

These minutes will be considered for approval at the Planning Commission meeting of 07-17-2019.

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
June 19, 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**

Chair pro tem Blackwell led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Chris Kuczynski; Chair pro tem Michael Blackwell, Vice Chair Jim Ruehlin, Chair Barton Crandell

Commissioners Absent: Donald Brown, Jason Talley, Zhen Wu

Staff Present: Gabriel J. Perez, City Planner  
Jonathan Lightfoot, Assistant Planner  
David Carrillo, Assistant Planner  
Stephanie Roxas, Senior Planner  
David Pierucci, Deputy City Attorney  
Eileen White, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS**

None

**5. MINUTES**

*Chair pro tem Blackwell stated for the record that although he was not present for the Adjourned Regular Planning Commission Meeting of June 5, 2019, he had viewed the video and confirmed the Minutes accurately reflected the meeting.*

- A.** Minutes from the Adjourned Regular Planning Commission Meeting of June 5, 2019

IT WAS MOVED BY COMMISSIONER KUCZYNSKI, SECONDED BY VICE CHAIR RUEHLIN, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES OF THE PLANNING COMMISSION REGULAR MEETING OF JUNE 5, 2019, WITH AMENDMENTS.

Amended as follows:

Page 3, 4<sup>th</sup> bullet, 2<sup>nd</sup> sentence, replace “neighborhood” with “City Council”

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

## **6. ORAL AND WRITTEN COMMUNICATION**

Larry Culbertson, resident, stated that residences adjacent to historic homes were only notified of projects on tonight’s agenda two weeks in advance of tonight’s meeting, and requested earlier notification, such as when the project is undergoing Design Review Subcommittee (DRSC) review.

Chair Crandell advised that projects are in draft form while undergoing DRSC review, and can be subject to major revisions before officially turned over for Planning Commission consideration. He recommended Mr. Culbertson contact the City Council as they have the purview to make the type of change he is proposing.

## **7. CONSENT CALENDAR**

None

## **8. PUBLIC HEARING**

### **A. Site Plan Permit 18-663 / Cultural Heritage Permit 18-664, North Beach Bed and Breakfast, 1410 Calle Mirador (Lightfoot)**

A request to construct a Bed and Breakfast Inn with one primary residence for an on-site manager and three guest rooms on a vacant lot within the NC2-A-AH-CZ zone at 1410 Calle Mirador.

Jonathan Lightfoot, Assistant Planner, narrated a PowerPoint Presentation entitled, “North Beach Bed and Breakfast, 1410 Calle Mirador, SPP 18-663, CHP 18-664” dated June 19, 2019. A copy of the Presentation is on file in Planning Division. Staff is recommending removal of Conditions 4.2 and 4.4 as they are unrelated to this project.

Michael Luna, representing the applicants, noted the project’s compliance with all applicable standards and did not request any exception permits.

He indicated that the project is only the 2<sup>nd</sup> new bed and breakfast inn proposed in San Clemente.

Eric and Loreen Spink, applicants, described their personal history as residents of San Clemente and vision for the site.

Chair Crandell opened the public hearing.

Chad Andrew, resident living across the street from the proposed project, Noted that development of the site will eliminate 3 public parking spaces; questioned why three garages were included and where the trash receptacles will be placed on trash pick up day.

Chair Crandell closed the public hearing.

During the ensuing discussion, the Commission noted the attractive landscaping and architectural details, and that the project is a good land use for the area. It was noted that the amount of parking is required by code and the curb cut is currently 18 feet. The Commissioners requested staff work with the applicant to reduce the 18 feet curb cut length if possible, as a longer curb area would also free up space for trash receptacle placement on trash pick up day.

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY CHAIR PRO TEM BLACKWELL AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-019, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SITE PLAN PERMIT 18-663 AND CULTURAL HERITAGE PERMIT 18-664, NORTH BEACH BED AND BREAKFAST, A REQUEST TO CONSTRUCT A BED AND BREAKFAST INN WITH ONE PRIMARY RESIDENCE FOR AN ON-SITE MANAGER AND THREE GUEST ROOMS ON A VACANT LOT WITHIN THE NC2-A-AH-CZ ZONE, LOCATED AT 1410 CALLE MIRADOR.

