

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
January 17, 2018 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Brown called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:03 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Brown led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Jim Ruehlin, Michael Smith, Zhen Wu; Chair pro tem Michael Blackwell, Vice Chair Barton Crandell Chair Donald Brown

Commissioners Absent: Jason Talley

Staff Present: Amber Gregg, City Planner
Vanessa Norwood, Contract Planner
Amy Vazquez, Contract Planner
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Regular Planning Commission Meeting of December 20, 2017.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES FROM THE REGULAR MEETING OF DECEMBER 20, 2017, AS SUBMITTED.

6. ORAL AND WRITTEN COMMUNICATION

Karen Conley, resident, was opposed to any proposal that would allow Short Term Lodging Units ("STLU's") or Short-Term Apartment Rentals ("STAR's") to increase in the Montalvo Loop area. She noted the lack of parking in the area for residents and requested the Commission enforce parking regulations for STAR owners. Additionally, all the partying and noise generated by STAR tenants disrupts the entire neighborhood, which has a mix of young families, seniors, and long-term tenants and has a negative affect on property values.

Judy Rowe, resident, advised that STAR tenants in the neighborhood have changed the quality of life for Montalvo Loop area residents, bringing about an increased lack of parking, party noise, and lack of security. She read the text of a petition opposed to any zoning change that would make the area more amenable to STLU's or STAR's.

Rick Rowe, resident, submitted the petition signed by 110 residents living on the Montalvo Loop opposed to STLU's or STAR's; asked that the neighborhood or its representatives be allowed to participate in any future discussions about STLU's or STAR's.

Gale Gordon, resident, noted the quality of life during the summer on the Montalvo Loop has deteriorated due to partying, loud noise, lack of parking, etc.

Dian Dewyer, resident, stated problems on Montalvo Loop related to STAR rentals are noisy partyers, young people drinking, lack of parking, littering, and lack of security including theft of a purse.

Jill Martin, resident, listed negative changes to Montalvo Loop over the years including partying, trash strewn about, and lack of parking for residents.

Robert Lacy, resident, expressed concern that changing zoning in the Montalvo Loop area will fundamentally change the nature of the neighborhood by displacing families and long-term renters. Additionally, crime will increase and property values will decrease. The result will be decreased revenues for the City, increased transients, and increased costs for fire and police protection.

Sandra Beeler, resident, stated opposition to any plans to change the present zoning for the Montalvo Loop area.

Catherine Osier, resident, stated concern that allowing STLU's to be established will increase noise, partying, and trash. The area was not designed to be a short-term rental area and does not have enough parking to support STLU use.

7. CONSENT CALENDAR – None

8. PUBLIC HEARING

A. 136 Avenida Victoria – Cultural Heritage Permit 17-199 / Tentative Parcel Map 2017-184 – Casa Victoria Triplex (Norwood)

Public Hearing to consider a request to: 1) construct a triplex residential building; and, 2) approve a tentative parcel map to allow for separate ownership of the units as condominiums. The site is a vacant lot located at 136 Avenida Victoria in the Mixed Use 3.1 Zoning District, and Architectural Overlay (MU3.1-A). The site's legal description is Tract 779, Block 7, Lot 31 and a portion of Lot 30. The Assessor's Parcel Number is 058-083-44.

Vanessa Norwood, Contract Planner, narrated a PowerPoint Presentation entitled, "Casa Victoria Triplex, CHP 17-199/TPM 2017-184", dated January 17, 2018. A copy of the Presentation is on file in Planning Division. She recommended the Commission consider striking Condition no. 13 as it is not relevant.

Michael Luna, representing the applicant, described the project; requested removal of Condition no. 35 as it is an unnecessary burden and expense for the applicant. An acoustical analysis should not be required unless the project is anticipated to be a noise generator.

Chair Brown opened the public hearing, and there being no public testimony, closed the public hearing.

City Planner Gregg supported removal of Condition no. 35, and agreed to contact Building Division to see why it was required for this project and report back. Additionally, she agreed to provide a sample acoustical analysis in response to a request.

Discussion ensued regarding language in Condition 14A referring to an alternative mechanism to establishment of a condominium association. Following discussion, the Commissioners elected to revise the condition to clarify its intent to ensure the performance of landscape maintenance.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER WU, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 17-036, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 17-199 AND TENTATIVE PARCEL MAP 2017-184, CASA VICTORIA TRIPLEX, A REQUEST TO CONSTRUCT A TRIPLEX SUBDIVIDED FOR SEPARATE OWNERSHIP ON A SITE LOCATED AT 136 AVENIDA VICTORIA.

Amended as follows:

Page 3, Condition no. 13, strike in its entirety.

Page 4, Condition no. 14A, last sentence, replace “may” with “shall”; place a period after “above” and strike the remainder of the sentence.

Page 9, Condition no. 35, strike in its entirety.

