

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
August 5, 2015 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Brown called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:05 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Eggleston 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
Cliff Jones, Associate Planner
Sean Nicholas, Associate Planner
HongDao Nguyen, Deputy City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Planning Commission Adjourned Regular Meeting of July 22, 2015

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE ADJOURNED REGULAR MEETING OF JULY 22, 2015, AS SUBMITTED BY STAFF.

6. ORAL AND WRITTEN COMMUNICATION

Cheryl Moe, resident, displayed current photographs of area canyons that are completely dry this time of year in contrast to Riviera Canyon, which is always flowing with urban runoff despite it being the dry season; requested the City find ways to better streamline projects, as the Haft project presented this evening has been 18 months in the approval process; questioned the need to require so much of the Haft project lot be constructed as a public sidewalk; reported that with the advent of social media, people from all over travel to the vacant lots in town for disreputable purposes; displayed a photo of a home with the majority of its front yard covered with concrete.

Bobbe Sommer, resident, related this past weekend a heroin overdose on a vacant lot resulted in the need to call emergency vehicles; questioned whether drug usage on vacant lots would have a negative effect on recovering addicts living in sober living homes nearby; expressed concern that social media was being used to create gathering places for drug users, resulting in negative consequences for the City.

7. **CONSENT CALENDAR - None**

8. **PUBLIC HEARING**

A. **629 Camino De Los Mares – Conditional Use Permit 15-107 – Verizon Madrigal Cell Site** (Nicholas)

Public Hearing to consider a request to install a new cellular site on the roof of an existing commercial building located at 629 Camino De Los Mares within the Community Commercial (CC2) zoning designation, Assessor's Parcel Number 675-100-02.

Commissioner Blackwell recused himself from considering this item and left the meeting room at 7:13 p.m.

Alex Hunt, Planning Intern, narrated a PowerPoint Presentation entitled, "Verizon Madrigal Cell Site, 629 Camino De Los Mares, Conditional Use Permit 15-107, dated August 5, 2015." A copy of the PowerPoint Presentation is on file with Planning Division.

Ross Miletich, representing the applicant, noted agreement with the conditions of approval; was available for questions.

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

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY CHAIR PRO TEM CRANDELL, AND CARRIED 6-0-1, WITH COMMISSIONER BLACKWELL ABSTAINING, TO ADOPT RESOLUTION NO. PC 15-041, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA,

APPROVING CONDITIONAL USE PERMIT 15-107, VERIZON MADRIGAL CELL SITE, A REQUEST TO ALLOW THE CONSTRUCTION OF A CELLULAR COMMUNICATIONS FACILITY LOCATED AT 629 CAMINO DE LOS MARES.

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

Commissioner Blackwell returned to the meeting room at 7:19 p.m.

B. 107 Avenida De La Estrella – Discretionary Sign Permit 14-438 – 107 Building Sign Program (Jones)

Public Hearing to consider a request to establish a sign program for a building located at 107 Avenida De La Estrella. The legal description is Lot 8 of Tract 789, and Assessor's Parcel Number 692-401-04.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "107 Building Sign Program, DSP 14-438, dated August 5, 2015." A copy of the PowerPoint Presentation is on file with Planning Division.

Mike Riley, Starfish Designs and Graphics, representing the applicant, was available for questions.

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

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-039, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT 14-438, 107 BUILDING SIGN PROGRAM, A REQUEST TO ESTABLISH A MASTER SIGN PROGRAM FOR A BUILDING LOCATED AT 107 AVENIDA DE LA ESTRELLA.

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

C. 227 Avenida Granada – Cultural Heritage Permit 14-514 – Haft Duplex (Jones)

Public Hearing to consider a request to construct a 3,154 square foot duplex located at 227 Avenida Granada within the Residential Medium zoning designation and Architectural and Coastal Overlays (RM-A-CZ). The legal description is Lot 14, Block 18, of Tract 779, and Assessor's Parcel Number 058-113-51.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "Haft Duplex, CHP 14-514, dated August 5, 2015." A copy of the PowerPoint Presentation is on file with the Planning Division.

Michael Luna, representing the applicant, noted the project as proposed complies with all applicable criteria; advised the addition of a wing wall helps to enhance the second unit's entry, experience, and identity, as well as allows for signing and lighting options for the second unit.

Peter Haft, the applicant, advised he and his wife are committed to building a quality project and intend to live in one of the units; noted his respect and commitment to historic buildings.

Chair Brown opened the public hearing.

