

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
September 16, 2015 @ 7:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA**

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**1. CALL TO ORDER**

Chair Brown called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Blackwell led the Pledge of Allegiance.

**3. ROLL CALL**

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

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Amber Gregg, Associate Planner  
Cliff Jones, Associate Planner  
Sean Nicholas, Associate Planner  
Christopher Wright, Associate Planner  
Matthew Richardson, Assistant City Attorney  
Eileen White, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS - None**

**5. MINUTES**

**A. Minutes from the Planning Commission Study Session September 2, 2015**

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY VICE CHAIR RUEHLIN, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE STUDY SESSION OF SEPTEMBER 2, 2015, AS SUBMITTED BY STAFF.

**B. Minutes from the Planning Commission Regular Meeting of September 2, 2015**

IT WAS VICE CHAIR RUEHLIN, SECONDED BY CHAIR PRO TEM CRANDELL, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 2, 2015, WITH THE FOLLOWING REVISION:

Page 2, insert the following after the 9<sup>th</sup> paragraph, "Vice Chair Ruehlin indicated that Item 4 of the Loftin Firm LLC's letter mischaracterized the Planning Commission's discussion of the Mobile Home Park Overlay; stated that the overlay was not encouraged as a compromise but rather it was offered as one possible tool to address an issue with the Local Coastal Plan."

Page 10, 5<sup>th</sup> bullet, last sentence, replace "is more likely...at all." With "has no ocean view that can be obstructed with a 35' height limit."

6. **ORAL AND WRITTEN COMMUNICATION** – None

7. **CONSENT CALENDAR** - None

8. **PUBLIC HEARING**

**A. 101 West Avenida Vista Hermosa – Conditional Use Permit 15-278 – Kiosk Carts and VIP Alcohol (Nicholas)**

Public Hearing to consider a request for a full range of alcohol for the VIP area associated with guest relations on the second floor between buildings 17A and 19 of the Outlets at San Clemente, and for small outdoor retail kiosk carts throughout the outlet shopping center. The Outlets at San Clemente are located at 101 West Avenida Vista Hermosa within the Regional Commercial (RC1) zoning designation of the Marblehead Coastal Specific Plan. The legal description is Lot 327, of Tract 8817, Assessor's Parcel Number 691-422-13.

Sean Nicholas, Associate Planner, narrated a PowerPoint Presentation entitled, "Outlets at San Clemente Kiosk Carts and VIP Area Alcohol, dated September 16, 2015." A copy of the PowerPoint Presentation is on file with Planning Division.

Vice Chair Ruehlin, for the record, stated that he had discussed this application with Michael Kaupp.

Jancee Aellig, Special Leasing Manager for Craig Realty Group, indicated the area for small signage on the Kiosk cart, but noted no signage is

allowed at the Citadel kiosks, and speculated the merchandise will serve as signage for the kiosk cart and will operate the same in San Clemente. Additionally she noted the basic kiosk carts will be identical and their use will be highly regulated as to merchandise offered and vendor behavior; noted Michael Kaupp and other local business owners are considering renting the kiosk carts; discussed plans to manage the kiosk carts and vendors.

Susan Jennrich, General Manager for the Outlets at San Clemente, advised the total occupancy of the VIP lounge is 400; described how the lounge will operate at a much lower occupancy the majority of the time.

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

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

- Established from staff that the applicant has applied for and received approval of a Special Activity Permit to hold events in the interior outdoor spaces of the main Outlet mall for a maximum of 15 per year.
- Established from the applicant's representatives that the outlet center will have its own security force.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-049, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 15-278, KIOSK CARTS AND VIP ALCOHOL AT THE OUTLETS OF SAN CLEMENTE, A PUBLIC HEARING TO CONSIDER A REQUEST TO ALLOW A FULL RANGE OF ALCOHOL FOR ON-SITE CONSUMPTION IN THE DESIGNATED VIP AREA AND FOR KIOSK CARTS LOCATED AT 101 WEST AVENIDA VISTA HERMOSA.

