

These minutes will be considered for approval at the Planning Commission meeting of 09-06-17.

**MINUTES OF THE SPECIAL MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
August 16, 2017 @ 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA**

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**1. CALL TO ORDER**

Chair Brown called the Special Meeting of the Planning Commission of the City of San Clemente to order at 6:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chair Brown led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Jim Ruehlir, 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  
Veronica Tam, Housing Consultant  
Eunice Im, Assistant Planner  
Vanessa Norwood, Contract Planner  
Cristina Talley, Deputy City Attorney  
Eileen White, Recording Secretary

*These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.*

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

**5. MINUTES**

**A. Minutes from the Planning Commission Study Session of August 2, 2017**

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES OF THE STUDY SESSION OF AUGUST 2, 2017.

B. Minutes from the Planning Commission Meeting of August 2, 2017

IT WAS MOVED BY VICE CHAIR CRANDELL, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES OF THE PLANNING COMMISSION MEETING OF AUGUST 2, 2017, AS SUBMITTED.

6. **ORAL AND WRITTEN COMMUNICATION**

Audra Giddens, resident, requested information on the status of the Rancho San Clemente Tennis Club; noted the tennis community is frustrated from having to travel all over to play tennis; asked when the facility will reopen.

City Planner Gregg advised that although the applicant had submitted an application some time ago, they have just recently submitted the environmental documentation and the City is in the process of reviewing it. Following that document review, the project will go through the approval process, including Planning Commission review. She noted for the record it was the applicant's choice to close the facility during the application process and speculated the project may be ready for Planning Commission review within 3-6 months.

7. **CONSENT CALENDAR - None**

8. **PUBLIC HEARING**

A. General Plan Amendment 15-331 and Zoning Amendment 17-251 – Housing Element Update and Amendment to the Emergency Shelter Overlay (Gregg)

Public Hearing to consider the Draft Housing Element for the 2013-2021 State planning period as required by State Law and amendments to the Emergency Shelter Overlay that include, but are not limited to, separation between shelters operated by the same provider, parking, shelter operator, and submission of Emergency and Management Plans. The Housing Element identifies the goals and policies to meet the City's housing objectives.

Amber Gregg, City Planner, reviewed the staff report. Veronica Tam, Housing Consultant, was on hand to answer questions and provide clarification.

Chair Brown opened the public hearing.

Chair Brown acknowledged receipt of a letter immediately before the meeting from Connor, Fletcher & Hadenkamp, LLP, 2211 Michelson Drive, Suite 1100, Irvine, CA 92612, representing the Emergency Shelter Coalition (ESC), opposing adoption of GPA 15-331 as submitted by staff, and suggesting revisions including

expansion of the Overlay Zone to include more feasible areas for shelters, establishment of a reasonable bed limit, guarantee of adequate transportation to and from the business park, revision of monitoring measures, and elimination of CUP requirement for future shelters.

There being no additional public testimony, Chair Brown closed the public hearing.

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

- Established from Cristina Talley, Deputy City Attorney, that although the City is not prohibited from requiring a 300-foot buffer between two emergency shelters from the same provider, eliminating the 300-foot buffer requirement for shelters operated by the same provider was agreed to by staff in response to concerns raised by stakeholders; certification of the Draft Housing Element by the Department of Housing and Community Development (HCD) is conditioned on the City adopting this exception.
- Ms. Talley also stated that a goal of SB2 of the State Housing Element Law is to help encourage the development of emergency shelters within a jurisdiction, and that removal of the 300-foot buffer requirement facilitates that goal.
- Commented that removing the 300-foot buffer to help one emergency shelter provider locate two shelters less than 300-foot from each other is essentially an economic solution to a land use problem, which may create other problems, such as high density of emergency shelter beds in a single location, elimination of competition for other emergency shelter beds providers, etc.
- Established from staff that the City will continue to monitor the identified locations, regulations, and guidelines in the Emergency Shelter Overlay Zone portion of the Housing Element as conditions change and the official number of homeless persons fluctuates.
- Suggested that the Commission, which is charged with considering land use rather than economic issues, reinstate the 300-foot buffer language back into the Emergency Shelter Overlay Zone of the Housing Element, and let the City Council make the determination whether it should be struck from the document.
- Suggested that staff contact the HCD to clarify whether the City must strike the 300-foot buffer requirement in order to have the Housing Element certified, and have that information on hand when the Amendment is presented to City Council for their consideration.
- Expressed concern that reinstating the 300-foot buffer may put the certification of the Draft Housing Element in peril; suggested that many parties were involved in developing the Emergency Shelter

Overlay Zone portion of the Draft Housing Element and that undoing a previously agreed upon revision may put the City's Draft Housing Element at risk of not being certified. Additionally, monitoring the situation and having accurate counts will help the City make objective decisions moving forward.