Amended as follows:

Exhibit A, Page 4, strike Conditions 4.2 and 4.4 in their entirety.

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

**B. Cultural Heritage Permit 19-052, Conditional Use Permit 19-053, Del Mar Restaurant, 226 Avenida Del Mar (Carrillo)**

A request to demolish a one-story office building and construct a two-story restaurant with full alcohol service at 226 Avenida Del Mar in the MU 3.0-A-CB-CZ zone.

David Carrillo, Assistant Planner, narrated a PowerPoint Presentation entitled, "Del Mar Restaurant, CHP 19-052/CUP 19-053/SPP 19-209," dated June 19, 2019. A copy of the Presentation is on file in Planning Division.

In response to questions, Assistant Planner Carrillo explained how the live entertainment and operating hours conditions and parameters were established.

Jim Holloway, representing the applicant, supported suggestion to increase the size of the canopy trees; noted the applicant will be merging the subject lot with the adjacent parking lot in order to satisfy both the parking and floor area ratio (FAR) requirements; noted he sent outreach notices far in advance of tonight's hearing to ensure stakeholders' participation in the process. He displayed slides of neighboring buildings, examples of two-story buildings next to one-story historic buildings, slides of the actual site, and slides of existing buildings featuring similar features to the subject property. Additionally, he distributed revised elevations indicating an additional two-foot setback on the front third of the west side elevation. He noted the project complies with all applicable standards and requested a unanimous vote of approval going forward. He stated for the record that he has no contacts with City Council, Planning Commissioners, or Planning Division staff. With regard to an accusation that this project moved abnormally fast through the approval process and/or is a result of favoritism, he stated that its designers are well versed in City codes and the project complies with all applicable standards and requirements.

Alura Aguilera of A2 Design, building owner and architect for the project, noted the project was designed according to Henry Lenny principles and extensive research was performed in creating its design. She agreed to install the larger canopy trees as recommended and noted the alcohol service will stop when the kitchen/food service stops. She described design details, trash enclosure location, site layout, and proposed landscaping plans. She would prefer to have shared open space, or use landscaping or a low wall to separate the subject property from the adjacent historic structure, but will work with the historic homeowner to agree on a complementary feature. She noted agreement with recommendation to use Dark Skies compatible lighting fixtures.

Chair Crandell opened the public hearing and acknowledged receipt of copies of emails on the dais in support and opposition to the project.

T. J. Orr, resident, read aloud a letter he submitted in opposition to the project due to negative impacts on quality of life as well as existing excessive alcohol-related public disturbances, accidents, and unruly behavior. He stated that deputies assigned to San Clemente spend too much of their time responding to alcohol related calls and bartenders are

known to overserve customers. He also mentioned that he believes there are already too much alcohol service in this area.

Ryan Downey, resident, supported an additional restaurant in the Downtown area to provide variety of offerings.

Larry Culbertson, resident, opposed the project due to its massing and scale; suggested the applicant demolish another owned property on the other side of the subject property in order to accommodate a large building on this site; requested the Commission send the proposal back through the DRSC and check with the City's Historic Property Consultant before making a decision.

Michael Erwin, Encinitas resident representing the Lane Family, owners of the historic structure, requested the project be delayed to allow additional review; disagreed with the staff report indicating the project is exempt from CEQA review; suggested the historic property at 228 is absorbing all the negative impacts of the new building, and the proposed trash enclosure is too close.

Mimi Lane, resident and owner of the adjacent historic structure, described her late husband's former impact on the San Clemente community and speculated he would be very unhappy with the proposed project and its potential negative impacts on the historic home. She requested the Commission delay approval of the project to allow time for additional review.

Sabrina Lane-Erwin, Encinitas resident, opposed the proposed project as it is not what the City wants and not acceptable under the law. It does not reflect the historic nature of the adjacent building and the design does not follow the Secretary of the Interior's Standards. She questioned how the project can be approved when its designers did not enter the historic property to ascertain potential impacts, insufficient renderings and viewpoints were submitted, and the proposed project does not comply with CEQA.