Brittany Pell, resident, lives in a similar duplex on the same street. She questioned whether the tandem garages are practical for parking two cars, and noted neither of her cars fit in their garage; suggested the garage could be enlarged to fit larger cars; noted the existing lack of parking in the area; requested the Commission consider limiting construction to weekdays.

Chair Brown requested staff provide Ms. Pell with a copy of the recently completed Downtown Parking Study.

Chair Brown closed the public hearing.

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

- Established from staff that the "wing wall" feature is prohibited by the Zoning Ordinance at this time; suggested staff consider including providing guidelines to allow this feature during the Zoning Ordinance update; established from staff that removing Condition no. 6 from the resolution would allow the applicant to revise the wing wall during the construction process if/when the Zoning Ordinance is revised to allow them.
- Suggested the project be allowed to keep the proposed wing wall as it is a nice streetscape feature, brings interest to the elevation, and helps identify the second unit.
- Advised that eliminating Saturday construction would only make the project under construction for a longer period of time; established from staff that Saturday construction schedule starts later and finishes earlier; suggested prohibiting Saturday construction would be a deviation from City standards.
- Established that the garages meet City dimension requirements and can easily accommodate the average size care.

- Commented that the project features beautiful architectural design and quality materials.

IT WAS MOVED BY CHAIR PRO TEM CRANDELL, SECONDED BY VICE CHAIR RUEHLIN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-040, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 14-514, HAFT DUPLEX, A PUBLIC HEARING TO CONSIDER A REQUEST TO CONSTRUCT A 3,154 SQUARE FOOT DUPLEX LOCATED AT 227 AVENIDA GRANADA.

Amended as follows:

Page 5, Condition no. 6, delete in its entirety.

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

D. 180 Avenida La Pata – Conditional Use Permit 15-106 – San Clemente Christian School (Atamian)

Public Hearing to consider a request for a new school facility with 248 students, in grades K-12, and 26 employees in the Rancho San Clemente Business Park, located at 180 Avenida La Pata. The legal description is Lot 2, of Tract 15057, and Assessor's Parcel Number 688-161-07.

Adam Atamian, Associate Planner, narrated a PowerPoint Presentation entitled, "San Clemente Christian School Conditional Use Permit 15-016, dated August 5, 2015." A copy of the PowerPoint Presentation is on file with the Planning Division.

Dr. Nicky Magnuson, applicant, described the proposed drop off/pick up on-site traffic circulation procedures; proposed to relocate the staff parking for better traffic circulation; noted their goal is a small community-oriented school with a maximum number of 248 children; advised the school is not affiliated with any church but instead has contacted and hopes to have working relationships with all pastors/churches in the area; advised the school has received permission to use the Heritage Christian Fellowship Church playground.

Chair Brown opened the public hearing.

Larry and Sue Leisenring, residents, supported the school relocation. Their children learned values and character while attending the school while it was located in Capistrano Beach. It will be a valuable asset to the community as it is the only private school with this class range.

Dawn Griffiths, resident, supported the school facility.

Gabrielle Colles, representing teachers and staff, spoke in support of the school relocation.

Mehdi Taghic, resident, building owner, commented that the proposed site features plenty of parking; supported the proposed school relocation.

Harry Robinson, supported the school facility; noted his children thrived at the school and commended the school's teachers, staff, and philosophy.

Chair Brown closed the public hearing.

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

- Established from staff that if the Commission decides this type of use should not be allowed in the business park they should bring this up during the area's specific plan update.
- Found the site suitable and proposed use complementary to the church and self-storage business.
- Established from staff that traffic impacts will not be substantial or reduce the adjacent street and intersections Level of Service below an "A" rating.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY VICE CHAIR CRANDELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-034, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 15-106, SAN CLEMENTE CHRISTIAN SCHOOL, ALLOWING A NEW SCHOOL FACILITY LOCATED AT 180 AVENIDA LA PATA.

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

E. Zoning Amendment 15-123 – Massage Ordinance (Atamian)

Public Hearing to consider a City-initiated proposal to add Section 17.28.185 and amend Tables 17.36.020 and 17.40.030 of the Zoning Ordinance of the San Clemente Municipal Code to provide local regulatory authority over massage uses consistent with State law.

Adam Atamian, Associate Planner, narrated a PowerPoint Presentation entitled, "Zoning Amendment 15-123, Massage Establishments, dated August 5, 2015." A copy of the PowerPoint Presentation is on file with the Planning Division. Additionally, staff recommended the Commission add MU 5.1 to Section 7 of Table 17.40.030 in Section 8 and RC-2 (if deemed

appropriate after staff research) to Section 8 of Table 17.36.010 in Section 6.

