

These minutes will be considered for approval at the Planning Commission meeting of 11-06-2019.

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
October 16, 2019 @ 7:00 p.m.  
Council Chambers  
100 Avenida Presidio  
San Clemente, California 92672**

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**1. CALL TO ORDER**

Vice Chair Blackwell called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:03 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Wu led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Donald Brown, Chris Kuczynski (7:35 p.m. departure), Jason Talley, Zhen Wu; Vice Chair Michael Blackwell

Commissioners Absent: Chair pro tem Barton Crandell, Chair Jim Ruehlin

Staff Present: Gabriel J. Perez, City Planner  
Jennifer Savage, Senior Planner  
Katie Crockett, Associate Planner  
Jonathan Lightfoot, Assistant Planner  
David Pierucci, Deputy City Attorney  
Eileen White, Recording Secretary

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER KUCZYNSKI, AND UNANIMOUSLY CARRIED TO REVISE THE ORDER OF ITEMS ON THE AGENDA.

*These minutes reflect the order in which items appeared on the meeting agenda and do not reflect the order in which items were actually considered.*

**4. SPECIAL ORDERS OF BUSINESS**

None

**5. MINUTES**

A. Minutes from the Regular Planning Commission Study Session of September 4, 2019 (Continued from 10/2/19)

- B. Minutes from the Regular Planning Commission Meeting of September 4, 2019 (Continued from 10/2/19)
- C. Minutes from the Adjourned Regular Planning Commission meeting of October 2, 2019

The Commission continued all minutes to the meeting of their Regular Meeting of November 6, 2019, due to lack of quorum for minutes' approvals.

## 6. ORAL AND WRITTEN COMMUNICATION

Kristy Neuhausen, resident, distributed photos indicating proposed location for a small cell tower in the Rancho Christianitos neighborhood; opposed the location because it does not meet distance requirements once grade is calculated; requested the City adopt an ordinance to properly regulate installations.

Kristin Fuller, resident, requested an ordinance to regulate cell tower placement; stated concern that no ongoing testing is being performed to determine the cumulative effects of towers located near each other; expressed concern that additional carriers will soon be installing their own towers as well.

Laura Fischer, resident, opposed cell tower installations near residential homes, schools and parks; asked the City to regulate installations to the fullest extent of existing laws; requested the applicant be required to fund a third-party study to verify the information it's provided; suggested denial of the proposed subject towers based on aesthetic reasons.

Kortney Morrow, resident, requested AT&T be required to dismantle and remove non-functioning devices, noting the existing and proposed locations are located in high/severe fire hazard zones; requested any transient campers on AT&T properties be removed; encouraged the City to adopt an ordinance to regulate cell tower placement.

## 7. CONSENT CALENDAR

- A. Six Month Review – La Colombiana Restaurant Expansion, Conditional Use Permit 17-322, Minor Cultural Heritage Permit 17-420, Minor Exception Permit 18-628 – 1640 N. El Camino Real (Perez)

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER TALLEY, AND UNANIMOUSLY CARRIED TO CONTINUE SIX MONTH REVIEW OF LA COLOMBIANA RESTAURANT EXPANSION, CONDITIONAL USE PERMIT 17-322, MINOR CULTURAL HERITAGE PERMIT 17-420, MINOR EXCEPTION PERMIT 18-628 – 1640 N. EL CAMINO REAL FOR SIX MONTHS.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]****8. PUBLIC HEARING****A. 103 West Paseo De Cristobal – Cultural Heritage Permit 19-047 – Gordnier Addition (Lightfoot)**

A request to construct an 819 square foot second floor addition on a single-family residence. The project site abuts a historic structure located across the street at 104 W Paseo de Cristobal. The project site is within the Residential Low Zoning district and within the Coastal Zone Overlay.

Commissioner Brown recused himself from consideration of this item due to the 500 feet rule from his property and left the meeting room.

Jonathan Lightfoot, Assistant Planner, narrated a PowerPoint Presentation entitled, "Cultural Heritage Permit 19-047, Gordnier Addition, 103 W. Paseo De Cristobal," dated October 16, 2019. A copy of the Presentation is on file in Planning Division.

Assistant Planner Lightfoot confirmed the applicant is in agreement with the conditions of approval.

David York, Architect, and Aaron Gordnier, property owner, were present and available for questions.