Linda Michaelson, historic home tenant and boutique owner, read aloud a letter she submitted in opposition to the project due to its potential to negatively impact the historic structure; discussed her role as steward for the property and the interest it draws due to its unique setting and quaintness.

Casey Delag, resident, manager of the existing property at 226 Avenida Del Mar for 10 years, supported the proposed project. She distributed copies of a photo showing an array of items stacked up against the historic property and creating an eyesore for adjacent properties. Additionally, if not removed when the boutique at 228 is closed, homeless people sit in the chairs out front.

Jeff Moore, tenant at 224 Avenida Del Mar, supported the proposed development; noted the need for organic growth in the area.

Matt Moore, tenant at 224 Avenida Del Mar, supported the proposed development; commented the new restaurant will be a fine dining establishment and not a bar that will turn the area into a party zone.

Chair Crandell closed the public hearing.

Comments/Suggestions:

- Commented that the Secretary of the Interior's Standards are guidelines and not requirements.
- Suggested the applicant consider an alternative location for the trash enclosure to mitigate its impact on the historic structure.
- Suggested installation of larger canopy trees and recommended evergreen varieties.
- Opposed installation of a wall between the properties; supported increased landscaping as the alternative.
- Suggested replacement species for the proposed firestick succulents, as they can be dangerous to humans and pets.
- Expressed desire to have the City's Historic Structures Consultant provide an opinion for the project.
- Suggested the new project will provide a backdrop for the historic site and does not diminish it.
- Stated the historic structure is in a unique situation as it is a residential property in a commercial zone being used as a commercial property.
- Suggested the new project will enhance the historic home and boutique, bringing more traffic, interest and expanding its exposure.
- Expressed concern with live music escaping from the project when doors are constantly opened and closed by both customers and staff.
- Supported the hours of operation, hours of alcohol service, architecture, massing, and architecture as proposed; agreed the required findings can be made to support the project.
- Expressed frustration that staff had been accused of improper conduct without evidence, noting that the Planning Division had experienced a 100% turnover.
- Supported the architecture and its sensitivity to the historic structure as well as the subject property's location as this area of Avenida Del Mar needs business.
- Confirmed with staff that the project can be conditioned to require DRSC review and approval of the trash enclosure location. This condition would be satisfied with DRSC approval. The DRSC could

also elect to send it back to the Planning Commission for additional review of this issue.

Mr. Holloway noted at this time there is not an applicant for the business, and offered to withdraw the project's application for live entertainment. Additionally, he agreed to work with staff to revise the location of the trash enclosure subject to DRSC review, increase the canopy tree sizes, use evergreen tree varieties, replace the firestick succulent with an alternative plant material and install Dark Skies compatible lighting fixtures.

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER KUCZYNSKI, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-020, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 19-052/CONDITIONAL USE PERMIT 19-053/SITE PLAN PERMIT 19-209, DEL MAR RESTAURANT, TO DEMOLISH A ONE-STORY OFFICE BUILDING, LOCATED AT 226 AVENIDA DEL MAR, AND CONSTRUCT A TWO-STORY RESTAURANT WITH FULL ALCOHOL SERVICE.

Amended as follows:

Page 1, strike "AND INDOOR LIVE ENTERTAINMENT WITH AMPLIFIED SOUND" from the Resolution title.

Throughout the document, all references to "Live Entertainment" and "amplified sound" shall be removed.

Staff will draft conditions of approval to address the following:

- Prior to issuance of a grading permit, the DRSC will review and approve the design and placement of trash enclosures for 224 and 226 Avenida Del Mar.
- All outdoor lighting will be Dark Skies compatible.
- Staff to review and approve a broader plant pallet, including large, evergreen canopy trees and replacement of firesticks with an alternate plant material.
- Prior to issuance of a building permit, and with the approval of the City Planner, the front third of the west side elevation will be set back an additional two feet. Subject to the review and approval of the City Planner other affected plans will be made to conform with the additional two-foot setback, i.e. roof plans, landscape plans, floor plans.

