

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
June 3, 2020 @ 6:00 p.m.
Teleconference Only via
www.san-clemente.org/live or Cox Channel 854**

CALL TO ORDER

Chair Ruehlin called the Adjourned Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:17 p.m. The meeting was offered teleconference only due to the COVID-19 Pandemic, and available to the public via live stream from the City's YouTube Channel or live on Cox Channel 854.

2. PLEDGE OF ALLEGIANCE

Commissioner Wu led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Donald Brown, Chris Kuczynski, Zhen Wu; Chair pro tem Barton Crandell, Vice Chair Michael Blackwell, Chair Jim Ruehlin (All Planning Commissioners participated via teleconference)

Commissioners Absent: None

Staff Present:

- *Gabriel J. Perez, City Planner
- *Stephanie Roxas, Senior Planner
- *Jonathan Lightfoot, Associate Planner
- *Erin Guy, Community Development Technician
- *David Carrillo, Assistant Planner
- *Matthew Richardson, Assistant City Attorney
- *Eileen White, Recording Secretary

*Participated in meeting via teleconference

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. Agenda items 8B through 8F were considered after 7:00 p.m. due to noticing requirements.

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

- A. Minutes from the Planning Commission Regular Study Session of May 20, 2020

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY CHAIR PRO TEM CRANDELL AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE PLANNING COMMISSION REGULAR STUDY SESSION OF MAY 20, 2020, as submitted.

- B. Minutes from the Planning Commission Regular Meeting of May 20, 2020

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY VICE CHAIR BLACKWELL AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE PLANNING COMMISSION REGULAR MEETING OF MAY 20, 2020, revised as follows:

Page 5, 5th paragraph, delete "and left the teleconference. He...meeting"

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

- A. 132 Avenida Serra – Conditional Use Permit 19-192/Minor Cultural Heritage Permit 20-112 – New Thought Montessori – Continued from May 20, 2020 (Carrillo)

A request to consider a day care center on a property located at 132 Avenida Serra, within Downtown and the Mixed Use 3.1 Zone and Architectural Overlay Zoning District (MU 3.1-A). The day care center consists of 30 children and 3 staff members at one time. The request includes an off-site parking agreement, an off-site ADA ramp, and other minor exterior improvements.

Assistant Planner Carrillo announced that the applicant for this project has withdrawn the application.

Discussion ensued regarding the substantial amount of public resistance to this project, which was only vocalized after the project had been in the review process for a lengthy period of time. Attorney Richardson advised that the issue of a registered sex offender living nearby is under the

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purview of the relevant regulatory agencies. City Planner Perez noted that the case planner for this project had encouraged the applicant to provide community outreach, but the applicant declined. The Commissioners requested staff add to a future Study Session or Meeting agenda a discussion regarding the potential for the City to add a requirement that applicants with potentially controversial projects in densely populated areas notify and survey the neighborhood and/or perform community outreach at the start of the project's application/review process before large amounts of time, effort, and funds are expended.

[NO ACTION TAKEN; AGENDA ITEM WITHDRAWN BY APPLICANT.]

**B. 190 Avenida La Pata – Site Plan Permit 19-471 – Heritage Parking Lot
(Guy)**

A request to consider a new 48-stall parking lot on an existing 2.17-acre vacant lot zoned Business Park within the Rancho San Clemente Specific Plan. The project also includes additional landscaping and new hardscaping, with a new outdoor seating area.

Community Development Technician Guy narrated a PowerPoint Presentation entitled, "Heritage Parking Lot, SPP 19-471" dated June 3, 2020. A copy of the Presentation is on file in Planning Division.

Chair Ruehlin opened the public hearing, confirmed with staff that no public testimony had been submitted on this item, and closed the public hearing.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY CHAIR PRO TEM CRANDELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 20-011, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING SITE PLAN PERMIT 19-471, A REQUEST TO DEVELOP A NEW 48-STALL PARKING LOT ON AN EXISTING VACANT LOT, INCLUDING LANDSCAPING AND HARDSCAPING, WITH A NEW OUTDOOR SEATING AREA AT 190 AVENIDA LA PATA, APN 688-161-04.

The Commissioners added a condition of approval to address parking lot lighting trespassing beyond the property line. The commissioners directed staff to use similar language to as previous conditions of approval on previous projects with parking lot lighting.

Amended as follows:

Add a Condition of Approval as follows, "All parking lot lighting has to meet all city ordinances."

