

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
March 21, 2018 @ 7:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA**

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**1. CALL TO ORDER**

Chair Brown called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:24 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chair Brown led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Jim Ruehlin, 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  
Vanessa Norwood, Contract Planner  
Amy Stonich, Contract Planner  
Christopher Wright, Associate Planner  
Thomas Frank, Transportation Engineering Manager  
Matthew Richardson, Assistant City Attorney  
Eileen White, Recording Secretary

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

**5. MINUTES**

**A. Minutes from the Adjourned Regular Planning Commission Meeting of February 21, 2018**

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER TALLEY, AND CARRIED 5-0-2, WITH COMMISSIONER WU AND CHAIR BROWN ABSTAINING, TO RECEIVE AND FILE THE MINUTES FROM THE ADJOURNED REGULAR MEETING OF FEBRUARY 21, 2018, AS SUBMITTED.

**6. ORAL AND WRITTEN COMMUNICATION**

None

**7. CONSENT CALENDAR**

**A. La Ronda into a one-way street (Frank)**

[Item pulled for discussion due to request from the public.]

Public Comment:

Scott McKenzie, resident, supported the conversion of La Ronda into a one-way street to help with traffic calming and improve safety of residents; requested the Commission consider painting red curb along one section to improve visibility for those exiting the neighborhood. He noted the majority of residents concur to support the proposal and traffic direction as recommended in the staff report.

Thomas Frank, Transportation Engineering Manager, briefly reviewed the proposal; noted proposal is in response to residents' request; agreed to provide research regarding potential red curb as requested by Mr. McKenzie for City Council when they consider this request.

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

- Requested staff contact CR&R to address procedures for trash pick-up on one-way streets and provide direction to residents.
- Established from staff that Avenida Chiquita residents expressed preference to keep their street two-way.
- Established from staff that an option to create one-way street going the other direction was not studied because the direction proposed is the residents' request.
- Suggested that residents on the street may not have been aware that converting to a one-way street will make their travel distance longer and/or divert some commercial traffic onto the street.
- Established from staff that all residents were properly notified of this proposal.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER SMITH, AND CARRIED 6-1-0, WITH COMMISSIONER WU OPPOSED, TO FORWARD TO CITY COUNCIL A RECOMMENDATION TO:

- 1) Approve the conceptual striping and signing plan provided in Attachment 3 to convert La Ronda to a one-way street.

- 2) Include the concept of red-striping on the east corner of La Ronda for City Council consideration.

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

**8. PUBLIC HEARING**

**A. 3 Paseo Vista – Conditional Use Permit 17-390 – Rasta Child Care (Norwood)**

Public Hearing to consider a request to allow a large family day care facility for up to 14 children where a small family day care currently operates in an existing townhome located at 3 Paseo Vista in the Talega Specific Plan (TSP) zone. The site's legal description is Lot 3, Project 930-02 of Tract 15763. The Assessor's Parcel Number is 701-371-21.

City Planner Gregg recommended the Commission continue this agenda item to the Commission's regular April 18, 2018, meeting to allow staff adequate time to review newly submitted information.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER WU, AND UNANIMOUSLY CARRIED TO CONTINUE 3 PASEO VISTA – CONDITIONAL USE PERMIT 17-390 – RASTA CHILD CARE TO THE REGULAR PLANNING COMMISSION MEETING OF APRIL 18, 2018.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

**B. 151-155 Avenida Del Mar/150-154 Avenida Granada – Conditional Use Permit 16-363/Cultural Heritage Permit 16-364/Site Plan Permit 17-113 – Zov's Restaurant (Wright)**

Public Hearing to consider a request to allow: 1) the construction of a two-story commercial building, 2) restaurant full alcohol service (beer, wine, distilled spirits) for on-site consumption indoors and outdoors, and 3) waivers of six parking spaces with conditions that make 12 on-site parking spaces available as public parking. The site includes four properties located in the Mixed Use 3.0 Zoning District, Central Business, Architectural, and Coastal Zone Overlays (MU 3.0-CB-A-CZ) at 151-155 Avenida Del Mar and 150-154 Avenida Granada. The site's legal description is Lots 18, 19, 35, and 36, Block 6 of Tract 779 and Assessor's Parcel Numbers are 058-082-05 and 06, and 058-082-35 and 36.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Zov's Restaurant, CUP 16-363, CHP 16-364, SPP 17-113," dated March 21, 2018. A copy of the Presentation is on file in

Planning Division. He distributed copies of revised Condition no. 62 for consideration.

