

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
February 6, 2019 @ 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 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Wu led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Jason Talley, Zhen Wu; Chair pro tem Michael Blackwell, Vice Chair Jim Ruehlin, Chair Barton Crandell

Commissioners Absent: Donald Brown, Chris Kuczynski

Staff Present: Gabriel J. Perez, City Planner
Carl Stiehl, Senior Planner
Veronica Morones, Assistant Planner
Jonathan Lightfoot, Assistant Planner
Amy Stonich, Contract Planner
Adam Atamian, Code Compliance Manager
Michael Allocco, Planning Intern
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 January 16, 2019

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY CHAIR PRO TEM BLACKWELL AND CARRIED 4-0-1, WITH COMMISSIONER

TALLEY ABSTAINING, to receive and file the minutes from the Regular Planning Commission Meeting of January 16, 2019, as submitted.

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

**A. Zoning Amendment (ZA) 18-497 – Regulation of Leaf Blowers
(Stonich)**

A City-initiated zoning amendment for regulation of leaf blowers. The proposed code amendment will incorporate limitations on the use of leaf blowers in the City of San Clemente Municipal Code Title 8: Chapter 8.48, Noise Control and Chapter 8.64.190, Leaf Blower Operation.

Amy Stonich, Contract Planner, narrated a PowerPoint Presentation entitled, "Leaf Blowers, Planning Commission," dated February 6, 2019. A copy of the Presentation is on file in Planning Division.

Adam Atamian, Code Compliance Manager, provided information on City noise standards, the number and nature of complaints received regarding leaf blowers, and steps taken by Code Enforcement when responding to complaints; discussed how staff would implement and enforce the proposed regulations if adopted.

Chair Crandell opened the public hearing.

Brian Daeley, resident, requested the Commissioners enact a total ban of leaf blowers throughout the City, like Laguna Beach. He indicated that he feels like a hostage in his home for up to 139 hours per year of indiscriminate leaf blowing on his street. He suggested workers use rakes and brooms instead. He stated he lives on a cul-de-sac within a homeowners association and regularly observes landscapers using leaf blowers around his neighborhood.

Ken Koenigshofer, resident, supported a total ban of leaf blowers like other cities have done; recommended if not a total ban, a ban on gas-powered leaf blowers would be his second choice; suggested in the higher-density, west of the I-5 Freeway, minimum setback residential areas, raking, sweeping, or electric blowers should be sufficient to keep small yards maintained.

Chair Crandell closed the public hearing.

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

- Suggested it is wrong for City staff/contractors to have an exemption to the rule, as the City should be subject to its own rules.
- Suggested an exemption that would allow homeowners of single-family residences to be exempt if an electric blower is used for less than ten minutes.
- Commented that the exemptions for City staff as suggested make sense in that staff is preparing parks, golf courses and other public areas before the public arrives to enjoy those environments; stated that noise generated by gas and electric powered leaf blowers are generally comparable and it may make more sense to limit duration of use; and suggested allowing homeowners to use a blower for less than ten minutes outside the proposed 9:00 a.m. to 5:00 p.m. limits of leaf blower operations but raised questions regarding enforcement.
- Supported the exemption proposed for City contractors; supported an exemption for private contractors working privately-held large green areas as well; suggested any noise issues with contractors doing large areas for homeowner association green spaces should be handled by the individual homeowner associations.
- Recognized that the proposed Zoning Amendment establishes the operating hours the leaf blowers can be used in residential areas and requires commercially operated leaf blowing equipment to have identifying information and a certification label that it does not exceed 65 dB(A). Staff worked with the City's Code Compliance Manager to ensure the implementation of the new leaf blower regulations are feasible and enforceable.
- Supported a total ban in residential areas to allow residents to have quiet enjoyment of their homes; suggested leaf blowers can continue to be used in commercial areas, golf courses, and association-owned properties with heavy regulation; requested staff amend the staff report to detail its efforts to explore technical advances in leaf blowers; suggested staff be directed to explore technical advances of leaf blowers on a bi-annual basis.
- Suggested no fuel powered gardening equipment should be used whatsoever within 50 feet of residents' property lines.
- Commented that none of the testimony received indicated that people would be happier with electric powered leaf blowers.
- Suggested revisions to the proposed Zoning Amendment to: 1) Allow single-family homeowners to be exempt from the time restrictions provided they use all-electric blowers for less than ten

minutes at a time. 2) Specify that City staff/commercial contractors working large green areas such as golf courses, association-owned properties, etc., operating leaf blowers within 200 feet of residential property shall be subject to the time restrictions. 3) All operators referred to in these proposed revisions shall still be subject to the noise restrictions.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY CHAIR CRANDELL, AND CARRIED 4-1-0, WITH COMMISSIONER WU OPPOSED, TO ADOPT RESOLUTION NO. PC 18-025, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL MAKE CEQA FINDINGS AND FOR A CITY-INITIATED AMENDMENT OF THE CITY OF SAN CLEMENTE MUNICIPAL CODE TITLE 8, CHAPTER 8.48, NOISE CONTROL AND CHAPTER 8.50-LEAF BLOWER OPERATION.

Amended as follows:

Staff directed to draft revisions to the Zoning Amendment as follows:

1. City staff, within 200 feet of residential property, shall be subject to the same restrictions for hours of operation.
2. Homeowners of single-family residences shall be exempt from the restrictions [on hours of operation] provided they use all-electric blowers for less than ten minutes in duration.
3. Add a stipulation that the use and operation of a leaf blower must comply with the provisions of SCMC sections 8.48.050 and 8.48.060.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

Chair pro tem Blackwell left the meeting at 8:46 p.m.