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL.]**C. 2360 South El Camino Real – Discretionary Sign Permit 19-240 – 76 Master Sign Program (Guy)**

A request to establish a Master Sign Program (to include changes to an existing monument sign, refacing existing gas pump and gas skirt signage, and a new wall sign) for an existing service station at 2360 South El Camino Real within the Neighborhood Commercial 1.3 zone of the General Plan and the Affordable Housing (AH) Overlay Zone.

Community Development Technician Guy narrated a PowerPoint Presentation entitled, "76 Master Sign Program, DSP 19-240," dated June 3, 2020. A copy of the Presentation is on file in Planning Division.

Chair Ruehlin opened the public hearing, confirmed with staff that no public testimony had been submitted on this item, and closed the public hearing.

IT WAS MOVED BY VICE CHAIR BLACKWELL, SECONDED BY COMMISSIONER BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 20-102, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT 19-240, A REQUEST TO ESTABLISH MASTER SIGN PROGRAM FOR AN EXISTING SERVICE STATION AT 2360 SOUTH EL CAMINO REAL.

The Commissioners elected to add a condition of approval regarding the illumination of the LED price sign that would allow the City Planner to require that the LED price sign illumination be dimmed or altered in the future, should the City Planner determine that the illumination is too bright or intrusive.

Amended as follows:

Add a Condition of Approval as follows, "Price LED lighting shall be consistent with previous gas station price monument lighting approvals."

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL.]**D. 515 Avenida Pico – Conditional Use Permit 18-369/Architectural Permit 18-389/Site Plan Permit 18-390/Discretionary Sign Permit 18-391 – Chevron Car Wash and Expansion (Roxas)**

A request to expand an existing Chevron gas station onto an adjacent vacant parcel (located at APN 057-014-43), and construct a new 2,281 sq. ft. convenience store and drive-through car wash. The proposal includes

the sale of alcoholic beverages for off-site consumption, demolition of the existing convenience store, and new service station signage.

Stephanie Roxas, Senior Planner, narrated a PowerPoint Presentation entitled, "Chevron Car Wash and Expansion, CUP 18-369, AP 18-389, SPP 18-390, and DSP 18-391," dated June 3, 2020. A copy of the Presentation is on file in the Planning Division. She summarized the project-specific conditions of approval in the draft resolution, and noted the applicant is in agreement with all conditions.

Senior Planner Roxas announced that the applicant, Chevron, and their representative, Patrick Fiedler of Fiedler Group, were monitoring the meeting in real time. Any questions the Commission has and the applicant's responses will be relayed through her email account.

Chair Ruehlin opened the public hearing, confirmed with staff that no public testimony had been submitted on this item, and closed the public hearing.

Comments/Suggestions:

- Suggested for the sake of continuity that the applicant be required to clear out any overgrown, dead, and unsightly existing landscaping, and replace it with the style and palette of landscaping proposed for the new area. Existing palm trees should be cleaned-up, and/or trimmed.
- Suggested limiting the car wash operation to avoid noise impacts in the early a.m. and late p.m. hours.
- Suggested the proposed 6-foot wall be increased to 8 feet in height to further reduce noise impacts.
- Requested staff use the same approach with regard to noise impacts reduction with this project as they did with the Valero Car Wash expansion.
- Suggested use of "pin mounted halo lit" lighting on the canopy.

Senior Planner Roxas received correspondence from the applicants confirming that signage will be pin-mounted and halo illuminated. The applicant was in agreement with the proposed 8-foot wall, removing the existing landscape, and replacing it with landscape consistent with approved plant palette for the new area. The applicant requested to operate the car wash from 6:00 a.m. to 10:00 p.m.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY VICE CHAIR BLACKWELL, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 20-014, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 18-369, ARCHITECTURE

PERMIT 18-389, SITE PLAN PERMIT 18-390, AND DISCRETIONARY SIGN PERMIT 18-391, FOR CHEVRON CAR WASH AND EXPANSION, LOCATED AT 515 E. AVENIDA PICO.

Amended as follows:

Page 2, Condition of Approval 1.8, staff to clarify that use of pin-mounted halo lit signage is required.

Staff will further condition the project as follows:

- The applicant will install an 8-foot wall in place of the 6-foot wall abutting the properties at 140 Calle De Industrias and 131 Avenida Navarro.
- The car wash hours of operation will be limited to 6:00 a.m. to 10:00 p.m. daily.
- All existing landscaping (except for palm trees) will be replaced with landscaping that is consistent with the new plant palette, to the satisfaction of the City's Landscape Consultant.

