

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
June 7, 2017 @ 7:00 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 Talley 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: Amber Gregg, City Planner
Christopher Wright, Associate Planner
Jennifer Rosales, Senior Traffic Engineer
Cecelia Gallardo-Daly, Community Development Director
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 of May 17, 2017

IT WAS MOVED BY VICE CHAIR CRANDELL, SECONDED BY COMMISSIONER SMITH, AND CARRIED 6-0-1, WITH COMMISSIONER TALLEY ABSTAINING, TO RECEIVE AND FILE THE MINUTES OF THE PLANNING COMMISSION STUDY SESSION OF MAY 17, 2017.

B. Minutes from the Planning Commission Meeting of May 17, 2017

IT WAS MOVED BY VICE CHAIR CRANDELL SECONDED BY COMMISSIONER EGGLESTON, AND CARRIED 6-0-1, WITH COMMISSIONER TALLEY ABSTAINING, TO RECEIVE AND FILE THE MINUTES OF THE PLANNING COMMISSION MEETING OF MAY 17, 2017.

6. **ORAL AND WRITTEN COMMUNICATION**

None

7. **CONSENT CALENDAR**

A. Establishment of Speed Limit on Avenida La Pata (T. Frank)

Jennifer Rosales, Senior Traffic Engineer, responded to questions concerning the speed survey process, guidelines for setting speed limits, subject road conditions and California Vehicle Code requirements.

Public Comment:

Brad Malamud, resident, agreed that posting the road a certain speed limit before speed surveys are undertaken likely influences the drivers' speeds.

The Commissions elected to table this item to allow staff to provide additional information regarding the process of conducting speed surveys and speed setting guidelines.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER SMITH AND UNANIMOUSLY CARRIED TO TABLE ESTABLISHMENT OF SPEED LIMIT ON AVENIDA LA PATA.

[AGENDA ITEM TABLED.]

B. Proposed Two-Hour Parking Restriction on Avenida Serra (T. Frank)

Senior Traffic Engineer Rosales was available for questions.

Following a discussion of the procedures and rationale behind determining the proposed two hour parking restrictions on Avenida Serra, the Commissioners expressed concern that restricting parking in targeted areas may just result in relocating the parking problems to adjacent areas. They suggested that City Council consider a study of all the streets in the T-Zone to determine if the existing parking restrictions are appropriate and consistent.

IT WAS MOVED BY VICE CHAIR CRANDELL, SECONDED BY COMMISSIONER TALLEY, AND UNANIMOUSLY CARRIED TO RECOMMEND CITY COUNCIL APPROVE THE ESTABLISHMENT OF TWO-HOUR PARKING RESTRICTION BETWEEN THE HOURS OF 9:00 A.M. TO 6:00 P.M. ON AVENIDA SERRA FROM EL CAMINO REAL TO THE ALLEY.

Amended as follows:

The Planning Commission recommended City Council authorize a study of similar streets in the T-Zone to determine if existing parking restrictions are appropriate and consistent.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

8. PUBLIC HEARING

A. Cultural Heritage Permit 16-376 Conditional Use Permit 16-377 and Site Plan Permit 16-378, 1700 N. El Camino Real, Miramar Events Center and Restaurants (Gregg)

Public Hearing to consider a request for: 1) the rehabilitation and adaptive reuse of the historic Miramar Theater into a performing arts and event center; 2) the rehabilitation and adaptive reuse of the historic bowling alley with a 1,035 square foot addition into a culinary specialty restaurant structure, a 5,200 square foot new basement area, and a 3,400 square foot outdoor courtyard eating area; and 3) Conditional Use Permit for 92 historic parking waivers with a preservation agreement, indoor live entertainment permit with amplified sound, and the on-site sale and indoor and outdoor consumption of a full range of alcohol. The site is located at 1700 North El Camino Real, in the Mixed Use Zoning districts and the Architectural, Coastal Zone and Central Business District Overlays (MU1-A-CZ-CBD). The sites legal description is Tract 821, Block 5 Portion of, and Accessor's Parcel Number 057-193-05.

Commissioner Eggleston recused himself from consideration of this agenda item due to his prior role as an unpaid spokesman for the developer.

Amber Gregg, City Planner, narrated a PowerPoint Presentation entitled, "Miramar Event Center and Restaurants, CHP 16-376, CUP 16-377, and SPP 16-378, dated June 7, 2017." A copy of the Presentation is on file in Planning Division. She distributed an errata featuring corrections, clarifications, and expanded information.

Daniel Conrardy, architect/applicant representing the property owners, described renovation goals; discussed alternative options, California Coastal Commission (CCC) input, and importance of receiving parking waivers for this site; noted desire to use as many energy conscious materials, practices, etc., as possible

while conforming to the Secretary of the Interior's standards for historical buildings.