- Suggested the Commission recommend approval of the Draft Housing Element as recommended by staff, as an approved Housing Element will allow the court injunction to be lifted and let the City operate with the benefits associated with a Certified Housing Element.
- Stated support for the resolutions as written and recommended by staff; noted opposition to the resolutions if changed to reinstate a 300-foot separation requirement between shelters if the same shelter operator proposes to open a second shelter within proximity to its first shelter due to potential of putting certification by the State of the City's Housing Element in peril.
- Stated for the record that the Planning Commission is charged with identifying the best land use solutions in compliance with State Law. Representatives from the State disagreed with the City's Emergency Shelter Zone Ordinance portion of the Housing Element and then through subsequent meetings, provided guidance to the City on program revisions that would result in a Housing Element that complies with State law. If the City fails to follow through with the Housing Element programs, it does so at the risk of not getting the Housing Element certified.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER SMITH, AND CARRIED 5-2-0, WITH COMMISSIONER RUEHLIN AND COMMISSIONER ZHEN OPPOSED, TO ADOPT RESOLUTION NO. 17-024, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION ADOPTING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED SAN CLEMENTE CENTENNIAL GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2013041021) REGARDING THE 2013-2021 HOUSING ELEMENT UPDATE AND APPROVING GENERAL PLAN AMENDMENT, GPA 15-331 TO ADOPT THE HOUSING ELEMENT UPDATE.

Amended as follows:

Approved with the caveat that the findings made in the resolution do not allow for the 300-foot separation requirement for the same shelter operator to be removed.

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

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY VICE CHAIR CRANDELL, AND CARRIED 5-2-0, WITH COMMISSIONER RUEHLIN AND

COMMISSIONER ZHEN OPPOSED, TO ADOPT RESOLUTION NO. 17-025, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE ZONING AMENDMENT 17-251, AN AMENDMENT TO SUBDIVISIONS D.1, D.5, E.1 AND E.4 OF SECTION 17.56.100 OF CHAPTER 17.56, TITLE 17 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO EMERGENCY SHELTERS, PURSUANT TO AN ADDENDUM TO THE PREVIOUSLY CERTIFIED SAN CLEMENTE CENTENNIAL GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2013041021).

Amended as follows:

Page 2, Section 2, 1<sup>st</sup> sentence, strike "i) removing the 300-foot separation...social service provider"

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

**B. Conditional Use Permit 17-159, 2340 South El Camino Real, Suite 6, Mizokami Sports Therapy (Vo)**

Public Hearing to consider a request to establish and operate a massage establishment located in an existing commercial building at 2340 South El Camino Real, Suite 6 in the Neighborhood Commercial Zoning district (NC1.3). The site's legal description is Parcel 2, of Page 29, of Assessor's Parcel Book 73; and Assessor's Parcel Number is 060-032-07.

City Planner Gregg recommended the Commission table this item.

IT WAS MOVED BY VICE CHAIR CRANDELL, SECONDED BY COMMISSIONER TALLEY AND UNANIMOUSLY CARRIED TO TABLE CONDITIONAL USE PERMIT 17-159, 2340 SOUTH EL CAMINO REAL, SUITE 6, MIZOKAMI SPORTS THERAPY.

**[AGENDA ITEM TABLED.]**

**C. Cultural Heritage Permit 16-227, 405 Pasadena Court, Pasadena Court Remodel (Norwood)**

Public Hearing to consider a request to demolish a five-unit building and reconstruct a duplex located at 405 Pasadena Court in the Residential Medium Zone of the Pier Bowl Specific Plan and Architectural Overlay (PBSP-RM-A). The site's legal description is Lot 62, Block 1 of Tract 785, and Assessor's Parcel Number is 692-031-07.

