

These minutes will be considered for approval at the Planning Commission meeting of 04-05-17.

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
March 8, 2017 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Vice Chair Crandell called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:05 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Smith led the Pledge of Allegiance.

3. ROLL CALL

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

Commissioners Absent: Jason Talley; Chair Donald Brown

Staff Present: Amber Gregg, Interim City Planner
Adam Atamian, Interim Code Compliance Supervisor
Scott Smith, City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Planning Commission Study Session of February 8, 2017

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER WU, AND CARRIED 3-0-2, WITH COMMISSIONER SMITH AND CHAIR PRO TEM BLACKWELL ABSTAINING, TO RECEIVE AND FILE THE MINUTES OF THE PLANNING COMMISSION STUDY SESSION OF FEBRUARY 8, 2017, AS SUBMITTED.

B. Minutes from the Planning Commission Meeting of February 8, 2017.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER WU, AND CARRIED 3-0-2, WITH COMMISSIONER

SMITH AND CHAIR PRO TEM BLACKWELL ABSTAINING, TO RECEIVE AND FILE THE MINUTES OF THE PLANNING COMMISSION MEETING OF FEBRUARY 8, 2017, AS SUBMITTED.

C. Minutes from the Study Session of February 22, 2017.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER SMITH, AND CARRIED 4-0-1, WITH COMMISSIONER WU ABSTAINING, TO RECEIVE AND FILE THE MINUTES OF THE PLANNING COMMISSION STUDY SESSION OF FEBRUARY 22, 2017, AS SUBMITTED.

D. Minutes from the Planning Commission Meeting of February 22, 2017

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY CHAIR PRO TEM BLACKWELL, AND CARRIED 4-0-1, WITH COMMISSIONER WU ABSTAINING, TO RECEIVE AND FILE THE MINUTES OF THE PLANNING COMMISSION MEETING OF FEBRUARY 22, 2017, WITH THE FOLLOWING REVISION:

Page 2, last paragraph, replace "Larry Crandell" with "Larry Culbertson"

6. **ORAL AND WRITTEN COMMUNICATION**

David York, resident, questioned whether a payment to the City on his project was properly posted. Interim City Planner Gregg agreed to check with administration and will contact Mr. York.

7. **CONSENT CALENDAR – None**

8. **PUBLIC HEARING**

A. **CUP16-123 665 Camino De Los Mares Suite 105B** (Atamian)

Public Hearing to consider a request to establish a group counseling use, for up to five clients at a time, in a 230 square-foot commercial-office suite in the Community Commercial (CC4) zone at 665 Camino De Los Mares, Suite 105B. The legal description of the property is Parcel 1, Unit 5, of Parcel Map 195-12, Assessor's Parcel Number 938-460-50.

B. **CUP16-124 665 Camino De Los Mares Suite 105C** (Atamian)

Public Hearing to consider a request to establish a group counseling use, for up to nine clients at a time, in a 680 square-foot commercial-office suite in the Community Commercial (CC4) zone at 665 Camino De Los Mares, Suite 105C. The legal description of the property is Parcel 1, Unit 5, of Parcel Map 195-12, Assessor's Parcel Number 938-460-50.

Vice Chair Crandell ascertained from Commissioner Wu and Chair pro tem Blackwell that although they had missed the February 8, 2017, Regular Planning Commission Meeting, they had both reviewed the video and read the minutes and were confident in their understanding of the project.

Adam Atamian, Interim Code Compliance Supervisor, announced agenda items A & B would be combined in a single presentation as they were similar applications from the same applicant.

Mr. Atamian narrated a PowerPoint Presentation entitled, "Coast to Coast Referral Center, Spencer Recovery Center, Conditional Use Permit 16-123 and Conditional Use Permit 16-124, dated March 8, 2017." A copy of the Presentation is on file in Planning Division.

Chris Spencer, applicant; Jim Bohm, applicant's Attorney; and Will Hurst, Program Manager, described the proposed operation, responded to questions, provided licensing information, and discussed program participants, goals, and success rates. Following public testimony and Commission discussion, they agreed to provide contact numbers to all others at the facility in the event any loitering, littering, or smoking occurs; noted patrons will not be permitted to smoke on the property; advised program participants will not be allowed to drive themselves to the facilities; agreed to provide and install "No Smoking" signs on property,

Vice Chair Crandell opened the public hearing.