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

**C. Conditional Use Permit 18-620, Conditional Use Permit 19-080, Encroachment Permit 19-0058, The Cellar and Next Door, 156 & 158 Avenida Del Mar (Roxas/Carrillo)**

A request to: 1) allow a full range of alcohol to be served indoors and outdoors at an existing restaurant (The Cellar); 2) legalize The Cellar's existing outdoor patio that encroaches into the public right-of-way; 3) allow a full range of alcohol to be served indoors and outdoors at a new restaurant (Next Door); and 4) extend the operational hours and allow non-amplified indoor live entertainment at Next Door.

*Vice Chair Ruehlin stated for the record that he had been contacted by the applicant for this project and had a conversation regarding the timing of the application.*

Stephanie Roxas, Senior Planner, narrated a PowerPoint Presentation entitled, "The Cellar and Next Door," dated June 19, 2019. A copy of the Presentation is on file in Planning Division.

In response to a question, Senior Planner Roxas clarified that the Zoning Ordinance permits outdoor dining with alcohol service on public property, subject to a Conditional Use Permit.

Sherrie Jordan, applicant and The Cellar Restaurant owner, confirmed that food will be served at all times the restaurant is open.

Chair Crandell opened the public hearing.

Michael Kaupp, building owner, commented on the success of The Cellar Restaurant, which has been a vibrant addition to the Downtown area and has generated a lot of traffic and positive recognition. He anticipates their new venture will be equally successful.

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER KUCZYNSKI, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-021, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 18-620, NEXT DOOR, TO ALLOW INDOOR AND OUTDOOR FULL ALCOHOL SERVICE, EXTENDED OPERATIONAL HOURS, AND NON-AMPLIFIED INDOOR LIVE ENTERTAINMENT AT A RESTAURANT, LOCATED AT 158 AVENIDA DEL MAR.

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

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER KUCZYNSKI, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 19-022, A RESOLUTION OF THE



PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 19-080, AND ENCROACHMENT PERMIT 19-0058, THE CELLAR, TO ALLOW FULL ALCOHOL SERVICE INDOORS AND OUTDOORS AT A RESTAURANT LOCATED AT 156 AVENIDA DEL MAR.

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

**9. NEW BUSINESS**

None

**10. OLD BUSINESS**

**A. Check Cashiers, Secondhand Stores (Perez)**

A request to forward a recommendation to the City Council on the adoption of a City-initiated zoning amendment for regulation of locations and processing requirements of Check Cashiers, Pawnbrokers, and Smoke or Tobacco Shops.

City Planner Perez recommended the Planning Commission continue this item to the August 7, 2019, Regular Meeting.

Chair Crandell opened the public hearing.

Theodore Lee, smoke shop owner, stated the biggest challenge for his shop is dealing with the homeless; requested revision to allow continued traffic for those under 21 as he carries snacks and other non-age-restricted items to supplement tobacco sales.

Chair Crandell closed the public hearing.

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY COMMISSIONER KUCZYNSKI, AND UNANIMOUSLY CARRIED TO CONTINUE CHECK CASHIERS, SECONDHAND STORES, TO THE REGULAR MEETING OF AUGUST 7, 2019.

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

**11. REPORTS OF COMMISSIONERS/STAFF**

- A. Tentative Future Agenda
- B. Staff Waiver Memo and Reports
- C. Zoning Administrator minutes from May 23, 2019

City Planner Perez reported the Commission will hear the Sea Level Rise Vulnerability Study presentation at its August 7, 2019, meeting; he will send out emails to Commissioners to arrange for Commissioner briefings.

**12. ADJOURNMENT**

IT WAS MOVED BY VICE CHAIR RUEHLIN, SECONDED BY CHAIR PRO TEM BLACKWELL, AND UNANIMOUSLY CARRIED to adjourn at 9:56 p.m. to the next Study Session and Regular Meetings of the Planning Commission to be held on July 17, 2019, at 6:00 p.m. in Council Chambers located at 100 Avenida Presidio, San Clemente, California.

Respectfully submitted,

\_\_\_\_\_  
Barton Crandell, Chair

Attest:

\_\_\_\_\_  
Gabriel J. Perez, City Planner

DRAFT