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

HongDao Nguyen, Deputy City Attorney, advised that certain cities with more significant issues with massage parlors have opted to require an amortization period in which existing massage businesses have to obtain the relevant CUP or MCUP; noted the City would need a court order supported by reasonable causes to demand a listing of customers from a massage facility; advised that the State and Courts are opposed to cities treating this use as an adult-oriented use, and very good findings would have to be made in order to require massage uses to be located prescribed distances from school/church sites. In response to concerns expressed by the Commission regarding unauthorized license/business transfers she suggested the Commission consider better defining conditions related to transfer or change of ownership to ensure all possible types of transfers are covered.

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

- Established that MCUPs will be reviewed at the Zoning Administrator level, with the Zoning Administrator having the ability to recommend Planning Commission review, if deemed necessary.
- Established from staff that addition of RC-2 to Table 17.36.010 may allow the new hotel in Marblehead Coastal to add an accessory massage use in addition to its spa facilities. The Commission directed staff to investigate this, and include as part of this Zoning Amendment or the forthcoming Marblehead Coastal Specific Plan update.
- Established from staff that violations of MCUPs, such as transforming accessory use to primary use, can result in loss of MCUP, license revocation, zoning violations, etc.
- Established from staff that the subject language may have to be revised in response to State Law if or when the State adopts regulatory language following sunset of existing Assembly Bill 1147 in 2017.
- Requested staff add language to ensure conditions related to transfer or change of ownership are better defined and cover all types of transfers.
- Requested staff add language to ensure all persons providing massage services are CAMTC certified.

IT WAS MOVED BY VICE CHAIR CRANDELL, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO

ADOPT RESOLUTION NO. PC 15-023, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AND ADOPT AN ORDINANCE (ZONING AMENDMENT 15-123), AMENDING TITLE 17 OF THE MUNICIPAL CODE FOR THE PURPOSE OF PROVIDING LOCAL REGULATORY AUTHORITY OVER MASSAGE USES CONSISTENT WITH STATE LAW.

Amended as follows:

Page 3, add "RC-2" (if deemed appropriate to allow accessory massage use in the Marblehead Coastal Specific plan, after staff research) to Section 8 of Table 17.36.010 in Section 6.

Page 4, add "MU 5.1" to Section 7 of Table 17.40.030 in Section 8.

Page 6, "17.28.185 Massage Establishments, no. C.2.," Staff to review language and better define conditions related to transfer or change of ownership to ensure all possible types of transfers are covered.

Page 7, "E. Operational Requirements" staff to add policy requiring all persons providing massages are CAMTC certified.

Page 9, no. 13, 1st sentence, following "accessible", insert ", visible"

Page 9, no. 14, 2nd sentence, add to the end of the sentence, "as authorized by the law or court order if necessary."

Throughout the document, ensure definitions are consistent with definitions contained in the City's Municipal Code.

Page 10, item I. 2nd sentence, strike "Director,"; replace "authorized representatives" with "designee"

The above changes shall also be reflected in Attachment 2.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

9. NEW BUSINESS

A. New Staff Waiver Format Explanation (Pechous)

Jim Pechous, City Planner, deferred this item to a future agenda item.

10. OLD BUSINESS - None

11. REPORTS OF COMMISSIONERS/STAFF

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of July 22, 2015
- C. Staff Waiver 15-229, 106 Calle Balboa
- D. Staff Waiver 15-237, 616 S. El Camino Real
- E. Staff Waiver 15-245, 1701 N. El Camino Real
- F. Staff Waiver 15-247, 429 Avenida De La Estrella

Vice Chair Ruehlin announced that at the last Mobility Task Force meeting, the Task Force focused on the area around Shorecliffs Middle School; discussed methods to encourage alternative means of getting to school.

Commissioner Smith established from staff that City Council discussed the North Beach roundabouts at their last meeting and was advised to listen to the meeting tape in order to be current on the issues.

12. ADJOURNMENT

IT WAS MOVED BY VICE CHAIR RUEHLIN,, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED to adjourn at 11:03 p.m. to the Adjourned Regular Study Session to be held at 5:00 p.m. on August 10, 2015 in the Community Development Department Conference Room A located at 910 Calle Negocio, San Clemente, CA.

Respectfully submitted,



Donald Brown, Chair

Attest:



Jim Pechous, City Planner