7:00 a.m. requested by the applicant.
- Suggested the applicant consider roof repair/clean up in the near future.

- Established from staff that the permit runs with the land and would lapse within 90 days if the current restaurant closes, and a new restaurant does not open within that time frame.

IT WAS MOVED BY CHAIR PRO TEM CRANDELL, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-036, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 15-160, TOMMY'S RESTAURANT ALCOHOL, A PUBLIC HEARING TO CONSIDER A REQUEST TO ALLOW A FULL RANGE OF ALCOHOL FOR ON-SITE INDOORS CONSUMPTION FOR AN EXISTING RESTAURANT LOCATED AT 1409 SOUTH EL CAMINO REAL.

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

C. 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) (continued from 06-17-15)

Public Hearing to consider a request to forward a recommendation to the City Council to amend the Zoning Ordinance and Zoning Map to designate a portion 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.

Chair Brown recused himself from considering this agenda item due to nearby property ownership, left the meeting room at 7:55 p.m., and did not return.

Vice Chair Ruehlin stated for the record that Mr. Buchanan, the applicant, contacted him yesterday to discuss this application.

Adam Atamian, Associate Planner, narrated a PowerPoint Presentation entitled, "Santiago Mixed Use, Zoning Amendment 14-364/Site Plan Permit 14-365/Cultural Heritage Permit 14-367, Santiago Mixed Use, dated July 22, 2015," and recommended the Commission table this application until the City-initiated Zoning Ordinance update is complete and the MU 3.2 development standards are in effect. A copy of the PowerPoint Presentation is on file at the Planning Division.

Nick Buchanan, applicant, displayed slides of the proposed development and the surrounding neighborhood for Commission consideration. He discussed how the project follows the intent of the General Plan and

redevelops an old, vacant gas station site which has sat unused for many years. The building minimally encroaches into the ocean view from the I-5 Freeway. Mr. Buchanan requested that the Commission take a vote on the project this evening and forward a recommendation to the City Council.

Richard Price, project landscape architect, submitted a petition with 52 signatures in support of the project; noted the project exceeds the landscaping requirements; discussed mix of landscaping proposed for the site; noted the alley and area overall will be much improved with the project.

Charles Krolkowski, counsel for the applicant, requested the Commission take action this evening on the project rather than table it; commented that the I-5 Freeway is not a protected view corridor; opined that the overriding document regulating this project should be the General Plan, with the Zoning Ordinance providing flexibility and building standards; referred to his letter outlining reasons why the Commission should approve the request.

Vice Chair Ruehlin opened the public hearing.

Al Parker, resident, supported the proposed project as a catalyst to encourage quality development and vitality to an area that is currently blighted with less than stellar businesses.

Thomas Olson, resident, supported the project as proposed; commended the applicant for many revisions to make the project viable; stated the area is blighted and an embarrassment to nearby residents; commented it is more important for the City to improve the town for its residents rather than preserve views for drivers on the freeway.

Zachary Gilmore, resident, opposed the proposed project due to its massing, potential canyonization of the street, precedent that others may follow, and potential negative parking impacts in an already impacted neighborhood.

Paul Valle, resident, supported the project as a way to improve the 30-year vacant lot adding to area blight; suggested it was unfair to deny this project as it complies with the updated General Plan and existing Zoning Ordinance guidelines; commented that drivers along the I-5 freeway are not vested in the area, do not pay taxes, and their views of the site should not be of paramount importance.

Jay McIlwee, resident, supported the project as the existing site is an eyesore; commented the project may be a catalyst for development in "South Central" area which is in much need of revitalization.

Bob Conrad, resident, supported the project to beautify this area of town; advised only 2 of the 8 lanes on the freeway will be able to view the project once it's built.

Brad Melamud, resident, supported the project; spoke against further delay; commented delay on projects can result in replacement with less than desirable projects.

Vice Chair Ruehlin closed the public hearing.

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

- Established from staff that the commercial property directly across from the subject property will remain zoned Neighborhood Commercial, with a height limit of 45 feet; noted commercial property proposing 45 foot height would be subject to the same review process as the subject application.
- Suggested a neighborhood commercial property built 45 feet high directly across the street from the subject property, which would be allowed per the proposed zoning, would block freeway views of this project.
- Announced that a study session for in-depth discussion of the proposed amendments is scheduled for August 10, 2015, and suggested the applicant wait until the study session has occurred before asking the Commission to take action on this item.
- Supported the applicant's request for a decision on the project this evening, citing the many delays and revisions the applicant has experienced.
- Supported the project to some extent, but expressed concern regarding the proposed Zoning Amendment and how it could be applied to other properties if accepted in its current form.
- Expressed support for tabling the project rather than taking action on it; noted concern with only minor details, which may be resolved with additional review time.
- Suggested the project be continued to the regular September 2, 2015, meeting, which will be after the August 10, 2015, in-depth discussion, and all will have a clearer understanding of the issues at hand.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER BLACKWELL, AND CARRIED 5-1-1, WITH VICE CHAIR RUEHLIN OPPOSED AND CHAIR BROWN ABSTAINING, 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 SEPTEMBER 2, 2015.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**D. 234 West Avenida San Antonio – Variance 14-388 – Spencer Residence (Gregg)**