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

E. 151 Calle Del Los Molinos – Conditional Use Permit 19-447/ Minor Architectural Permit 19-448/ Minor Conditional Use Permit 20-054/ Administrative Encroachment Permit 20-161 – Los Molinos Beer Co. and Tasting Room. (Lightfoot)

A request to remodel and repurpose an existing 3,033 square foot warehouse building into a microbrewery and restaurant within the Light Industrial area of the West Pico Corridor Specific Plan, to include a façade remodel, the sale of beer and wine on-site and outdoors, an off-site parking lease agreement with the City of San Clemente at the Calle Bonito parking lot, and the acknowledgment of minor existing encroachments into the public right-of-way.

Jonathan Lightfoot, Associate Planner, narrated a PowerPoint Presentation entitled, "Los Molinos Beer Co. and Tasting Room, CUP 19-447, MAP 19-448, MCUP 20-054, and AEP 20-161, 151 Calle De Los Molinos," dated June 3, 2020. A copy of the Presentation is on file in Planning Division.

Chair Ruehlin opened the public hearing, confirmed with staff that no public testimony had been submitted on this item, and closed the public hearing.

Comments/suggestions:

- The parking spot off Calle Valle indicated on the plans looks like it is substandard and cars parking there will encroach into the sidewalk. Associate Planner Lightfoot noted this parking spot should have been included in the Administrative Encroachment Permit reference within the staff report alongside the existing building encroachment. Building and Engineering Division will check the plans during Plan Check and the final design of the driveway will be subject to the approval by the City Engineer.
- A tree proposed for a landscaped planter area will eventually grow too tall and block proposed signage at this location. Associate Planner Lightfoot will relay this comment to the applicant and discuss alternatives to the sample sign show in the plans. As there are 3 signs totaling less than 64 square feet of total area, a discretionary review of signage is not required.
- The curb is painted red alongside the proposed project. Associate Planner Lightfoot indicated the red curb was painted in error in the past, and will be removed.
- Question regarding whether the number of street trees is adequate/in compliance. Associate Planner Lightfoot indicated that the standard is one tree per 25 feet of frontage.
- Questioned the location of roof top equipment. Associate Planner Lightfoot responded that the equipment would be located on the back slope of the roof, not facing the Calle De Los Molinos and Calle Valle intersection. It will be painted to match the roofing color.
- Indicated a preference to add another queen palm within the parkway at the front of the project.
- Indicated a preference that the construction drawings indicate a roll-up curb along Calle Valle instead of a drive apron. Deferred to the City Engineer on the appropriateness of this alternate design.
- The proposed railing has a flat surface and can be used as a table top. Associate Planner Lightfoot indicated the applicant has already agreed to replacing the flat with a rounded design to be compliant with Condition of Approval 7.26.
- Commended the applicant for a design that is compatible with the eclectic character of Los Molinos. Supported the windmill as an iconic element that promotes neighborhood character.

MOTION #1: IT WAS MOVED BY VICE CHAIR BLACKWELL, SECONDED BY COMMISSIONER BROWN TO ADOPT RESOLUTION NO. PC 20-013, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 19-447, MINOR ARCHITECTURAL PERMIT 19-448, MINOR CONDITIONAL USE PERMIT 20-054, AND ADMINISTRATIVE ENCROACHMENT PERMIT 20-161, A REQUEST TO REMODEL AND REPURPOSE AN EXISTING WAREHOUSE WITHIN

THE LIGHT INDUSTRIAL AREA OF THE WEST PICO CORRIDOR SPECIFIC PLAN, TO INCLUDE A FAÇADE REMODEL, THE SALE OF BEER AND WINE ON-SITE AND OUTDOORS, AN OFF-SITE PARKING LEASE AGREEMENT WITH THE CITY AT THE CALLE BONITO PARKING LOT, AND THE ACKNOWLEDGMENT OF MINOR EXISTING ENCROACHMENTS INTO THE PUBLIC RIGHT OF WAY.

MOTION #2: IT WAS MOVED BY COMMISSIONER WU, SECONDED BY VICE CHAIR BLACKWELL, AND CARRIED 5-1-0, WITH COMMISSIONER BROWN OPPOSED, TO AMEND THE ABOVE MOTION TO REQUIRE THE APPLICANT INSTALL STREET TREES 25 FEET APART ALONG CALLE DE LOS MOLINOS IN COMPLIANCE WITH THE CITY'S STREET TREE ORDINANCE.

