

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
April 17, 2019 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Crandell called the Adjourned Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:05 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, Zhen Wu;
Chair pro tem Michael Blackwell, Chair Barton Crandell

Commissioners Absent: Vice Chair Jim Ruehlin

Staff Present: Gabriel J. Perez, City Planner
Stephanie Roxas, Senior Planner
Nestor Mangohig, Senior Civil Engineer – Traffic
Beverly Thompson, Code Compliance Officer
Matthew Richardson, Assistant 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 Regular Study Session Meeting of March 6, 2019 continued from April 3, 2019.

Minutes of the Planning Commission Study Session of March 6, 2019, continued to the May 8, 2019, meeting due to lack of quorum.

- B. Minutes from the Regular Planning Commission Meeting of March 6, 2019 continued from April 3, 2019.

Minutes of the Planning Commission Regular Meeting of March 6, 2019, continued to the May 8, 2019, meeting due to lack of quorum.

- C. Minutes from the Regular Study Session Meeting of March 20, 2019 continued from April 3, 2019.

A Motion was made by Commissioner Kuczynski and seconded by Chair pro tem Blackwell to receive and file the minutes of the Planning Commission Study Session of March 20, 2019, as submitted.

Motion carried 4-0-3, with Commissioner Talley, Commissioner Brown and Vice Chair Ruehlin being absent.

- D. Minutes from the Regular Planning Commission Meeting of March 20, 2019 continued from April 3, 2019.

A Motion was made by Chair pro tem Blackwell and seconded by Commissioner Kuczynski to receive and file the minutes of the Planning Commission Meeting of March 20, 2019, as submitted.

Motion carried 4-0-3, with Commissioner Talley, Commissioner Brown and Vice Chair Ruehlin being absent.

- E. Minutes from the Adjourned Regular Planning Commission Meeting of April 3, 2019.

Minutes of the Planning Commission Adjourned Regular Meeting of April 3, 2019, continued to the May 8, 2019, meeting due to lack of quorum.

6. ORAL AND WRITTEN COMMUNICATION

Shane Robertson, resident and Boy Scout Troop 745 member, asked for suggestions to help him obtain his Eagle Badge.

Matthew Richardson, Assistant City Attorney, advised that he is an Eagle Scout as well, and worked with City staff in his hometown to do projects and earn his badge. He advised Shane visit City Hall or contact Gabriel J. Perez, City Planner, for potential projects, including median work, painting, maintenance etc., through the City's Public Works Division.

7. CONSENT CALENDAR

Consent Calendar Item 7.B. was pulled from the agenda for discussion.

A. Establishment of Citywide Posted Speed Limits (Mangohig)

A Motion was made by Commissioner Talley and seconded by Chair pro tem Blackwell to forward to City Council a recommendation to approve the establishment of citywide speed limits based on required engineering and traffic surveys, as summarized in the attached survey exhibit.

Motion carried 6-0-1, with Vice Chair Ruehlin being absent.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

B. One-Year Review of Conditional Use Permit 18-056, JD's Indoor Entertainment, 215 S. El Camino Real (Roxas)

Stephanie Roxas, Senior Planner, confirmed that neither the City's Code Compliance Division nor Orange County Sheriff's Department have indicated receiving any noise complaints concerning this location.

A Motion was made by Commissioner Talley, and seconded by Commissioner Wu to receive and file the report.

Motion carried 6-0-1, with Vice Chair Ruehlin being absent.

[ITEM RECEIVED AND FILED]

8. PUBLIC HEARING**A. 1640 North El Camino Real A and B – Conditional Use Permit 17-322, Minor Cultural Heritage Permit 17-420 and Minor Exception Permit 18-628 – La Colombiana Restaurant Expansion (Perez)**

A request to consider modification to an existing restaurant use, including a full range of alcohol for indoor and outdoor consumption, minor exterior modifications to the existing structure, and parking waivers for an increase in indoor and outdoor restaurant seating.