Michael Wence, Dakota Johnson, Shannon Berry, Melina Khajadourian, Cole Gunstream, and Nicholas Zimmerman, Laguna Beach residents; and Ricardo J. Velo, Chula Vista resident, provided testimonials on the quality of the treatment provided by the applicant, program success rates, and benefits of sober living. They are successful and productive members of society due to this treatment, and currently work for the applicant at the treatment facility in Laguna Beach.

Jerry Medley, resident and pharmacist at Sea View Pharmacy, informed that the many patients and clients seen at the facility and that patronize the pharmacy have health issues that can be exacerbated by cigarette smoke; requested adjacent tenants/owners be supplied with contact numbers in the event patrons are seen smoking, littering, loitering, etc.; questioned whether parking spaces are large enough to accommodate a large van.

Chris Gangnes, resident and administrator at the surgical center at the facility, supported the applicants' desire to help others, but questioned whether this was a suitable location due to existing lack

of parking as well as past harassment of elderly and/or frail patients at the surgery center. He requested the applicants be required to comply with conditions of the Conditional Use Permit.

Vice Chair Crandell closed the public hearing.

Discussion/Comments included:

- Established from staff that although currently no smoking is allowed and there is no smoking location, the conditions are written to allow the building owners to establish a smoking area if they choose for patrons of the entire building.
- Established from staff that because this organization only services persons with a disability that they are able to apply for and receive a reasonable accommodation for relief from the typical application of the City's parking standards; if this use is discontinued and a new use is proposed, the reasonable accommodation would not apply, and the Conditional Use Permit would become null and void.
- Suggested a follow-up or review report from staff after the use is established and a specific amount of time has passed.
- Recommended smoking be banned from the entire campus to protect patients from the negative impacts of secondhand smoke.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY CHAIR PRO TEM BLACKWELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 17-006, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 16-123, COAST TO COAST REFERRAL CENTER GROUP COUNSELING, A REQUEST TO ALLOW A GROUP COUNSELING USE LOCATED AT 665 CAMINO DE LOS MARES, SUITE 105B.

Amended as follows:

The applicant shall provide and install a reasonable amount of "No Smoking" signs in compliance with any specifications required by the property manager.

The applicant shall provide contact numbers to all other tenants/owners for use in reporting any loitering, littering, or smoking by Coast to Coast Referral Center or Spencer Recovery Center Group Counseling patrons.

Staff will provide an update of the use 12 months after start of operations.

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

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO PC 17-007, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 16-124, SPENCER RECOVERY CENTER GROUP COUNSELING, A REQUEST TO ALLOW A GROUP COUNSELING USE LOCATED AT 665 CAMINO DE LOS MARES, SUITE 105C.

Amended as follows:

The applicant shall provide and install a reasonable amount of "No Smoking" signs in compliance with any specifications required by the property manager.

The applicant shall provide contact numbers to all other tenants/owners for use in reporting any loitering, littering, or smoking by Coast to Coast Referral Center or Spencer Recovery Center Group Counseling patrons.

Staff will provide an update of the use 12 months after start of operations.

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

- 9. **NEW BUSINESS** - None
- 10. **OLD BUSINESS** - None
- 11. **REPORTS OF COMMISSIONERS/STAFF**
 - A. Tentative Future Agenda
 - B. Zoning Administrator Minutes 2-22-17

Commissioner Smith discussed topics discussed at the recent Planning Commissioners Academy including information on AB 1234 and meaningful discussions with other Planning Commissioners. He noted a particularly informative discussion with a Planning Commissioner in Laguna Beach regarding their successful view protection program and expressed disappointment that there was not a session on the issue of short-term vacation rentals.

Vice Chair Crandell congratulated former Planning Commissioner Lew Avera on a recent birthday.

Commissioner Eggleston dedicated the meeting to the memory of Don Bonanno, the "Godfather of North Beach," who was pivotal in defeating the City's efforts to install beach parking on property that was designated for a park.

Interim City Planner Gregg announced that the March 22, 2017, Regular Planning Commission Meeting has been canceled due to lack of agenda items.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER WU, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADJOURN AT 7:43 P.M. TO THE ADJOURNED REGULAR PLANNING COMMISSION MEETING TO BE HELD AT 6:00 P.M. ON APRIL 5, 2017, IN COUNCIL CHAMBERS AT CITY HALL LOCATED AT 100 AVENIDA PRESIDIO, SAN CLEMENTE, CA.

Respectfully submitted,

Barton Crandell, Vice Chair

Attest:

Amber Gregg, Interim City Planner

DRAFT