

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
December 19, 2018 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Crandell called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

Chair pro tem Blackwell led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Donald Brown, Chris Kuczynski, Jason Talley (10:00 p.m. arrival) Zhen Wu; Chair pro tem Michael Blackwell, Vice Chair Jim Ruehlin, Chair Barton Crandell

Commissioners Absent: None

Staff Present: Gabriel J. Perez, City Planner
Carl Stiehl, Senior Planner
Amy Stonich, Contract Planner
Christopher Wright, Associate Planner II
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

A. Minutes from the Regular Planning Commission Study Session of December 5, 2018

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY CHAIR PRO TEM BLACKWELL, AND CARRIED 5-0-1, WITH COMMISSIONER KUCZYNSKI ABSTAINING to receive and file the minutes from the Regular Planning Commission Study Session of December 5, 2018, revised as follows:

Page 2, following the bulleted items, add the following bulleted item: “Suggested staff add adjacent residential streets in North Beach that provide free visitor parking to future parking studies.”

B. Minutes from the Regular Planning Commission Meeting of December 5, 2018

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER WU, AND CARRIED 5-0-1, WITH COMMISSIONER KUCZYNSKI ABSTAINING, to receive and file the minutes from the Regular Planning Commission Meeting of December 5, 2018, revised as follows:

Page 3, following the 3rd bulleted item, insert the following bulleted item: “Suggested all primary “Chick fil A” signage be bronze colored, back lit and pin mounted.”

Page 3, 6th bulleted item, replace “in exchange for” with “to make the findings for”

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

A. 990 West Avenida Vista Hermosa – Site Plan Permit 17-400, Architectural Permit 17-403, Conditional Use Permit 17-404, Tentative Parcel Map 17-405 and Discretionary Sign Permit 18-215 – Target Site Commercial Retail Center (Stonich)

A request to subdivide the Target property into two parcels and to construct a multi-tenant commercial retail center with a drive-through and amend a discretionary sign permit (DSP 09-317) for signage at 990 West Avenida Vista Hermosa in the Forster Ranch Specific Plan area.

Amy Stonich, Contract Planner, narrated a PowerPoint Presentation entitled, “Target Commercial Retail Center, SPP 17-400, AP 17-403, CUP 17-404, TPM 17-405, and DSP 18-215,” dated December 19, 2018. A copy of the Presentation is on file in Planning Division.” Planner Stonich distributed an errata sheet proposing modifications of certain conditions of approval for the project.

Chair Crandell announced that the applicant for this project has met with Design Review Sub-committee (DRSC) on two occasions. He added that the applicant expressed preference to proceed with Planning Commission consideration according to his original timeline, although not all the revisions suggested by the DRSC were completed by the applicant in advance of the meeting. Chair Crandell said the applicant was notified that additional review and potential revision may be discussed at the Planning Commission meeting.

Greg Fick, representing applicant Cadence Acquisition LLC, displayed photos of the existing lot, proposed development area, and existing signage. He advised the project architect, construction manager, landscape architect and a representative from Target were present to answer any Commission questions

Keil Maberry- Principal for Linscott, Law & Greenspan- Project Traffic Engineer, discussed traffic survey results and how the proposed mix of uses complement each other with alternative operating hours and varied parking needs; suggested proposed signage could be lowered; noted Target has expressed willingness to revise/reduce/change color of its existing signage in order to allow additional signage for the new uses on site.

David Dasher- Construction Manager and owner's representative for developer Cadence Capital, stated that the lighting will be motion-sensitive/automatically dimmed at night; agreed to implement any necessary safety measures including lighted crosswalks, etc.; commented the location of the building on site has been restricted/dictated by the existing water main easement location.

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

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

- Ascertained from staff that, although the existing center will be subdivided into two parcels, the two parcels will be tied together with parking, and signage can be located in different places within the center.
- Questioned the accuracy of the sign descriptions regarding total square footage and height; suggested close scrutiny of signage by staff to ensure accuracy.
- Established with staff that the proposed subdivision complies with the minimum lot requirement standards in the Forster Ranch Specific Plan (FRSP).