Jim Holloway, representing the property owners, encouraged renovation of the theater building and bowling alley in order to revitalize the area and provide amenities for those arriving by car as well as alternate means of transportation such as walking along the beach trail, riding the trolley, biking, etc. Included in the project is an agreement with the City to fund future parking when certain thresholds of parking impacts occur.

Chair Brown opened the public hearing.

Rey Harju, resident and President of the North Beach Community Association, advised that the proposed plans for the site include many of the residents' previously stated preferences in an number of survey's soliciting feedback for North Beach, the top three request for North Beach were consistently to renovate the Miramar, restaurants, and turn North Beach into an entertainment district.

Larry Culbertson, resident and member of the historic society, endorsed the proposed plan as it retains the existing footprint, keeps the building's character defining features, and features amenities that residents have asked for.

Jim Ruehlin, resident and North Beach Community Association Boardmember, supported the proposal and cautioned that unreasonable demands may derail the project.

Wayne Eggleston, resident, (speaking as an individual), thanked all those involved with the project; noted the project will not be able to move forward without parking waivers; suggested there are solutions available in the event parking does become a problem.

Tyler Johnson, North Beach business owner and North Beach Community Association Board member, supported the project for the benefit of the City's residents; noted its compliance with applicable guidelines and restrictions.

Brad Malamud, resident, supported the project but questioned whether there would be sufficient parking for this use in addition to the Casino; suggested parking solutions be crafted in advance and ready to implement if/when a parking shortage develops.

George Gregory, resident, suggested alternative plans, such as creating a basement parking area; suggested continuing this agenda item to allow expanded public noticing beyond the required 300 feet; suggested the neighborhood will be negatively impacted due to parking shortages; suggested the project does not follow parking waiver guidelines;

expressed concern with people drinking at events/restaurants and then driving in the neighborhood.

Chair Brown closed the public hearing.

For the record, City Planner Gregg stated that Casino waivers were included during the parking assessment as well as the Ole Hanson Beach Club; advised staff followed requirements when noticing the project; noted City Codes allow parking waivers for historic structures to be located "in close proximity" rather than within a certain distance; advised underground parking was considered as an option but discarded due to potential negative impacts to the historic structure. Reviewed current and past parking studies for the North Beach area and discussed future parking solutions should parking become an issue in the future, including parking management techniques.

Discussion/Comments Included:

- Comment that the Commissioners had been extensively prepared for this project, including study sessions, Design Review Subcommittee (DRSC) meetings, progress updates, and tours of the site.
- Suggested that staff be prepared for parking impacts, with solutions at the ready, due to the site's potential popularity as well as expanding population around the City's borders and improved access to the site. Recommendation that the City work with the CCC to redesign the proposed parking lot across from the site.
- Supported the project for its excellent design, historic structure preservation, intent to renovate a derelict building, pedestrian orientation, consistency with the General Plan goals and policies, start of North Beach revitalization.
- Supported allowing the project to go forward with confidence that staff will continue its extensive review as the project progresses.
- Suggested the staff work on a solution to the sidewalk issue along Calle Deshecha due to the importance of providing pedestrian access in the area as well as ensure a safe and accessible path for handicapped parking to avoid potential liability in the future.

IT WAS MOVED BY VICE CHAIR CRANDELL, SECONDED BY COMMISSIONER TALLEY, AND CARRIED 6-0-1, WITH COMMISSIONER EGGLESTON ABSTAINING, TO ADOPT RESOLUTION NO. PC 17-017, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT (CHP) 16-376, CONDITIONAL USE PERMIT (CUP) 16-377, AND SITE PLAN PERMIT (SPP) 16-378, MIRAMAR EVENT CENTER AND RESTAURANTS, A REQUEST TO REHABILITATE AND ADAPTIVELY REUSE TWO HISTORIC RESOURCES, AND FOR THE WAIVER OF 92 PARKING SPACES, INDOOR AND OUTDOOR ON-SITE SALE AND CONSUMPTION OF A FULL RANGE OF ALCOHOLIC BEVERAGES, AND FOR INDOOR LIVE ENTERTAINMENT WITH

AMPLIFIED SOUND AT THE MIRAMAR EVENT CENTER, LOCATED AT 1700 NORTH EL CAMINO REAL; DETERMINED THAT THE PROJECT IS CATEGORICALLY EXEMPT PER CLASS 31 AND 32 PURSUANT TO THE CEQA AND DIRECTED STAFF TO FILE A NOTICE OF EXEMPTION.

Amended as follows:

Revisions contained in the errata entitled, "June 7, 2017, Planning Commission Packet Errata for item 8-A, Miramar Event Center and Restaurants," approved.

Page 16, Condition no. 10, strike the condition and replace it with, "For more than one special activity in a year a Special Activity Permit must be reviewed and approved by the Zoning Administrator. This is a public hearing process."

Page 18, condition no. 32, strike in its entirety.

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

Commissioner Eggleston returned to Chambers.