Gabriel J. Perez, City Planner, narrated a PowerPoint Presentation entitled, "La Colombiana Restaurant Expansion, CUP 17-322, MCHP 17-420, MEP 18-628," dated April 17, 2019. A copy of the Presentation is on file in Planning Division. In response to questions, City Planner Perez advised Building Division staff has commented that it may be technically infeasible to install Americans with Disabilities Act (ADA) compliant parking on site due to site conditions such as site topography. The applicant must ask for and be granted an exception from the Building Division if it is infeasible to accommodate ADA parking space(s) in order to move forward with the project; the applicant has an informal, verbal

agreement with an adjacent business to share parking; occupancy is currently low in the North Beach Parking Area, and the latest parking study performed indicates no lack of available public parking in North Beach as parking occupancy does not exceed 50% even during summer peak times; confirmed that an existing Cypress tree located near the southeast of the subject property is not on the subject property and to date, the location of the required 24" box queen palm has not been decided.

Beverly Thompson, Code Compliance Officer, reported that although the applicant has \$27K in outstanding fines, the applicant has ceased offering live entertainment and is working diligently with staff to address the fines and comply with City Code.

Harold Alzate, the applicant, thanked staff and Design Review Subcommittee (DRSC) members for all their assistance, and the public for making the restaurant so successful. In response to the Commissioners' questions, he noted he is still working to buy the property, expand the restaurant to include permitted live entertainment in the future, and continue to improve the site. Current deliveries are to the rear of the property and most of the supplies' purchase and deliveries are performed by staff in order to save money and ensure freshness. He noted difficulties working with the landlord and confirmed she had signed the subject application; advised they would prefer not to install vines in the back of the property, similar to the Pep Boys installation, due to potential rodents. He wants to continue to increase landscaping, trees on property, etc., but prefers not to lose any seats as a result. He noted he currently maintains the adjacent neighbor's landscaped planter and has since opening the restaurant. He is working to find a location for the required 24" box queen palm that does not involve losing a seat and acknowledged that the business is under scrutiny at this time and needs to operate aboveboard. With regard to trash cans, he currently has 5 containers and plans to enlarge the trash screened area to accommodate all containers. He will add more containers/an additional trash pick up if necessary/needed. He is not aware of the organic food waste container requirement, but will comply with the requirement when necessary. He understands that any improvements on the property must be approved by the property owner.

Michael Luna explained that although he is not the architect of record for the project, he has provided some assistance and support because his office is located nearby and he shares an interest with the applicant in improving the neighborhood. He noted positive impacts since the subject property has begun operation, described proposed design/material upgrades, addressed site constraints, and noted many of the adjacent businesses were developed in this manner and continue to be under-parked.

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

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

- Supported the economic development of North Beach.
- Commended the applicant for his efforts to address outstanding issues; pointed out the community support, Code Compliance Officer Thompson's appearance this evening, and efforts to employ Architect Michael Luna's expertise all indicate the applicant's effort to comply with City Code; supported granting parking waivers as justifiable and appropriate in this situation due to site constraints, age of building, and its existing noncompliant status; cautioned the applicant to comply with City Code going forward.
- Suggested removal of one seat in order to install tree; noted removal of this one seat would eliminate need for one of the three requested parking space waivers; encouraged deliveries be made during reduced traffic, non-peak time of day.
- Cautioned Mr. Alzate to resolve issues with landlord as he/she must approve all proposed modifications before they can commence.
- Requested staff work with the property owner to encourage removal of the "eyebrow" building feature on the rear of the building.
- Confirmed that any future modifications, such as another expansion, request to add live entertainment, etc., will require Planning Commission review and approval.
- Suggested expansion of the trash enclosure to ensure it is large enough to accommodate existing containers as well as an additional container for organic food waste, which will soon be required for all food service businesses; established that screening of all trash containers is required.
- Did not support lack of and/or waiver of accessible parking requirement and accessible path to building entrance.
- Established that Planning and the City's Engineering Division are aware of issues/concerns regarding the site's lack of accessible parking space and if it's determined installing a space is achievable, it will be required; advised this determination/resolution is the responsibility of the City's Building Division and Building Official.
- Suggestion addition of a condition to require the applicant clean and re-stripe the rear parking area.
- Requested the project come back for additional Planning Commission review in the event any major or moderate changes or modifications to the plan displayed this evening are proposed.