Greg McCaffrey, representing the applicant, described the applicant's vision for the property; noted success and sterling reputation of current Zov's restaurants operated by the family; thanked staff and the DRSC for their assistance with this application.

Chair Brown opened the public hearing.

Ron Trospen, resident, owns the building one site away from the subject property; opposed the height of the subject building as it will block ocean views from his residential property; opposed the project due to its potential to increase existing parking shortage and add to existing noise and negative impacts from bars.

Gretchen Trospen, resident, questioned whether the subject property could go to 32 feet in height, which is higher than two stories; noted the extra height will impede their tenants' views of sunsets from the residential units; suggested this use is better suited for the Outlet Center as it has plenty of parking and is located away from residences; listed existing negative impacts experienced by their tenants caused by public drunkenness.

Ingrid Currie, resident, opposed the proposed use due to reduced property values, loss of views, existing negative impacts caused by alcohol use, increased parking shortage, and environmental impacts.

Hannah Currie, resident, opposed the proposed use due to negative impacts to the environment, potential loss of property value, view blockage, and too much alcohol.

Maia Currie, resident, opposed the proposed use due to negative impacts including loss of village atmosphere and danger to personal safety caused by public drunkenness.

Armen Karamardian, Tustin resident and applicant, noted Zov's Restaurant is a restaurant operation, family owned and operated, that has grown slowly over the years. They take pride in their good reputation, want to be good neighbors, and will strive to become a positive addition to the neighborhood.

Chair Brown closed the public hearing.

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

- Suggestion to allow the applicant to consider alternative tree species to address potential size of tree and canopy.
- Established from staff that the electric vehicle charging parking space is within the public lot and required by the Building Code; that there will be public access through the restaurant to the back-parking lot; that the City currently maintains the parking lot and pays a lease payment to the parking lot owner.
- Suggested the applicant be required to establish a clear pathway, with signage if necessary, through the restaurant to alert the public that they can access the rear parking from Avenida Del Mar.
- Commented that residents and adjacent business owners have the ability to complain in the event there are negative impacts from this business.
- Commented the applicant has a proven track record of successful restaurant ownership; noted the project as proposed complies with all applicable guidelines and requirements.
- Suggested it would be unfair to require this applicant to install signage to advertise the public path through the restaurant to the rear parking lot when it is not required of other businesses with similar circumstances.
- Recommended directional signage to indicate public access to parking in the rear lot only.
- Suggestion that a nexus exists that would allow the Commission to add a condition to address the neighboring property.
- Encouraged the applicant to work with the neighboring property owner on a public access solution that is in the best interests of all concerned.

IT WAS MOVED BY COMMISSIONER WU, SECONDED BY COMMISSIONER TALLEY, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. 18-008, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 16-363, CULTURAL HERITAGE PERMIT 13-364, SITE PLAN PERMIT 17-113 ZOV'S RESTAURANT, A REQUEST TO ALLOW A TWO-STORY COMMERCIAL BUILDING, RESTAURANT FULL ALCOHOL SERVICE FOR ON-SITE CONSUMPTION INDOORS AND OUTDOORS AND WAIVERS OF SIX PARKING SPACES ON A SITE THAT INCLUDES FOUR LOTS LOCATED AT 152-155 AVENIDA DEL MAR AND AT 150-154 AVENIDA GRANADA.