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

**B. 318 Avenida Del Mar – Cultural Heritage Permit 15-040 – Woodnutt Duplex (Jones)**

Public Hearing to consider a request for an addition to a duplex at 318 Avenida Del Mar that abuts a historic property at 319 Avenida Cabrillo. The property is located in the Residential Medium zoning district and Architectural and Coastal Overlays (RM-A-CZ). The legal description is Lot 26, Block 27 of Tract 779, Assessor's Parcel Number 692-054-23.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "Woodnutt Duplex, CHP 15-040, dated September 16, 2015." A copy of the PowerPoint Presentation is on file with Planning Division.

In response to Commission questions, Mr. Jones indicated that the interior of the garages measure 8.5' x 18.75' and garages today are required to be 9' x 19'.

Christine Lampert, architect representing the applicant, noted plans for the remodel include clean up and revision including removal of partitions between the garages to make the garages easier to navigate; described the proposed remodel.

Chair Brown opened the public hearing.

Beth Carr, resident, opposed allowing the proposed remodel due to existing shortage of parking spaces in the area as well as potential for her personal views to be blocked.

Melissa Klinger, resident, opposed the proposed remodel due to existing limited parking, potential to block views and airflow, and noise impacts from parties that may be held on the roof decks.

Larry Culbertson, resident, opposed the proposed remodel due to existing shortage of parking spaces in the neighborhood; suggested the City consider revising code as to non-conforming uses being allowed to increase square footage without increasing parking, especially those with garages that are too small to house the average-sized modern car.

Chair Brown closed the public hearing.

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

- Expressed concern that the trellis or eyebrow treatment for the non-conforming corner may increase the non-conformity; established from staff that the project is conditioned to require the applicant conform to Zoning Ordinance standards, which would not allow an expansion of the non-conformity.
- Established from staff that at a recent meeting, the City Council requested staff reevaluate code regulating non-conforming uses with regard to parking.
- Suggested the project can be denied with regards to General Plan guidelines related to parking if the Commission felt inclined to.
- Recommended staff consider conditioning the project to assign one parking garage and the portion of the driveway in front of the

garage to one tenant, with the other two garages, that have limited driveway length, to the other tenant.

- Suggested the project be conditioned to require the applicant remove the interior garage walls as part of the remodel to improve their functionality.
- Commented that the proposed remodel is beautiful, well-designed and an improvement to the neighborhood.

IT WAS MOVED BY CHAIR PRO TEM CRANDELL, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-047, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 15-040, WOODNUTT DUPLEX, A PUBLIC HEARING TO CONSIDER A REQUEST FOR AN ADDITION TO A DUPLEX AT 318 AVENIDA DEL MAR THAT ABUTS A HISTORIC PROPERTY AT 319 AVENIDA CABRILLO.

Amended as follows:

Staff will add a condition of approval to require the applicant to remove the interior walls from the garages.

Staff will add a condition of approval requiring the assignment of the single garage and the portion of the driveway in front of the garage that is adequate to park a car to one tenant, and the other two garages to the other.

Staff will add a condition of approval requiring staff review of the arbor encroachment to ensure its compliance with Zoning Code.

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

**C. 1527 North El Camino Real – Conditional Use Permit 15-211/Minor Cultural Heritage Permit 15-212 – Shwack Cantina (Gregg)**

Public Hearing to consider a request to review exterior facade modifications, and the ability to serve a full range of alcoholic beverages, at a bona fide restaurant located at 1527 North El Camino Real, within the Mixed Use zoning district and Architectural and Coastal Zone overlays. The legal description is Lots 5 and 6, Block 2, Tract 795, Assessor's Parcel Numbers 057-170-27 and -28.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, "Shwack Cantina, CUP 15-211/MCHP 15-212, dated September 16, 2015. A copy of the PowerPoint Presentation is on file with Planning Division.

Dick Fisher, applicant, recounted the history of the building in Dana Point that he and his son Max remodeled to establish Shwack Cantina. The business is family owned and operated and has done well in the community due to its great product, service and competitive pricing. The North Beach location will serve the same food menu and add a full bar but remain family friendly.

Max Fisher, applicant, described the subtle lighting proposed, which will be Dark Skies compliant; stated a preference to use a combination of stucco, wood, and wrought iron for the outdoor patio fencing; requested to use darker white for the exterior of the building with a dark brown or terra cotta cornice trim to give the building character and dimension.

Chair Brown opened the public hearing.

Chair Brown acknowledged a letter dated September 16, 2016, from Dr. Tyler Johnson, writing on behalf of the North Beach Community Association in support of the proposed project.

