

**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
September 21, 2016 @ 3:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA**

---

**1. CALL TO ORDER**

The Adjourned Regular Meeting of the Planning Commission of the City of San Clemente was called to order at 3:08 p.m.

**2. PLEDGE OF ALLEGIANCE**

Vice Chair Crandell led the Pledge of Allegiance.

**3. ROLL CALL**

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

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Amber Gregg, Senior Planner  
Cecelia Gallardo-Daly, Community Development Director  
Christina Talley, Deputy City Attorney

Commissioner Talley recused himself from considering the public hearing item due to property ownership within 500 feet of subject properties and left the meeting room.

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

**5. MINUTES**

**A. Minutes from the Planning Commission Meeting of September 7, 2016**

IT WAS MOVED BY VICE CHAIR CRANDELL, SECONDED BY COMMISSIONER SMITH, AND CARRIED 6-0-1, WITH COMMISSIONER TALLEY ABSTAINING, TO APPROVE THE MINUTES OF THE MEETING OF SEPTEMBER 7, 2016, AS SUBMITTED BY STAFF.

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

**7. CONSENT CALENDAR - None****8. PUBLIC HEARING****A. GPA 16-319, ZA 16-320, SPA 16-321, Emergency Shelter Overlay Zone to Implement State Law SB2 (Gregg)**

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, staff recommends that the City Council approve the proposed Emergency Shelter Overlay zone, the Development and Operating Standards, and:

1. Adopt the Initial Study/ Negative Declaration; and direct staff to file a Notice of Determination, and
2. Adopt a Resolution updating the General Plan and Land Use Map, Rancho San Clemente Specific Plan, and West Pico Corridor Specific Plan; and
3. Adopt an Ordinance modifying the Title 17 of the Municipal Code, Zoning Code, and the Zoning Map.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, "Draft SB2 Emergency Shelter Zoning and Development Standards, dated September 21, 2016." A copy of the Presentation is on file in Planning Division.

Veronica Tam, Housing Element Consultant, described how the homeless person estimate for San Clemente was calculated; noted the homeless number calculated was increased to ensure coverage; advised this methodology has been accepted for other cities.

Christina Talley, Deputy City Attorney, detailed the court-ordered process the City is required to follow within the prescribed timeframe; described the requirements the City is mandated to establish in order to comply with SB2; listed reasons why the City's previous Ordinance was rejected by the Court.

Chair Brown opened the public hearing.

Christine Staatsburg, resident and Property Manager at San Clemente Self Storage, opposed allowing Emergency Homeless Shelters by right in Rancho San Clemente due to potential negative impacts including loss of safety and security for businesses and schools as well as increased fire danger due to dangerous behaviors.

Rueben Casey, resident and Rancho San Clemente property owner, opposed allowing Emergency Homeless Shelters by right in Rancho

San Clemente due to loss of existing tenants, loss of perspective tenants, and resulting negative impacts caused by empty buildings.

Thomas Vasquez, resident, opposed allowing Emergency Homeless Shelters by right in the Calle de Industrias sub-area because his personal residence is already negatively affected by homeless persons living/loitering in the area and installing a Shelter will make it worse.

Kathlene Bruen, resident, opposed allowing Emergency Homeless Shelters by right in the City because it will attract more homeless to the City. Many homeless have set up encampments that have to be cleaned up by Homeowners Associations. She questioned whether the City will reimburse Associations for the costs associated with cleaning up after the homeless.

Dennis Ettlin, San Juan Capistrano resident, opined the City's proposal is inadequate and deceiving; questioned if the proposed ride share program is feasible; suggested the City should provide bus services if the Shelter is located in an area without regular bus service.

Doug Casey, resident, agreed with the comments made by those opposed to allowing Emergency Homeless Shelters by right in the Rancho San Clemente Business Park.

David Brant, resident, opposed allowing Emergency Homeless Shelters by right in the Rancho San Clemente Business Park due to negative impacts on residences, difficulty for the homeless to access the area, and increased fire danger. He suggested the City Yard Option was a better choice due to its ample space, closeness to transportation options, and buffer from residents and businesses.

Tom Alexander, resident, opposed allowing Emergency Homeless Shelters by right in the Rancho San Clemente Business Park due to issues related to the homeless themselves, including substance abuse, mental illness, and potential increase in petty crime. He requested the City concentrate on providing more security for the residents rather than shelter for the homeless.

Leslie Davis, resident, expressed concern with the limited property options proposed by staff. There are currently no vacancies in the Calle de Industrias sub-area and potential for future vacancies may be slim. Although there are properties in Rancho San Clemente Business Park, due to the high rent costs and proposed limit of shelter residents, it may be infeasible to build/operate a shelter. She noted that despite the high standard of living most residents in Orange County enjoy, those in most need of help are generally treated very badly. She requested an increase of capacity to at least 50, with potential for 75 in an emergency.

Vonne Barnes, resident and President of the Rancho San Clemente Business Park Homeowners Association, opposed allowing Emergency Homeless Shelters by right in the Park due to potential for increased fire danger. Additionally, she questioned whether the City had adequately studied/analyzed potential negative impacts.

Tom Barnes, resident, opposed allowing Emergency Homeless Shelters by right in the Rancho San Clemente Business Park due to increased fire danger, increase nuisance conditions, and increase risk to residents' health, safety, and welfare.