- Suggested additional work on the plans, better attempt to resolve issues, more thorough landscaping plan review, and added effort to address unanswered questions should have been undertaken before this plan was presented for Planning Commission consideration.
- Commented that the applicant should not be required/asked to improve the entire building for a single tenant improvement.
- Commented that the last North Beach parking study analyzed area parking as if all buildings were an ongoing concern, and still concluded there was plenty of public parking available.
- Cautioned the applicant that inability to satisfy ADA requirements may result in liability/lawsuits.
- Concurred to eliminate Condition no. 4.2, a requirement that the applicant remove the rear eyebrow, in its entirety.

In response to the Commission discussion, Mr. Alzate indicated preference to keep the proposed number of seats rather than eliminate one to install a tree as well as maintain the request for 3 parking space waivers, whether or not a seat is removed. With regard to the DRSC's suggestion to remove the "eyebrow" on the rear of the building, he indicated the property owner is not in favor of its removal, resulting in his reluctance to follow this recommendation.

City Planner Perez summarized an email from the City's Building Official indicating that installing an ADA accessible parking space and pathway to access is "technically infeasible" at this point. He noted the applicant's building permit application is still under official review and will not be final until a decision of the Planning Commission.

A Motion was made by Commissioner Talley and seconded by Commissioner Kuczynski, to approve Resolution No. PC 19-005, a Resolution of the Planning Commission of the City of San Clemente, California, approving Conditional Use Permit 17-322, Minor Cultural Heritage Permit 17-420, Minor Exception Permit 18-628, La Colombiana Restaurant expansion, a request to allow expansion of the existing restaurant use to include full alcohol service for on-site consumption indoors and outdoors, minor exterior modifications and waivers of three parking spaces located at 1640 North El Camino Real.

Amended as follows:

Add the following Conditions:

1. Any additional expansion or remodel shall be subject to Planning Commission review and approval. The revisions shall not be eligible for review and approval by designees.

2. The trash container enclosure shall be modified so it can properly screen the number of trash containers in use as of today as well as the number of trash containers anticipated once the expansion is complete and the new policy of adding an organic waste receptacle is enacted.
3. The trash receptacles must be screened in the trash enclosure at all times.
4. Remove Condition no. 4.2 in its entirety.
5. The rear parking area should be cleaned; at minimum restriped, and potentially slurry-sealed.

An amendment to the motion was made by Commissioner Wu and seconded by Commissioner Talley to add the following conditions:

6. The applicant is required to make the site fully accessible per ADA requirements and the local Building Official.
7. The use is subject to 6 month and one-year reviews.

Commissioner Talley and Commissioner Kuczynski agreed with the proposed amendment to the original motion.

Motion carried 6-0-1, with Vice Chair Ruehlin being absent.

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

9. NEW BUSINESS

A. Camino Vera Cruz/Costa Intersection Control and Lane Reconfiguration (Mangohig)

Nestor Mangohig, Senior Civil Engineer, narrated a PowerPoint presentation entitled, "Camino Vera Cruz/Costa Intersection Control and Lane Reconfiguration," dated April 17, 2019. A copy of the Presentation is on file in Planning Division. In response to questions/comments, he confirmed knowledge of the adjacent school's intent to change its drop off/pick up procedures next school term; noted the school's beginning/end of day times for kindergarten will not be staggered next year, which could lead to additional queuing; noted the signal installation and road diet are likely to be installed at different times, with the signal installation going in first and potential refinement of the road diet once the school year has started and new circulation patterns can be observed. With regard to the position of the sun's impact on the signal, he noted this is a common complaint depending on time of year and is mitigated with light redundancy (signals above and to the side of the intersection). Discussed possibility of shading the lights, protective permissive (flashing yellow arrow) phasing, and other strategies. He noted no bike lane barrier is planned and additional safety options, such as raised pavement markers, etc., can be evaluated as the plan goes through the design process;

confirmed the intersection is projected to operate at an "A" Level of Service) (LOS) following the signal installation and lane reconfiguration; explained that roundabout alternative was removed from consideration due to significant grade, excess cost of grading, and potential liability of designing outside of established design guidance. There is opportunity to implement lane reconfiguration with future street pavement project on the subject section of Camino Vera Cruz.