B. Variance 16-219, 1001 Buena Vista, Owens Deck (Wright)

Public Hearing to consider a request for a variance of the required coastal bluff setback to allow a deck constructed without permits. The deck is at the rear of a six-unit residential development. The site is located in the Residential Medium Zoning district and Coastal Zone Overlay district (RM-CZ) at 1001 Buena Vista Unit 2. The site's legal description is Tract 8966, Lot 1, Unit 2 of project on Assessor's Parcel Number (APN) 692-061-08. The APN of the unit is 935-120-02.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Owens Deck, Variance 16-219, dated June 7, 2017." A copy of the Presentation is on file in Planning Division. He distributed an errata entitled, "June 7, 2017, Planning Commission Packet Errata for Item 8-B, Owens Deck."

In response to questions, Associate Planner Wright noted that staff is recommending denial of the project because the findings for a variance cannot be made. Staff explained 33 bluff properties were analyzed within the block, and the site has the 2nd largest lot, 3rd largest building pad for decks, and 6th widest lot (the non-bluff part of lots), so the site does not have a hardship that requires a variance to construct a deck that other properties may have with similar zoning. The deck was built without permits so it is illegal, not "grandfathered." A variance must be reviewed according to site's current topography; bluff edge location, and zoning limitations. Staff is unable to review the deck according to the bluff edge location that may have existed when the site was developed. In 1976, a building was developed on the site and the coastal permit states the

building complied with bluff setbacks at the time, but the deck was built illegally afterward. The bluff edge has moved closer to the front of the property over time with erosion and now a variance is required to allow the deck because it doesn't meet the bluff edge setback based on its current location. If a variance is denied and the deck is removed, the Zoning Code allows caissons or other engineering work to stabilize the bluff that blends into the hillside, as necessary.

Steven Peter, representing the property owners, explained that the property was bought with the existing deck in 1997. The condos were built in the mid 1970's, and at that time there was a 25-foot easement to the bluff edge. The property has changed over time due to erosion and a filled in ravine between the subject and an adjacent property. He suggested the City is interpreting the bluff edge incorrectly and displayed a map with revised edge. He acknowledged that even with the revised map, the subject deck still encroaches into the bluff. The support underneath the deck, comprised of caissons, railroad ties, and a retaining wall, must be retained in order to help curtail further erosion.

Chair Brown opened the public hearing.

Joe Daruty, resident, stated that the deck was installed at the same time as posts were inserted to help save the bluff; opined that there should be a mechanism to allow this deck to remain as it has been in place for 30 years and never created a problem. He believes that although it was not permitted at the time it was built, it was likely in conformance at the time due to its proven longevity and success in stabilizing the bluff.

Chair Brown closed the public hearing.

Discussion ensued regarding the Commission's inability to make the findings, potential action the applicants can take to help remedy the situation, and advised the applicant of the appeals process and to discuss this with staff.

IT WAS MOVED BY COMMISSIONER BLACKWELL, SECONDED BY VICE CHAIR CRANDELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 17-016, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, **DENYING** VARIANCE 16-219, OWENS DECK, A REQUEST FOR A VARIANCE FROM THE REQUIRED COASTAL BLUFF SETBACK TO ALLOW A DECK CONSTRUCTED WITHOUT PERMITS AT THE REAR OF A SIX-UNIT RESIDENTIAL DEVELOPMENT LOCATED AT 1001 BUENA VISTA UNIT 2.

[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. Staff Waiver 17-118, Ocean View Plaza Escalator
- C. Staff Waiver 17-133, Sea Pointe Estates Pocket Park
- D. Staff Waiver 17-162, Chase Bank
- E. Staff Waiver 17-175, Avenida Serra
- F. Staff Waiver 17-179, Ocean View Plaza Lighting
- G. Staff Waiver 17-182, Ocean View Plaza Lighting Replacement
- H. Staff Waiver 17-183, Corto Lane

City Planner Gregg announced that the Planning Division had received an American Planning Award for the Paseo Master Plan.

City Planner Gregg noted the Commission's first meeting in July falls on July 5, 2017, commented on its light agenda, and suggested the Commission consider canceling the meeting.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY VICE CHAIR CRANDELL, AND UNANIMOUSLY CARRIED TO CANCEL THE REGULAR PLANNING COMMISSION MEETING OF JULY 5, 2017.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER WU, AND UNANIMOUSLY CARRIED TO ADJOURN AT 10:15 P.M. TO THE ADJOURNED REGULAR PLANNING COMMISSION MEETING TO BE HELD AT 6:00 P.M. ON JUNE 21, 2017, IN COUNCIL CHAMBERS AT CITY HALL LOCATED AT 100 AVENIDA PRESIDIO, SAN CLEMENTE, CA.

Respectfully submitted,

Donald Brown, Chair

Attest:

Amber Gregg, City Planner

DRAFT