- Expressed concern that, although overall there is adequate parking, the proposed parking lot circulation might result in pockets of congestion similar to the parking lot adjacent to the Trader Joe's in the Oceanview Shopping Center.
- Expressed concern regarding the visibility of the development area and whether it is properly screened by vegetation.
- Expressed concern regarding potential for the project lighting to negatively affect adjacent open space or homes that may already be negatively affected by lighting at the Vista Hermosa Sports Park; established the site will be subject to the City's Municipal Codes regarding light pollution.
- Commended the project's architecture and pedestrian connectivity between the proposed building and existing Target Store.
- Suggested revision regarding on-site traffic circulation alternatives to modified Condition no. 2.19 on the errata sheet.
- Suggested the City's Traffic Engineer review light timing, crosswalk crossing, and potential for expanding ability to cross on both sides at the lighted intersection at Avenida Vista Hermosa and the Target site entrance.
- Recommended the lights be properly shielded to mediate potential light spillover/trespass onto open space and Talega residential properties.
- Commented that the existing Target signage is adequate and the existing landscaping on site is dead and has been poorly maintained.
- Questioned the need for a large monument sign for a building that is located adjacent to the street.
- Suggested the existing Target signage is adequate; opposed the size and number of new signage proposed for the site.
- Suggested the signage portion of the application be separated from the project to allow staff, the applicant, and the DRSC to continue working to resolve the signage related issues brought up at tonight's meeting.
- Recommended the project be conditioned to require the review and evaluation of the appropriateness of adding a pedestrian crossing at Avenida Vista Hermosa with the applicant required to construct the crosswalk if appropriate.
- Suggested addition of a crosswalk or modification of a signal requires significant review; noted if a crosswalk is installed but not warranted, it may subject the City to significant liability.
- Commented there is not enough information to make a recommendation for signal modifications/crosswalk additions; noted Avenida Vista Hermosa has been methodically designed and suggested the City move cautiously when suggesting any revision.

Actions:

1) IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY VICE CHAIR RUEHLIN, AND UNANIMOUSLY CARRIED TO DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES 15303 (CLASS 3: NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES).

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

2) IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER WU, AND CARRIED 6-0-1, WITH COMMISSIONER TALLEY ABSENT, TO ADOPT RESOLUTION NO. PC 18-034, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SITE PLAN PERMIT 17-400, ARCHITECTURAL PERMIT 17-403, CONDITIONAL USE PERMIT 17-404, AND TENTATIVE PARCEL MAP 17-405, TARGET COMMERCIAL RETAIL CENTER, TO SUBDIVIDE THE PROPERTY INTO TWO PARCELS AND TO CONSTRUCT A MULTI-TENANT COMMERCIAL RETAIL CENTER WITH A DRIVE-THROUGH RESTAURANT, LOCATED AT 990 WEST AVENIDA VISTA HERMOSA.

Revised as per the errata, with the errata revised as follows:

Page 1, 12th paragraph (re modifications to Condition no. 2.19), 1st sentence, following "circulation alternatives" insert "that shall be implemented"

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

3) IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY VICE CHAIR RUEHLIN, AND UNANIMOUSLY CARRIED TO **TABLE** RESOLUTION NO. PC 18-035, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, **TABLING** AMENDMENT TO DISCRETIONARY SIGN PERMIT DSP 09-317 (AM DSP 18-215), A REQUEST TO MODIFY AN EXISTING MASTER SIGN PROGRAM FOR TARGET RETAIL CENTER, TO ALLOW ADDITIONAL COMMERCIAL SIGNAGE AT THE CENTER LOCATED AT 990 AVENIDA VISTA HERMOSA.

[AGENDA ITEM TABLED.]

