

These minutes will be considered for approval at the Planning Commission meeting of 03-16-16.

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
March 2, 2016 @ 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

Commissioner Smith 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
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 February 10, 2016

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE ADJOURNED REGULAR STUDY SESSION OF FEBRUARY 10, 2016, WITH THE FOLLOWING REVISION:

Page 5, second to last paragraph, following "Medium" insert "-Low"

Page 6, second paragraph, replace "Residential Medium Zones" with "Residential Medium-Low Zones"

B. Minutes from the Study Session of February 17, 2016

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND CARRIED 5-0-2, WITH COMMISSIONER EGGLESTON AND CHAIR BROWN ABSTAINING, TO APPROVE THE MINUTES OF THE STUDY SESSION OF FEBRUARY 17, 2016, AS SUBMITTED.

C. Minutes from the Planning Commission Meeting of February 17, 2016

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER BLACKWELL, AND CARRIED 6-0-1, WITH CHAIR BROWN ABSTAINING, TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 17, 2016, AS SUBMITTED.

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

7. **CONSENT CALENDAR – None**

8. **PUBLIC HEARING**

A. Zoning Amendment 15-426/Specific Plan Amendment 16-072, Short-Term Lodging Units (Atamian)

Public Hearing to consider a recommendation to the City Council of a City-initiated Zoning Amendment and Specific Plan Amendment to regulate and place restrictions on short term lodging units in multiple zoning districts and the Pier Bowl Specific Plan.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER WU AND UNANIMOUSLY CARRIED TO A) DISCUSS POTENTIAL OF CONSIDERING "HOME-SHARING" THE SAME AS "BED AND BREAKFAST", AND ALLOWING BED AND BREAKFAST USES IN RESIDENTIAL MEDIUM AND RESIDENTIAL HIGH ZONES WEST OF THE I-5 FREEWAY, AND B) REQUEST FURTHER CLARIFICATION OF "HOME EXCHANGES" FROM STAFF.

Adam Atamian, Associate Planner, recommended the Commission adjourn this agenda item to their next meeting in order to allow staff adequate time to prepare and review a draft ordinance based on the Commission's direction at previous meetings.

Chair Brown opened the public hearing.

Joe Janis, resident, stated that commercial uses, including STLU's and home sharing, should not be allowed in residential neighborhoods due to

negative impacts to neighboring residents; requested the Commission carefully consider potential loopholes before allowing home sharing in residential neighborhoods; suggested amortization should be no more than one year; suggested the City establish a minimum amount of STLU's and let the California Coastal Commission return with suggestions. He opined that the only use compatible with residential use is long term rentals.

Susan Nelson, resident, questioned why the City is choosing to allow an amortization period rather than just disallowing and prohibiting the use simultaneously, similar to when speed limits on streets are reduced and the public is expected to immediately respond with reduced speeds.

Chair Brown closed the public hearing.

Matthew Richardson, Assistant City Attorney, explained that changes in zoning laws are different than reducing the speed limit in that when a previously permitted use becomes unpermitted, it can remain as an unpermitted use. Amortization is an exception to this base line rule, and it will allow the City to establish a time period and make the use cease after expiration of the time period.

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

- Suggested that home sharing is similar to Bed and Breakfast use because many of those offering their homes for home sharing provide coffee and rolls in the morning.
- Suggested review of home sharing proposals at the Zoning Administrator level.
- Questioned whether it is appropriate to discuss comparison/similarities of home sharing and Bed and Breakfast uses when this issue has not been specifically agendaized for this meeting.
- Commented that differences between the two uses include commercial kitchen regulations, parking requirements, density standards, etc.
- Commented that Bed and Breakfast uses should not be allowed in residential areas unless allowed in all residential zones, including Residential Very-Low, Residential Low and Residential Medium-Low.
- Suggested Bed and Breakfast uses in residential neighborhoods would essentially create the same negative impacts currently associated with STLU's.
- Established from staff that prohibiting STLU's in certain areas would not create liability for the City or be considered a "partial taking under Eminent Domain" or "Inverse Condemnation" because

prohibiting the use will not “deprive property of most if not all of its economic value.”

- Suggested that low density residential zones should be treated differently than higher density residential areas because of the mix of housing.
- Suggested all residential zones should all be treated the same because residents living in residential zones are choosing to live in residential neighborhoods without commercial enterprises, and expect the City's zoning regulations to delegate commercial uses into commercial zones.
- Suggested the City consider the right thing for the community and then present it to the California Coastal Commission for their consideration.
- Requested staff establish clear definitions to increase understanding of the different types of residency.
- Commented that home exchanges should not be treated the same as STLU's.

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO CONTINUE ZONING AMENDMENT 15-426/SPECIFIC PLAN AMENDMENT 16-072, SHORT-TERM LODGING UNITS, TO THE REGULAR MEETING OF MARCH 16, 2016.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

9. NEW BUSINESS - None

10. OLD BUSINESS - None

11. REPORTS OF COMMISSIONERS/STAFF

- A.** Tentative Future Agenda
- B.** Staff Waiver 16-061, 1391 Calle Avanzado
- C.** Staff Waiver 16-065, 166 W. Mariposa
- D.** Staff Waiver 16-070, 140 Avenida Buena Ventura

12. ADJOURNMENT

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY CHAIR PRO TEM CRANDELL, AND UNANIMOUSLY CARRIED to adjourn at 7:35 p.m. to an Adjourned Regular Planning Commission Meeting to be held at 6:00 p.m. on March 16, 2016, at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Don Brown, Chair

Attest:



Jim Pechous, City Planner

DRAFT