Kathleen Agrarian, property owner, advised this tenant was chosen to lease the site due to the family atmosphere of the use; requested approval so the vacant property will be viable again.

Eric Wagner, resident, voiced support for the project and commended the applicants for their work ethics and successful efforts in the past.

Chair Brown closed the public hearing.

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

- Suggested the applicant use steel brackets on the trash enclosure as a decorative feature; suggested alternative placement on the beam for the trellis to improve its structure.
- Suggested a less bold color for the cornice treatment than the chocolate brown proposed; noted several examples in town to emulate; expressed confidence in staff's ability to help with color choice.
- Voiced approval for the eclectic design and color choices to emulate the Dana Point location.
- Stated preference for using two different materials on the pergola, but not three as proposed; stucco and wood, iron and stucco, or iron and wood would be complimentary. Using stucco, wood, and iron would be too busy and/or difficult to make complementary.
- Stated a preference for the all wood pergola column option, with staff to work with the applicant regarding color and design choices.

- Concurred to leave final design details to staff for the City Planners review and approval.

IT WAS MOVED BY COMMISSIONER SMITH, SECONDED BY CHAIR PRO TEM CRANDELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 15-046, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 15-211, AND MINOR CULTURAL HERITAGE PERMIT 15-212, SHWACK CANTINA, FOR THE ON-SITE SALE OF A FULL RANGE OF ALCOHOLIC BEVERAGES AND A MINOR FAÇADE REMODEL LOCATED AT 1527 N. EL CAMINO REAL.

Amended as follows:

Staff directed to work with the applicants for final color and material choices.

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

**D. Interim Mixed Use 3.2 Zone Design Guidelines (Wright)**

Public Hearing to consider the adoption of Mixed Use 3.2 zone design guidelines. The proposed guidelines would supplement the overall City Design Guidelines. The proposed design guidelines encourage projects to have architecture and site design that reduces the apparent mass and scale of buildings, improves architectural quality, and minimizes obstructions of freeway ocean views. At this hearing, the Planning Commission will consider a resolution that recommends the City Council to adopt the proposed guidelines at a future hearing that will be public noticed. If adopted by the City Council, the design guidelines would be used to review projects until the City's Design Guidelines are updated. An update to the City Design Guidelines is identified as an implementation measure of the General Plan.

Chair Brown recused himself from considering this item due to nearby property ownership and left Chambers at 9:17 p.m. Vice Chair Ruehlin took over control of the gavel.

Christopher Wright, Associate Planner, briefly summarized the staff report.

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

IT WAS MOVED BY CHAIR PRO TEM CRANDELL, SECONDED BY COMMISSIONER EGGLESTON, AND CARRIED 6-0-1, WITH CHAIR BROWN ABSTAINING, TO ADOPT RESOLUTION NO. PC 15-048, A

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT INTERIM MIXED USE 3.2 DESIGN GUIDELINES.

**[ACTION SUBJECT TO CITY COUNCIL APPROVAL]**

Chair Brown returned to the meeting room at 9:48 p.m.

**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 September 2, 2015
- C. Staff Waiver 15-294, 319 W. Avenida Gaviota
- D. Staff Waiver 15-299, 3316 Avenida Del Presidente
- E. Staff Waiver 15-304, 259 Avenida Granada

Commissioner Blackwell reported that at its last meeting, the Coastal Advisory Committee heard presentations on Sand Replenishment, the City's Sewer Master Plan, and methods used to control the birds at Poche Beach.

City Planner Pechous agreed to contact Mary Vondrak, Senior Management Analyst, to discuss Planning Commission participation in the upcoming Outlet fieldtrip.

Chair pro tem Crandell invited all to participate in the Coastal Clean-up scheduled for Saturday, September 19, 2015, with participants meeting at the pier.

**12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER BLACKWELL, SECONDED VICE CHAIR RUEHLIN, AND UNANIMOUSLY CARRIED to adjourn at 9:55 p.m. to the Regular Study Session to be held at 6:00 p.m. on October 7, 2015, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

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Donald Brown, Chair

Attest:



A handwritten signature in black ink, appearing to read "Jim Pechous", is written over a horizontal line.

Jim Pechous, City Planner

DRAFT