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

Planning Commissioners supported the project and recommended that the City Engineer approve trees within the parkway if appropriate measures such as root barriers could be installed to protect the sidewalk.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER WU, AND CARRIED 4-0-1, WITH COMMISSIONER BROWN ABSTAINING, TO ADOPT RESOLUTION NO. 19-036, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 19-047, GORDNIER ADDITION, A REQUEST TO CONSTRUCT AN 819 SQUARE FOOT SECOND FLOOR ADDITION ON A SINGLE-FAMILY RESIDENCE AT 103 W. PASEO DE CRISTOBAL.

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

Commissioner Brown returned to chambers for the remainder of the meeting.

B. Zoning Amendment 19-343 – Nonconforming Provisions for Mobilehomes (Savage)

Notice is hereby given that the City of San Clemente shall have a public hearing to consider a city-initiated proposal to amend San Clemente Municipal Code Title 17, the Zoning Ordinance, regarding nonconforming mobilehomes and mobilehome parks. The Planning Commission will be considering changes to the Zoning Ordinance in Chapters 17.28 and 17.72 related to special uses and nonconforming structures and uses.

Jennifer Savage, Senior Planner, summarized the staff report; recommended the Commission approve the proposed revisions, which are a result of a settlement agreement in ongoing legislation between Capistrano Shores and the City of San Clemente. The subject amendments will clarify that legal non-conforming mobilehomes and mobilehome parks are defined by State law for the City's Zoning code nonconforming provisions, shall comply with State and Federal laws and permitting requirements, and are not subject to special uses provisions in the City's Zoning Code.

David Pierucci, Deputy City Attorney, described how the existing Zoning code is applied and explained how the proposed amendment will operate; clarified that the proposed amendment will ensure the City's regulations are consistent with State and Federal regulations with regard to mobilehomes and mobilehome parks; noted the subject mobilehomes are currently regulated with a Conditional Use Permit (CUP) approved by the City in 1961; advised the proposed amendments address a provision that is unique to this location, situation, and legal settlement. The City is not ceding authority in that the City-imposed regulations are still the same, a permit is required and alterations and expansions have to be approved by Federal and State laws.

Eric Anderson, representing Capistrano Shores Mobilehome Park, discussed compromises the mobilehome park is making as part of the lawsuit settlement; provided a history of litigation between the park and the City; noted partial intent of the amendment is to address the mobilehome park's options in the event of fire destroying up to 50% of the mobilehomes.

Vice Chair Blackwell 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:

- Suggested that settlement agreements arising from ongoing legislation should not be the basis of revising City code; indicated inability to make the required findings and approve the amendment

due to the proposed reduction of ability for the City to exercise its power to regulate mobilehomes and mobilehome parks in the future.

- Supported the proposed amendment in order to settle litigation; suggested additional revisions can be made in the future.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER WU, AND **FAILED** ON A 2-2-0 VOTE, WITH COMMISSIONER WU AND VICE CHAIR BLACKWELL IN FAVOR, AND COMMISSIONER TALLEY AND COMMISSIONER BROWN OPPOSED, TO APPROVE RESOLUTION NO. PC 19-035, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE RECOMMENDING THE CITY COUNCIL APPROVE AN ORDINANCE TO ENACT ZONING AMENDMENT 19-343, AMENDING MUNICIPAL CODE TITLE 17 (ZONING), CHAPTERS 17-28 (SPECIAL USES) AND 17.36 (COMMERCIAL ZONES AND STANDARDS) TO CLARIFY STANDARDS FOR REGULATING NONCONFORMING MOBILEHOMES AND MOBILEHOME PARKS.

David Pierucci, Deputy City Attorney, clarified that the motion to approve Resolution no. PC 19-035 resulted in a tie vote, without approval or denial, and will be forwarded to City Council for their consideration without a recommendation from the Planning Commission.

## 9. NEW BUSINESS

### A. Consideration of Speed Cushions on West El Portal, 200 Block (Mangohig)

That the Planning Commission discuss and provide direction regarding the use of speed cushion traffic calming treatments on the 200 block of West El Portal and other roadways that do not qualify for traffic calming per the City Traffic Calming Policy and do not satisfy the City Speed Hump/Cushion Policy basic installation criteria.

Nestor Mangohig, Senior Traffic Engineer, summarized the staff report and displayed photos of the proposed location. He confirmed that the street did not meet the minimum point score specified in the traffic calming manual required for traffic calming treatments, and did not meet all the basic installation criteria for speed cushions. The speed hump/cushion policy indicates that even if a street does not meet the basic criteria, it can be brought forward for Planning Commission consideration if 67% of residents support cushion installation. A subsequent petition submitted satisfied the 67% support requirement.