Chair Crandell opened the public hearing; acknowledged receipt of 22 emails from residents supporting the proposed traffic signal, road diet, and/or traffic measures to improve safety for pedestrian and vehicle traffic.

Pat Koperek Diskin, resident and traffic crossing guard supported the proposed traffic signal and lane diet; requested signal light shading as her house is adjacent to the intersection; requested a buffer for the kids due to potential crowding and tomfoolery which may result in a child being pushed into the street; noted importance of safety measures to address aggressive/speeding/distracted drivers.

Ingrid Echternach, resident, supported all safety measures to make the intersection and street safer for children going to school; commended Crossing Guard Diskin for managing the crossing so effectively and her efforts to improve safety; requested staff consider flashing yellow lights leading up to the intersection and any other potential safety measures.

Cindy Scott, resident, described difficulties in accessing the schools; supported the signal installation and road diet; requested installation of a buffer to increase safety of kids walking on the street and in the crosswalks.

Commission Comment/Suggestions:

- Request that staff consider installing the road diet after the next school term starts/at least six months after the signal is installed in the event road conditions resulting from the new school pick-up/drop-off pattern and the signal installation have created the need for reassessment of the road diet.
- Established Traffic Engineering staff will evaluate additional safety measures, such as flashing lights, advance warning, etc., as the project progresses through the approval/design process.

A Motion was made by Commissioner Brown, and seconded by Commissioner Talley, to forward to City Council a recommendation to:

1. Approve a traffic signal at the intersection of Camino Vera Cruz/Costa; and

2. Approve conceptual striping plans for Camino Vera Cruz from Riachuelo to Arbolado.

Motion carried 6-0-1, with Vice Chair Ruehlin being absent.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS/STAFF

- A. Tentative Future Agenda
- B. Discuss rescheduling the May 22, 2019 Session and Planning Commission meetings.
- C. Discuss keeping or cancelling July 3, 2019 Study Session and Planning Commission meetings in observance of Independence Day.

Nestor Mangohig, Senior Traffic Engineer, announced in response to a comment that the City's Maintenance Manager was currently looking into a complaint about the placement/design/clearance of the City's "Lyft" signs.

Commissioner Wu reported at its last meeting, the Coastal Advisory Committee continued its work to establish an Annual Work Plan; supported the City of San Clemente, along with other cities, sending a letter to the Army Corps of Engineers regarding the stalling of the major sand replenishment project that San Clemente and other cities have invested in; noted Committee support of establishing a Stakeholder Committee dedicated to analyzing the bacteria at the Pier, which was subsequently approved by City Council.

In response to City Planner Perez's announcement that Chambers would not be available for the Commission's May 22, 2019, Study Session and Regular Meeting, the Commissioners discussed their availability for alternative dates.

The Commissioners voted unanimously to cancel the July 3, 2019, Study Session and Regular Meeting in observance of Independence Day.

Commissioner Brown announced he will not be attending the May 8, 2019, Planning Commission meetings.

City Planner Perez announced that City Council accepted the Commission-approved parking studies at their last meeting.

12. ADJOURNMENT

A Motion was made by Commissioner Brown, and seconded by Commissioner Talley, to adjourn at 9:10 p.m. to the Adjourned Regular Meeting of the Planning Commission to be held on May 8, 2019, at 6:00 p.m. in Council Chambers located at 100 Avenida Presidio, San Clemente, California, as the Study Session has been cancelled due to a lack of business.

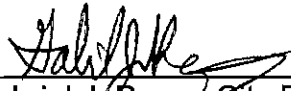
Motion carried 6-0-1, with Vice Chair Ruehlin being absent.

Respectfully submitted,



Barton Crandell, Chair

Attest:



Gabriel J. Perez, City Planner