Public Hearing to consider a request to construct a single-family residence with a reduced front yard setback on a vacant coastal canyon lot located at 200 West Avenida San Antonio (future address will be changed to 234 West Avenida San Antonio). The project is located within the Residential Low zoning district and Coastal Zone overlay (RL-CZ). The legal description is Lot 17, of Block 13, of Tract 852, and Assessor's Parcel Number 692-312-16.

For the record, Vice Chair Ruehlin stated he had a discussion with the applicant while reviewing the site.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, "Spencer Residence, Variance 14-388, dated July 22, 2015," and recommended approval of the request. A copy of the PowerPoint Presentation is on file with the Planning Division.

Tyler Van Stright, JLC Architecture, representing the applicant, described difficulties related to lot constraints.

Ray and Susan Spencer, applicants, advised they spoke with most neighbors regarding the proposed project; indicated they are not opposed to parking just one car in the driveway in order to avoid encroachment into the sidewalk.

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

- Established from staff that the existing large eucalyptus tree has been evaluated for viability and the City Manager approved its removal.
- Established from staff that it may be problematic at the California Coastal Commission approval level to justify increasing the driveway length resulting in increased encroachment into the canyon.
- Commented that because the sidewalk is not contiguous in this area, there will be no citations issued for cars encroaching onto the sidewalk.
- In reference to the letter of opposition received from adjacent neighbors, noted that the reduced second story may alleviate some of the neighbor's concerns about view losses.

- Noted that the parcel had a number of challenges including steep topography, minimum lot depth due to the coastal canyon and required setbacks from the canyon, is irregularly shaped, and variances had been approved in the past for similar circumstances for properties in the immediate area resulting in the project setback being in character with the surrounding neighborhood.

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY CHAIR PRO TEM CRANDELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-035, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING VARIANCE 14-388, SPENCER RESIDENCE, A REQUEST TO CONSTRUCT A SINGLE-FAMILY RESIDENCE WITH A REDUCED FRONT YARD SETBACK ON A VACANT, RESIDENTIAL LOW-DENSITY, COASTAL CANYON LOT LOCATED AT 209 WE. AVENIDA SAN ANTONIO (FUTURE ADDRESS 234 W. AVENIDA SAN ANTONIO)

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

9. NEW BUSINESS

A. Brown Act Discussion (Richardson)

A presentation by the City Attorney reviewing the Brown Act with the Planning Commission.

IT WAS MOVED BY CHAIR PRO TEM CRANDELL, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO TABLE THE BROWN ACT DISCUSSION.

[AGENDA ITEM TABLED.]

10. OLD BUSINESS - None

11. REPORTS OF COMMISSIONERS/STAFF

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of July 8, 2015
- C. Staff Waiver 15-201, 107 Avenida Patero De Oro
- D. Staff Waiver 15-210, 1531 Buena Vista
- E. Staff Waiver 15-213, 506 Avenida Victoria
- F. Staff Waiver 15-224, 113 Coronado Lane
- G. Staff Waiver 15-226, 1013 Buena Vista

Commissioner Eggleston advised Commissioners to visit adjacent cities Oceanside, Carlsbad, and Encinitas to view mixed use projects; suggested potential field trips of two Commissioners at a time with staff to comply with

Brown Act provisions; noted City Planner Pechous will send out additional information.

Vice Chair Ruehlin announced the next Mobility Task Force meeting is scheduled for Monday, July 27, 2015.

Commissioner Blackwell reported that at the last Coastal Advisory Committee meeting the Committee heard a presentation on sand replenishment from Lawrence Honma from SANDAG and Councilmember Baker was in attendance.

Discussed with staff potential to reduce the size of blueprints; staff agreed to deliver the plans electronically.

Commissioner Smith announced he will miss the next study session and Commission meeting; agreed to contact City Planner Pechous to share thoughts on mixed use in general.

12. ADJOURNMENT

IT WAS MOVED BY CHAIR PRO TEM CRANDELL, SECONDED BY COMMISSIONER SMITH, AND CARRIED 6-0-1, WITH CHAIR BROWN ABSTAINING, to adjourn at 10:04 p.m. to the Study Session to be held at 6:00 p.m. on August 5, 2015, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,



Donald Brown, Chair

Attest:



Jim Pechous, City Planner