Helen McCue, petitioner, described the existing conditions on West El Portal. It's used for both school and beach access in addition to

pedestrians and typical neighborhood uses. It does not have continuous sidewalks, and is extremely dangerous during school drop off and pick up times. Although no injury related accidents have been reported, there have been many non-injury accidents that may not have been officially recorded. Other streets have received speed humps/traffic calming measures without meeting all the required criteria. Plans to install a continuous sidewalk on West El Portal were abandoned and the funds were used for a different project. She requested the Commission recommend City Council use their discretion to approve speed humps before serious injury or loss of life occurs.

Vice Chair Blackwell opened the public hearing.

Mike Desanto, resident, recounted dangerous road conditions on West El Portal; supported speed cushions to slow down traffic; noted the school safety personnel are only regulating safety on campus and do not address safety outside of school property.

Vice Chair Blackwell closed the public hearing.

Comments/suggestions:

- Newer cars accelerate very quickly, posing danger to children, pedestrians, and other cars.
- During drop off and pick up, parents are distracted, in a hurry, and not as attentive as they should be.
- Questioned whether additional measures could be used to address busy, dangerous streets, such as revising the City's criteria for traffic calming in school zones, reducing the 25 MPH neighborhood speed limit, and/or changing street circulation patterns such as designating one-way streets.
- Established from staff that lack of traffic restriction enforcement may lead to broader issues, and enhanced study, additional outreach and public workshops would have to occur in order to make sweeping circulation changes.
- Supported establishing safe routes to school policies and funding for the nearby school.
- Supported amending the City's criteria for traffic calming measures in school zones City-wide.
- W. El Portal is adjacent to an elementary school and has its own unique circulation and walkability issues. As such, a recommendation to approve is based on the issues specific to the site.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO RECOMMEND CITY COUNCIL APPROVAL OF 1) TRAFFIC CALMING

MEASURES INCLUDING INSTALLATION OF SPEED HUMPS/CUSHIONS ON THE 200 BLOCK OF WEST EL PORTAL AND 2) RECOMMEND ESTABLISHING SAFE ROUTES TO SCHOOL POLICIES AND FUNDING FOR LAS PALMAS ELEMENTARY SCHOOL AND OTHER SCHOOLS THROUGHOUT THE CITY. (Note to reviewer – there was not blanket support for other roadways that don't qualify for traffic calming and speed hump policies)

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

**B. Transfer of a 4 by 325-foot (1,300-square foot) portion of Senda de la Playa to the Capistrano Shores Mobilehome Park (Pierucci)**

A request to forward a recommendation to the City Council (1) that the transfer is of the common benefit, (2) that the transfer conforms to the City's General Plan, (3) that the transfer is categorically exempt from environmental review under CEQA as a Class 5 project and to direct staff to file a Notice of Exemption, as well as (4) to direct staff to execute and record the grant deed effectuating the transfer.

Commissioner Talley expressed that he would need to leave the meeting before consideration of item 9B, which would result in a lack of quorum. The Commission discussed the option of voting to continue item 9B.

IT WAS MOVED BY COMMISSIONER TALLEY, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO CONTINUE TRANSFER OF A 4 BY 325-FOOT (1,300-SQUARE FOOT) PORTION OF SENDA DE LA PLAYA TO THE CAPISTRANO SHORES MOBILEHOME PARK TO THE REGULAR PLANNING COMMISSION MEETING OF NOVEMBER 6, 2019.

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

**10. OLD BUSINESS**

None

**11. REPORTS OF COMMISSIONERS/STAFF**

- A. Tentative Future Agenda
- B. Staff Waiver Memo and Reports

**12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER WU, AND UNANIMOUSLY CARRIED TO ADJOURN AT 9:36 P.M. TO THE JOINT COUNCIL/COMMISSIONS/COMMITTEES MEETING WHICH WILL BE HELD ON TUESDAY, OCTOBER 29, 2019, FROM 5:30 P.M.

TO 9:00 P.M. AT WEDGEWOOD AT THE SAN CLEMENTE MUNICIPAL GOLF COURSE LOCATED AT 150 E. AVENIDA MAGDALENA, SAN CLEMENTE, CALIFORNIA.

The next Regular Meetings of the Study Session and Planning Commission will be held on November 6, 2019 at 6:00 p.m. in Council Chambers located at 100 Avenida Presidio, San Clemente, California.

Respectfully submitted,

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Michael Blackwell, Vice Chair

Attest:

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Gabriel J. Perez, City Planner

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