Amended as follows:

Page 12, Condition no. 62, replace with the following:

"Prior to the issuance of permits, reciprocal parking access and trash enclosure access easements shall be prepared for recorded by the

property owner in a manner meeting the approval of the City Attorney. The easement shall be recorded to property currently addressed as 151-155 Avenida Del Mar and 150-154 Avenida Granada. The legal description is Lots 18, 19, 35, and 36, Block 6 of Tract 779 and Assessor's Parcel Numbers are 058-082-05 and 06, and 058-082-35 and 36. The purpose of the easements shall be specifically stated in the recording document. The easements are for the preservation of access and parking and trash storage availability in accordance with City Ordinances and the State Subdivision Map Act. This includes establishing public rights to access and use parking spaces on the lot resulting from the merger of the project parking lot (currently 154 Avenida Granada; Assessor's Parcel Number 058-082-36; Tract 779 Block 6, Lot 36) and the adjoining parcel (currently 153-155 Avenida Del Mar; Assessor's Parcel Number 058-082-05; Tract 779, Block 6, Lot 10) [Citation – Title 16 & Section 17.64 if the SCMC]"

Page 13, add new Condition no. 63 as follows:

"The applicant shall install directional signs visible from public right-of-way on Avenida Granada. The directional signs are to inform the public they have the use of parking spaces and pedestrian access (stairs, elevator) to travel across the site. The signs shall be approved for compliance with development standards and zoning ordinance requirements to the satisfaction of the City Planner."

Where appropriate, staff shall add the following standard condition of approval:

"Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. [Citation – City Attorney Legal Directive/City Council Approval June 1, 2010.]"

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

**C. Municipal Code Amendments – Zoning Amendment 18-090 (Temporary Fencing Standards) (Stonich)**

Public Hearing to consider Zoning Amendment (ZA) 18-090. This Zoning Amendment is a City-initiated amendment of the San Clemente Municipal Code (SCMC) Title 17, Zoning, to amend standards for temporary fencing. This amendment will be incorporated with the zoning updates for General Plan land use consistency and Housing Element Action Plan updates.

Amy Stonich, Contract Planner, narrated a PowerPoint Presentation entitled, "Zoning Amendment 18-090, Temporary Fencing," dated March 21, 2018. A copy of the Presentation is on file in Planning Division.

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

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 18-007, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL MAKE CEQA FINDINGS AND ADOPT AN ORDINANCE FOR A CITY-INITIATED AMENDMENT (ZA 18-090) OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE SECTION 17.28.300 FOR TEMPORARY FENCING

**[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 February 21, 2018
- C. Zoning Administrator Draft Minutes of March 7, 2018
- D. Staff Waiver 18-070
- E. Staff Waiver 18-078
- F. Staff Waiver 18-079
- G. Staff Waiver 18-094
- H. Staff Waiver 18-098
- I. Staff Waiver 18-099
- J. Staff Waiver 18-112
- K. Staff Waiver 18-118
- L. Staff Waiver 18-119

Commissioner Smith reported that at its last meeting, the Coastal Advisory Committee heard a presentation from Tom Bonigut, Deputy Public Works Director, regarding the Army Corps of Engineers Sand Replenishment Project for the City and a presentation from David Cannon with The Everest Group regarding sand loss, sea level rising, and potential mitigation measures.

Chair Brown reported that he attended the Safety Task Force meeting which was immediately preceding this meeting. Many members of the public came out to share their views on the homeless in San Clemente, recent actions by the

County, proposed tent shelters in nearby cities, increase in crime, additional sheriff deputies, etc.

City Planner Gregg announced training efforts are underway to bring new Planners up to speed; noted how pleased she is with the quality of the new talent; reminded the Commission that the April 4, 2018, Regular Planning Commission meeting has been canceled due to lack of quorum.

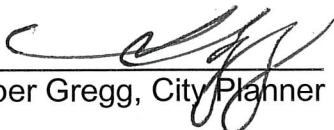
**12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER TALLEY, AND UNANIMOUSLY CARRIED TO ADJOURN AT 9:26 P.M. TO THE REGULAR STUDY SESSION TO BE HELD AT 6:00 P.M. ON APRIL 18, 2018, 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