

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
January 20, 2016 @ 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 7:07 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Eggleston 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
Sean Nicholas, Associate Planner
Adam Atamian, Associate Planner
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Study Session of January 6, 2016

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE STUDY SESSION OF JANUARY 6, 2016, AS SUBMITTED.

B. Minutes from the Planning Commission Meeting of January 6, 2016

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

APPROVE THE MINUTES OF THE REGULAR MEETING OF JANUARY 6, 2016, AS SUBMITTED.

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

7. **CONSENT CALENDAR – None**

8. **PUBLIC HEARING**

A. **Zoning Amendment 15-225/General Plan Amendment 16-002 – Sign Exception Permit and Sign Ordinance Amendments** (Nicholas)

Public Hearing to add General Plan policies regarding Freeway Oriented Signs and consider removal of the Sign Exception Permit and consider modifications to the sign ordinance, including but not limited to removal of freeway oriented signs, limitations on the size of signs, and amortization provisions.

Sean Nicholas, Associate Planner, narrated a PowerPoint Presentation entitled, "Sign Exception Permit, Sign Ordinance, and General Plan Amendment, dated January 20, 2016." A copy of the PowerPoint Presentation is on file with Planning Division.

Chair Brown opened the public hearing.

Peter Rock, resident, stated preference for keeping his sign in perpetuity; requested clarification of how a "change of use" is defined; noted his employees' livelihood is at stake; requested to have the ability to upgrade the pole sign without jeopardizing its existence; advised his sign brings people from the freeway to the City that patronize other businesses in town as well.

Harvey Goldberg, resident, president of Marblehead Master Association, noted the Marblehead community of almost 1,000 homes is experiencing light pollution from the parking lights at the new outlet mall; asked the City to think of potential negative impacts on Marblehead residents when reviewing the number, size, and lighting of the outlet mall signage.

Ann Goldberg, resident, voiced approval for the proposed sign sunset clause; expressed concern regarding negative impacts from the proposed outlet mall signage.

Roy Flahive, Executive Director – California Sign Association, noted there is science behind signage, including sizing, comprehension, ability to change lanes for access, etc., and that too small signage can cause collisions. He wants to ensure the Ordinance adheres to all business and profession codes and requested there be an attorney representing

businesses in the Ordinance drafting process to ensure the Ordinance passes constitutional muster.

Greg Briggs, representing Thrifty Oil Company, owners of two gas stations in the City, opposed removal of pole or freeway oriented signs at this time or at any time in the future; commented that business at the gas stations will be reduced/destroyed in the event the signage is removed.

Adele Lux, resident and Adele's at San Clemente Inn restaurant owner, opposes removal of her sign because there have been no complaints about it, it is in excellent condition, and its removal will have negative impacts on her business, employees and customers. She questioned reliance on smart phones for directional services, noting that many people do not have smart phones, and it is illegal to use them while driving.

Kristel M. Dreyer, resident, noted the property value of her Faire Harbor home has been negatively affected due to the Outlet Mall, and many of her neighbors lost their ocean views. She opined that there is no need for signage on the freeway side of the outlet mall as many will use their smart phones for directions, as she recently had to while on vacation in an area that does not allow freeway-oriented signage; noted lighted signage at the outlet mall will further negatively impact residents' quality of life.

Kathleen Armenteros, Marblehead resident, requested staff consider the residents while reviewing signage for the outlet mall; cautioned that too much signage will create dangerous conditions if drivers are looking at signage rather than the road; requested staff continue to work with residents to reduce glare from the outlet mall parking lot lights.

Lisa Francesconi, resident, representing San Clemente Inn, noted business will be reduced if her pole sign has to be removed.

Scott Williams, representing San Clemente Shell Gas Station, opposed removal of freeway oriented signage as it will reduce volume of business at the station, reduce revenue for the City, and negatively affect his employees. He questioned why the outlet mall will be allowed to construct new freeway oriented signage at the same time the City is trying to reduce others' signage.

Hiram de Fries, representing San Clemente Shell Gas Station, noted their pole sign is essential for business; questioned if the signage will be allowed to stay as additional types of fuels become a part of everyday life; noted the freeway sign was a benefit during recent fires as the gas station became a meeting place for many and was easily located due to the pole signage.

Jennifer Oden, representing Tesoro/USA Gas Station, opposed elimination of pole signage; requested if a grace period is approved, asked that it be no less than the 25 years proposed by staff.

Richard Boyer, resident, requested staff consider the residents' quality of life while considering signage for the outlet mall; provided a quote from William F. Buckley, Jr. regarding sign pollution, political pressure and manipulation; noted homeowners have rights for privacy when signs are facing the public.