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

B. 101 West Avenida Vista Hermosa- Conditional Use Permit 16-349 - Outdoor Events at Outlets at San Clemente (Vazquez)

Public Hearing to consider a request to permit outdoor events with the sale and consumption of alcoholic beverages at the Outlets at San Clemente proposed at 101 West Avenida Vista Hermosa within the Marblehead Coastal Specific Plan zoning designation. The site’s legal description is Lot 327 of Tract 8817. The Assessor’s Parcel Number is 691-422-13.

Amy Vazquez, Contract Planner, narrated a PowerPoint Presentation entitled, “Outlets at San Clemente-Outdoor Events, CUP 16-349,” dated January 17, 2017. A copy of the Presentation is on file in Planning Division. She distributed copies of the resolution with revision of Condition no. 21 with to require outdoor amplified sound conclusion by 10:00 p.m. every night.

Vickie McMurchie, representing the applicant, thanked staff for their assistance with this application. She listed benefits the outlet mall has brought to the community including 1,500 jobs, 1,000 permanent positions, and sponsorship for community, sports, and philanthropic endeavors. The outlet mall has hosted a variety of events including blood drives, local entertainment, and fundraising events. In response to comments she agreed to update plans submitted to comply with regulations for security guards; advised all events listed in the CUP have transpired with the exception of a wedding, and that all events have occurred without incident; noted the only event that goes beyond 10:00 p.m. is Midnight Madness.

Chair Brown opened the public hearing, and there being no public testimony, closed the public hearing.

Comments included:

- Concern that the proposed layout for temporary stages and inflatable movie screens placed in the right of way areas adjacent to a high occupancy building such as a theater could possibly block exits and create unsafe conditions in the event of an emergency.

- Established from staff that Building and Safety Division as well as the OCFA reviewed the plans and did not comment on potential that temporary structures had the potential to block exit paths. Note that Condition no. 23 requires that pathways are open at all times. Additionally, the applicant has indicated stages will not be used at this location after the movie theater has been constructed.
- Established that the proposed noise levels in Condition no. 65 mirror the City's Noise Ordinance.
- Suggested any occupancy proposed in Suite 502 (Fashion Show) shall be approved by the Building Official.
- Suggested additional language to ensure drones used by the property owner stay within property lines.
- Expressed concern with regard to wedding plans especially as this type of event has not yet been held on property. Potential negatives include noise impacts, porta-potty screening, light pollution, view blockage, closeness of location to residences, etc. Suggestion that this item be removed from the proposed CUP. In the event it is planned in the future, the applicant would be required to submit a Special Activity Permit for a wedding use.
- Suggestion that the CUP be reviewed in a year's time to ensure no negative impacts.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR CRANDELL, AND CARRIED 5-1-0, WITH COMMISSIONER SMITH OPPOSED, TO ADOPT RESOLUTION NO. PC 18-001, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 16-349, A REQUEST FOR OUTDOOR EVENTS WITH THE SALES AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE OUTLETS AT SAN CLEMENTE LOCATED AT 101 WEST AVENIDA VISTA HERMOSA.

Amended as follows:

Page 3, Condition no. 15 revise to add language to ensure that any drones stay within property lines.

Page 4, Condition no. 23, add to the end of the 2nd sentence, "to the satisfaction of the Building Official, OCFA, and OCSD.

Staff directed to add conditions to 1) remove the wedding venue request from the plans submitted, 2) add a condition to require review of the CUP after one year, 3) add a condition to require that any vacant, interior spaces being temporarily repurposed for any use shall be approved by the Building Official and OCFA, and 4) add a condition to require that use of any outdoor stages or structures must conform to safety requirements of the Building Department and OCFA.

[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 of 12-20-2017
- C.** Staff Waiver 17-421
- D.** Staff Waiver 17-423
- E.** Staff Waiver 17-429
- F.** Staff Waiver 18-001
- G.** Staff Waiver 18-002
- H.** Staff Waiver 18-024

Commissioner Smith reported that at its last meeting, the Coastal Advisory Committee heard presentations from representatives of organizations that are helping to grow kelp forests, encourage the return of Green Abalone, etc. He will forward the video links to City Planner Gregg for her to forward to the Commissioners.

City Planner Gregg announced she will be in Cambria February 7-9 for the California Coastal Commission's review of the City's Local Coastal Plan.

Cancellation of the 2-7-18 Regular Planning Commission meeting confirmed due to lack of agenda items.

Chair Brown requested City Planner Gregg forward to the Commissioners the link to proposed changes in the City's General Plan; requested staff refrain from scheduling review of large documents, such as the Zoning Ordinance reviewed tonight, during study sessions due to time constraints.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADJOURN AT 9:09 P.M. TO THE REGULAR STUDY SESSION TO BE HELD AT 6:00 P.M. ON FEBRUARY 21, 2018, IN COUNCIL CHAMBERS AT CITY HALL LOCATED AT 100 AVENIDA PRESIDIO, SAN CLEMENTE, CA.

Respectfully submitted,


Donald Brown, Chair

Attest:


Amber Gregg, City Planner