Cathy Domenichini, resident, supported expanding the potential areas that would allow Emergency Homeless Shelters by right; suggested it would be preferable to establish one Shelter that would house all 70 homeless rather than try to establish 2 shelters; noted delays of up to 8 months for those seeking rapid housing. She recommended expanding the suggested property areas including potential to establish near the old Animal Shelter, and adding transportation options.

Steven Swartz, resident, questioned whether the City could do more to mitigate the loss of bus transport in the Rancho San Clemente Business Park as the loss of transport negatively impacts transportation of special needs children as well; commented on the high cost for Associations to clean up homeless encampments.

Tom King, attorney representing OC Towing, suggested alternative means to address the issues rather than providing shelter including enforcing existing laws, funding social services, providing shelters through churches, and assigning full-time staff to address the issues and develop solutions.

Jessica Johnson, resident, opposed allowing Emergency Homeless Shelters by right in the Rancho San Clemente Business Park due to dangers associated with the homeless in close proximity to children and families as well as increased fire danger; supported housing the homeless on the old hospital site or in the City yard.

Chair Brown closed the public hearing.

Chair Brown announced for the record that the Commission had received late today a letter from the Emergency Shelter Coalition (ESC) charging that the City's proposal does not comply with the Judgement Granting Preemptory Writ of Mandate issued by the Hon. Robert J. Moss, Judge of the Orange County Superior Court on August 30, 2016.

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

- Commented that no perfect area exists for an Emergency Homeless Shelter, but the areas recommended by staff are viable.
- Commented that the previous Animal Shelter site was not presented as a viable site because the site was deemed too geologically instable to house animals, and therefore would not be stable enough to house people.
- Pointed out that there is no proposal at this time to build a Shelter, but the City is mandated to establish areas they are permitted by right.
- Suggested additional sites may be added after more study, including a site at Pico and Vera Cruz, the pump station site, the triangle site, Calle Lago, and the Los Molinos area.
- Suggested Los Molinos would be advantageous to house the homeless due to potential low skill level employment availability.
- Suggested Los Molinos is not appropriate due to close proximity to the Boys and Girls Club.
- Supported a shuttle service to transport the homeless in and out of the Rancho San Clemente Business Park.
- Did not support allowing Shelters in the Calle de Industrias sub-area at all due to close proximity to existing residences.
- Established from staff that a 200-foot buffer between a Shelter and the residences in the Calle de Industrias sub-area would effectively eliminate the entire area from consideration.
- Supported a 200-foot buffer between a Shelter and churches offering schooling or other services to children in the Rancho San Clemente Business Park.
- Supported a Shelter in the Calle de Industrias sub-area if it is not directly connected to the residences.

IT WAS MOVED BY VICE CHAIR CRANDELL, SECONDED BY COMMISSIONER SMITH, AND CARRIED 6-1-1, WITH COMMISSIONER EGGLESTON OPPOSED AND COMMISSIONER TALLEY ABSTAINING, TO ADOPT RESOLUTION NO. PC 16-026, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND AMEND THE GENERAL PLAN, RANCHO SAN CLEMENTE AND WEST PICO CORRIDOR SPECIFIC PLANS, AND THE ZONING ORDINANCE AND PRECISE ZONING PLAN TO IMPLEMENT CALIFORNIA GOVERNMENT CODE SECTION 65583 REGARDING SENATE BILL 2 (SB 2), THE EMERGENCY SHELTER ACT, CITY FILE NUMBERS GPA 16-319; ZA 16-320 AND SPA 16-321.

The following recommendations are to be presented as options in the staff report for City Council Consideration:

- Buffers will be established around the two school sites.
- A Shelter shall not be established adjacent to residences in the Calle de Industrias sub-area.
- Consider reducing the bed count from 50 to 35 for the Calle de Industrias sub-area.

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

**9. NEW BUSINESS** - None

**10. OLD BUSINESS** - None

**11. REPORTS OF COMMISSIONERS/STAFF**

- A. Tentative Future Agenda
- B. Staff Waiver 16-333, 106 W Paseo De Cristobal
- C. Staff Waiver 16-334, 605 Calle De Soto
- D. Staff Waiver 16-335, 2713 Via Bandita

City Planner Pechous announced Community Outreach meetings September 27 and September 29, 2016, for the Los Molinos Specific Plan and Pier Bowl Specific Plan, respectively at 6 p.m. in the Ole Hanson Fireside Room at the Community Center.

Commissioner Blackwell reported that at its last Coastal Advisory Committee meeting, the Committee continued its election of Chair and Vice Chair to the next meeting due to low Member attendance; met new Environmental Programs Supervisor Cynthia Mallett; recommended approval for 2 Environmental Sustainability Grants; reviewed upcoming agenda items.

**12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER BLACKWELL, AND UNANIMOUSLY CARRIED TO ADJOURN AT 5:45 P.M. TO THE ADJOURNED REGULAR PLANNING COMMISSION MEETING TO BE HELD AT 6:00 P.M. ON OCTOBER 5, 2016, IN COUNCIL CHAMBERS AT CITY HALL LOCATED AT 100 AVENIDA PRESIDIO, SAN CLEMENTE, CA.

Respectfully submitted,

\_\_\_\_\_  
Donald Brown, Chair

Attest:

\_\_\_\_\_  
Jim Pechous, City Planner

DRAFT