Vanessa Norwood, Contract Planner, narrated a PowerPoint Presentation entitled, "Pasadena Court Remodel, CHP 16-227," dated August 16, 2017. A copy of the Presentation is on file in Planning Division.

Michael Luna, Architect representing the applicant, reviewed the project; described design, materials and details; noted remodel brings the building into compliance and up to neighborhood standards.

The Landscape Architect, reviewed the growth potential of the proposed plantings; agreed with suggestion to condition project to limit growth of trees to height of building to reduce negative view impacts of neighbors.

Mike Palcovic, property owner, described plans for the two units; noted no intent at this time to allow the property to be rented to large groups for parties; described plans for the private balcony, which will only be accessible through the upper unit and can seat about 15 comfortably; noted shade will be provided by umbrellas that will be stored when not in use; stated intent to use the upper unit as a second home for family and friends to visit; advised currently the developer of the lower unit will use it as a second home.

Chair Brown opened the public hearing; noted receipt of a letter from Nancy and Greg Sterling, residents, listing concerns of note; closed the public hearing.

In response to concerns listed in the Sterling's letter, staff advised that City Codes do not allow personal residences to be used as wedding facilities; the project height complies with restrictions; noise complaints reported to the City will be handled by Code Compliance; access to the roof will only be through the upper unit.

Comments included:

- Commendation for the architecture, design materials, and details.
- Suggestion that the project be conditioned to ensure the proposed plantings do not exceed the height of the structure.
- Suggestion that the applicant contact the City's Landscape Consultant, Pat Murphy, to review the proposed plantings and provide input.
- Comment that the proposed remodel lessens density to 2 units instead of 5; the project will replace an existing eyesore for the neighborhood's benefit.
- Comment that the project could be revised to be more closely resemble Spanish Colonial Architecture as suggested in the City's guidelines by changing the proposed flat roof to a pitched roof, removing the rooftop deck in response to concerns expressed by neighbors, and stay within the current building footprint.
- Opposition to the project due to lack of Spanish Colonial Architecture details.

- Comment that incorporating Spanish Colonial Architecture details in this area is a guideline not a requirement.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR CRANDELL, AND CARRIED 6-1-0, WITH COMMISSIONER ZHEN OPPOSED, TO ADOPT RESOLUTION NO. PC 17-023, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 16-227, PASADENA REMODEL, A REQUEST TO REMODEL AND CONVERT A FIVE-UNIT RESIDENTIAL BUILDING INTO A DUPLEX LOCATED AT 405 PASADENA COURT.

Amended as follows:

Staff will add a condition of approval stating that the exterior landscaping will not exceed the height of the building.

**[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 17-239
- C. Staff Waiver 17-240
- D. Staff Waiver 17-244
- E. Staff Waiver 17-247
- F. Staff Waiver 17-254

Commissioner Smith reported that at its last meeting, the Coastal Advisory Committee (CAC) appointed Susan Ambrose as its new chair; received a presentation from a Watershed Task Force member on procuring/borrowing beach clean-up equipment; discussed ongoing and potential efforts to curb bird waste and address its impacts.

Chair Brown announced the Safety Task Force will meet Friday, August 18, 2017, from 4:00-6:00 p.m.

City Planner Gregg announced that Jennifer Rosales, Senior Traffic Engineer, has taken a position with the City of Costa Mesa and will be sorely missed. She

will email the Commission with details on her send-off party. Additionally, she announced the Commission will hear the Pier Pride Presentation at its first meeting in October; requested the Commissioners use only their City email addresses for City correspondence and check their accounts regularly.

**12. ADJOURNMENT**

IT WAS MOVED BY VICE CHAIR CRANDELL, SECONDED BY COMMISSIONER TALLEY, AND UNANIMOUSLY CARRIED TO ADJOURN AT 8:45 P.M. TO THE ADJOURNED REGULAR MEETING TO BE HELD AT 6:00 P.M. ON AUGUST 16, 2017, IN COUNCIL CHAMBERS AT CITY HALL LOCATED AT 100 AVENIDA PRESIDIO, SAN CLEMENTE, CA.

Respectfully submitted,

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Donald Brown, Chair

Attest:

  
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Amber Gregg, City Planner

DRAFT