Atta Ghassemi, resident, representing Valero Gas Station, noted they depend on freeway facing signage for business and its removal will affect their livelihood; read language from §5499 of the California Business and Professionals Code regarding signage erected in conformance.

Chair Brown closed the public hearing.

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

- Established from staff that §5499 of the California Business and Professionals Code does not apply because the order for removal is not based on height or size.
- Established from staff that Craig Realty is able to apply for a Sign Exception Permit under terms of its Development Agreement with the City.
- Established from staff that Craig Realty is able to apply for a Sign Exception Permit as per the City's code at the time the Development Agreement was signed.
- Established from staff that the 25 year grace, if adopted, limits the City's ability to require removal of the signs any time before the 25 year grace period starts.
- Invited all to attend the Lighting Subcommittee meetings to provide input on a new lighting ordinance.
- Commented that no evidence has been presented to date to back businesses' claims that business will be negatively affected if freeway visible/pole signage is removed.
- Commented that the businesses in the City that have removed pole signage in the past 30 years are all still in operation at this time.
- Suggested a shorter grace period than 25 years.
- Agreed with the proposed grace period of 25 years.
- Suggested existing pole signs are not a nuisance and there is no urgent need to remove them.
- Suggested the City remain vibrant and serve all residents, travelers, and visitors rather than become too sterile and devoid of signage completely.

- Agreed existing and evolving technology will eventually render most signage moot over time.
- Established from staff that the proposed revisions have no bearing whatsoever on the Development Agreement with Craig Realty; all issues dealing with signage at the outlet mall will be governed by that Agreement.
- Commented there may be opportunity for Caltrans to install generic signage along the freeway indicating upcoming amenities.

Commission Action:

IT WAS MOVED BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER EGGLESTON AND CARRIED 6-1-0, WITH COMMISSIONER WU OPPOSED, TO ADOPT RESOLUTION NO. PC 15-060, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING AMENDMENT 15-225/GENERAL PLAN AMENDMENT 16-002, FOR MODIFICATIONS TO THE SIGN EXCEPTION PERMIT AND SIGN ORDINANCE AMENDMENTS.

Commissioner Wu stated for the record that although he approves of the proposed revisions, he does not support the 25 year grace period as he supports the signs' use beyond 25 years.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

Commissioner Eggleston left the meeting at 8:49 p.m. due to illness.

9. NEW BUSINESS

A. Strategic Implementation Program Annual Review FY 2016 (Atamian)

A presentation of the findings of the Annual Review of the Centennial General Plan Strategic Implementation Program for fiscal year 2016.

Adam Atamian, Associate Planner, summarized the staff report.

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

Discussion Included:

- Suggestion that staff segregate projects specific to zoning or land use for the Commission to provide a more detailed review.
- Established from staff that not all Implementation Measures are included on the lists attached to the staff report, only those that Council directed to be implemented at this time.

- Established from staff that Capital Improvement Projects are not included on the list.

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER WU, AND CARRIED 6-0-0, WITH COMMISSIONER EGGLESTON ABSENT, TO CONCUR WITH STAFF'S PROPOSED DIRECTION FOR THE FY 2017 SIP, with the following revisions:

Attachment B revised as follows:

- Page 3, IM #5; staff to update description, also replace "their" with "the City's"
- Page 4, IM #32; staff to update status
- Page 5, IM #32 & IM # 4; staff to update status
- Page 8, IM #20; revise status to replace "review potential" with "recommend"
- Page 13, IM #8; staff to review and revise based on how the LCP is being drafted.

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

10. OLD BUSINESS - None

11. REPORTS OF COMMISSIONERS/STAFF

- A. Tentative Future Agenda
- B. Staff Waiver 16-004, 1644 N. El Camino Real

Commissioner Blackwell reported that at its last meeting, the Coastal Advisory Committee recommended grants for approval, discussed water conservation strategies including Gnorman the Gnome, and discussed sand replenishment. He noted Tom Bonigut is scheduled to attend the next meeting, recommended all view the "About Town" segment on sand replenishment, and reviewed future agenda items.

Vice Chair Ruehlin announced the Lighting Subcommittee has had its first meeting and will meet again this month for a tour of areas of town with potential lighting issues.

Chair Brown announced the next Traffic Task Force meeting will be Monday, January 25.

Commissioner Smith requested Vice Chair Ruehlin ask the Lighting Subcommittee to look at glare from lighting on the streets of Shorecliffs as well.

12. ADJOURNMENT

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER BLACKWELL, AND CARRIED 6-0-0 to adjourn at 9:48 p.m. to the Regular Study Session to be held at 6:00 p.m. on February 3, 2016, at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Don Brown", written over a horizontal line.

Don Brown, Chair

Attest:

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

Jim Pechous, City Planner