Commissioner Talley joined the meeting at 10:00 p.m. following completion of Agenda item 8.A. Commissioner Talley filed a "Notice to Recuse" with Planning Division in advance of the meeting notifying staff and the Commission of his intent to recuse himself from agenda item 8.A.

B. 612 Avenida Victoria – Conditional Use Permit 17-362 – La Galette Alcohol Service (Wright)

A request to consider allowing an existing restaurant to serve alcoholic beverages for indoor consumption on a site at 612 Avenida Victoria. The site is located within the Pier Bowl Core Mixed Use 4.1 area of the Pier Bowl Specific Plan and located within the Pedestrian, Architectural, and Coastal Overlays (PBSP MU 4.1, P, A, CZ). The site's legal description is Lots 4 and 5, Block 12 of Tract 785 and Assessor's Parcel Number is 692-021-03.

Christopher Wright, Associate Planner II, narrated a PowerPoint Presentation entitled, "La Galette Alcohol Service, CUP 17-362," dated December 19, 2018. A copy of the Presentation is on file in Planning Division.

Mark McGuire, representing the applicant, reviewed the history of the site; requested approval of the request.

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

The Commissioners discussed with staff the significance and timing of Condition no. 12, which refers to a condition attached to Resolution ZA 97-16 that allowed outdoor dining on public property and requires a hold harmless agreement for properties with outdoor dining. The Commissioners elected to revise the deadlines. Additionally, it was suggested that the conditions be renumbered to correct an oversight.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER KUCZYNSKI, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 18-037, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 17-362, LA GALETTE ALCOHOL SERVICE, TO ALLOW RESTAURANT SERVICE OF A FULL RANGE OF ALCOHOLIC BEVERAGES FOR INDOOR CONSUMPTION ON A SITE LOCATED AT 612 AVENIDA VICTORIA SUITE D AND E.

Revised as follows:

Page 2, Condition no. 12, 1st sentence, replace "two months" with "30 days"; 4th sentence, replace "six months" with "30 days"; 5th sentence, replace "identification" with "indemnification".

Page 2, Condition no. 13, the 2nd paragraph shall become Condition no. 16.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL.]**C. Zoning Amendment 18-243 – Accessory Dwelling Unit Ordinance
(Stonich)**

A city-initiated amendment to San Clemente Municipal Code Title 17, the Zoning Ordinance, regarding the regulation of Accessory Dwelling Units (“ADUs”) for consistency with State law. The draft Ordinance has been assessed in accordance with the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines (Cal. Code Regs., § 15000 et seq.). The ordinance is statutorily exempt from CEQA under Public Resources Code section 21080.17, which exempts from CEQA any ordinance that is adopted to implement Government Code section 65852.1 or 65852.2. This ordinance implements section 65852.2.

Amy Stonich, Contract Planner, narrated a PowerPoint Presentation entitled, “Accessory Dwelling Units,” dated December 19, 2018. A copy of the Presentation is on file in Planning Division.

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

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY VICE CHAIR RUEHLIN, AND CARRIED 6-1-0, WITH COMMISSIONER WU OPPOSED, TO ADOPT RESOLUTION NO. PC 18-036, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, FOR A CITY-INITIATED AMENDMENT (ZA 18-243) OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 17 FOR ACCESSORY DWELLING UNITS.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]**9. NEW BUSINESS**

None

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS/STAFF**A. Tentative Future Agenda**

- B. Zoning Administrator Minutes of December 6, 2018
- C. Staff Waiver 18-625
- D. Staff Waiver 18-660
- E. Distribute 2019 meeting dates to Planning Commissioners

12. ADJOURNMENT

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER TALLEY, AND UNANIMOUSLY CARRIED to adjourn at 10:54 p.m. to the Adjourned Regular Meeting of the Planning Commission to be held at 6:00 p.m. on January 16, 2019, in Council Chambers located at 100 Avenida Presidio, San Clemente, California.

Respectfully submitted,

Barton Crandell, Chair

Attest:

Gabriel J. Perez, City Planner

DRAFT