B. 709 North El Camino Real – Conditional Use Permit 18-574 – Terra Brazil Convenience Store (Morones)

A request to consider a convenience store in an existing multitenant building located in the Neighborhood Commercial 1.2 Zone and Coastal Zone and Affordable Housing Overlays.

Veronica Morones, Assistant Planner, narrated a PowerPoint Presentation entitled, "Terra Brazil Convenience Store, CUP 18-574," dated February 6, 2019. A copy of the Presentation is on file in Planning Division.

Antonio Demoraes, the applicant, indicated agreement with the conditions of approval.

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

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER WU, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-003, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 18-574, TERRA BRAZIL CONVENIENCE STORE, A REQUEST TO OPERATE A CONVENIENCE STORE, IN AN EXISTING COMMERCIAL BUILDING, LOCATED AT 709 NORTH EL CAMINO REAL.

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

C. 203 La Paloma – Cultural Heritage Permit 18-051/Tentative Parcel Map 18-081 – La Paloma Triplex (Lightfoot)

A request to consider a three unit development on a vacant lot in the Residential Medium Zone within the Coastal Overlay (RM-CZ) and within 300 feet of historic properties. The proposal also includes the subdivision of air space to allow for individual sale of the proposed condominium units.

Jonathan Lightfoot, Assistant Planner, summarized the staff report.

Harold Alzate, applicant, stated he would be more than happy to add solar if feasible or required by the new State regulations; advised a section of the roof has been dedicated to solar equipment.

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

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER TALLEY, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-004, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 18-051, AND TENTATIVE PARCEL MAP 2018-118 (PLN 18-081), LA PALOMA TRIPLEX, A REQUEST TO CONSTRUCT THREE NEW RESIDENCES ON A VACANT LOT WITHIN 300 FEET OF HISTORIC PROPERTIES, LOCATED AT 203 LA PALOMA.

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

9. NEW BUSINESS

A. 2018 Downtown Parking Study T-Zone Occupancy Count Update (Stiehl)

Review and recommendation of parking management strategies for the Downtown T-Zone in the Mixed Use Zone.

Carl Stiehl, Senior Planner, narrated a PowerPoint Presentation entitled, "Downtown Parking Study," dated February 6, 2019. A copy of the Presentation is on file in Planning Division.

Commissioner Comment:

- Suggested the Downtown Business Association (DBA) might request the City consider installing parking meters; established from staff that the 2018 Downtown Parking Study T-Zone Occupancy Count Update will be presented to the DBA before it is presented to City Council for their consideration.
- Suggested requiring employees to park outside of the T-Zone area and entering into parking agreements with parking lot property owners for partial/specific time usage may be good strategies for increasing parking availability for visitors.
- Suggested parking waivers could be used as an alternative strategy to convert some of the existing private parking to public.
- Commented that the installation of parking meters might generate turnover; noted the ease in which new parking meters can be used/enforced.
- Commented that 85% parking occupancy is an optimum percentage. A higher percentage would indicate there are not enough parking spots, while a lower percentage would indicate the land dedicated to parking was not being maximized/utilized to its full advantage.
- Suggestion that any unused curb cuts should be removed in order to reduce disruption to pedestrians and potentially add parking; suggestion to revisit engineering standards to give more flexibility for those with narrow lots, potential revisions could include compact parking and back-in spaces, which require a narrower drive aisle.
- Suggested back-in spaces are not feasible on busy streets; commented that the DBA has traditionally in the past been opposed to installing parking meters; suggested it would be more difficult for Downtown businesses to compete with the Outlet Mall if visitors have to pay for parking.

Senior Planner Stiehl noted that the Commissioners' comments will be included in the staff report as it moves forward in the approval process.

Report received and filed.

B. 2018 North Beach Parking Study (Stiehl)

Review and recommendation of parking management strategies for North Beach area in the Mixed Use and Public Zone.

Senior Planner Stiehl narrated a PowerPoint Presentation entitled, "North Beach Parking Study," dated February 6, 2019. A copy of the Presentation is on file in Planning Division.

Michael Allocco, Planning Intern, was also present.

Commissioner Comment:

- Suggested installation of additional lighting, especially in the parking spots located further away from the beach/Beach Club to improve access and safety.
- Opined that visitors, including those patronizing the substantial number of STLU's in the area, may be parking on residential streets in order to avoid time limits and parking fees, which could be skewing the Study's parking counts; suggestion that some of the streets with potential to be impacted be included in the next North Beach Parking Study.
- Comment that the Rider's Club Restaurant parking is limited, which may result in a patrons' preference to park on the street.
- Suggested reviewing Zoning Code regarding North Beach Parking overlay to consider possible enlargement of the study area in future years.

Senior Planner Stiehl noted that the Commissioners' comments will be included in the staff report as it moves forward in the approval process.

Report received and filed.

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS/STAFF

- A. Tentative Future Agenda
- B. Staff Waiver 18-648
- C. Staff Waiver 19-012
- D. Staff Waiver 19-013
- E. Staff Waiver 19-030
- F. Staff Waiver 19-037

12. ADJOURNMENT


IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER WU, AND UNANIMOUSLY CARRIED to adjourn at 10:04 p.m. to the Regular Study Session of the Planning Commission to be held at 6:00 p.m. on March 6, 2019, in Council Chambers located at 100 Avenida Presidio, San Clemente, California.

Respectfully submitted,



Barton Crandell, Chair

Attest:



Gabriel J. Perez, City Planner