MOTION #1 UNANIMOUSLY CARRIED

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

F. Zoning Amendment 20-069 – Massage Ordinance (Savage)

A public hearing to consider city-initiated proposal to amend the City's Massage Ordinance. The project would amend San Clemente Municipal Code Title 5 and Title 17, San Clemente Zoning Ordinance, to deter human trafficking activity, clarify existing provisions, and correct erroneous text.

Staff recommended that the Planning Commission continue this item to the regular scheduled Planning Commission meeting of July 8, 2020 to allow additional time for staff to address questions raised by the Planning Commission.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY CHAIR PRO TEM CRANDELL AND UNANIMOUSLY CARRIED TO CONTINUE ZONING AMENDMENT 20-069 – MASSAGE ORDINANCE TO THE REGULAR MEETING OF JULY 8, 2020.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

9. NEW BUSINESS

A. Sale of Industrial Hemp Interpretation (Perez)

A request for an interpretation from the Planning Commission regarding the sale of industrial hemp to be considered similar to a "Drugstore/Pharmacy" use in the Municipal Code.

City Planner Perez narrated a PowerPoint Presentation entitled, "Interpretation 20-136, Sale of Industrial Hemp," dated June 3, 2020. A copy of the Presentation is on file in Planning Division.

City Planner Perez read a letter dated May 6, 2020, from Shawn McManigal, Managing Member, San Clemente Natural Solutions, Thousand Oaks, CA 91362, describing the proposed products, the regulatory process, and request for classification under Drugstore/Pharmacy use.

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

- Specific products considered industrial hemp could be permitted and differentiated from others that may be prohibited, such dietary supplements versus lotions.
- Supported the interpretation of the sale of industrial hemp as a drugstore/pharmacy use and that drugstores sell the range of products made from industrial hemp; commented that it's a legal product.
- Established from staff that other cities have classified this product as "General Merchandise" (a classification the City of San Clemente does not have), "Health Food," or "Drugstore/Pharmacy."
- Opposed the product's designation under Drugstore/Pharmacy use as it is not medicine.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY CHAIR PRO TEM CRANDELL AND CARRIED 5-1-0, WITH COMMISSIONER WU OPPOSED, TO APPROVE INTERPRETATION 20-136, THAT THE SALE OF INDUSTRIAL HEMP PRODUCTS AS A PRINCIPAL USE IS CONSISTENT WITH A DRUGSTORE OR PHARMACY USE AND SHALL BE PERMITTED IN THE MIXED USE AND COMMERCIAL ZONING DESIGNATIONS PROVIDED THAT THE BUSINESS WHOSE SALES ARE PRIMARILY FROM INDUSTRIAL HEMP UNDER THIS INTERPRETATION MUST SPECIFY ON THE THEIR BUSINESS LICENSE AND BUSINESS LICENSE RENEWALS THAT THE INDUSTRIAL HEMP PRODUCTS SOLD HAVE NO MORE THAN THREE-TENTHS OF 1 PERCENT TETRAHYDROCANNABINOL (THC).

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

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

- A. Tentative Future Agenda
- B. Zoning Administrator Minutes of May 21, 2020
- C. Staff Waiver Memo and Reports

Vice Chair Blackwell requested staff research the current curbside pickup layout at the Target store to ensure it is not negatively affecting the number of parking spaces available in the lot. City Planner Perez agreed to add this issue to a future meeting agenda.

City Planner Perez announced that Community Development Technician Guy and Associate Planner Lightfoot will be transitioning into new roles. Community Development Technician Guy is leaving the City to work with for a private firm and Associate Planner Lightfoot will be transition into the role of Economic Development with the City Manager's office. He will continue to be involved in planning issues. The Commissioners wished staff members best wishes going forward in their careers.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY VICE CHAIR BLACKWELL, AND UNANIMOUSLY CARRIED TO ADJOURN AT 9:48 P.M. TO THE REGULAR STUDY SESSION OF THE PLANNING COMMISSION TO BE HELD ON JULY 8, 2020, AT 6:00 P.M. THE REGULAR MEETING WILL BEGIN AT 7:00 P.M. TELECONFERENCE ONLY AND AVAILABLE TO THE PUBLIC VIA LIVE STREAM FROM THE CITY'S YOUTUBE CHANNEL OR LIVE ON COX CHANNEL 854.

Respectfully submitted,

Jim Ruehlin, Chairman

Attest:

Gabriel Perez

Digitally signed by Gabriel Perez
 DN: cn=Gabriel Perez, email=G.Perez@san-clemente.org,
 o=City of San Clemente, ou=Planning
 Reason: I have reviewed this document
 Date: 2020.06.09 09:06:12-07'00'

Gabriel J. Perez, City Planner