

**MINUTES OF THE REGULAR STUDY SESSION
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
March 19, 2014 @ 6:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

CALL TO ORDER

Chair Darden called the Regular Study Session of the Planning Commission of the City of San Clemente to order at 6:02 p.m. in City Council Chambers, located at 100 Avenida Presidio, San Clemente, CA 92672.

ROLL CALL

Commissioners Present: Wayne Eggleston, Michael Kaupp, Jim Ruehlin, and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Christopher Wright, Associate Planner
Eileen White, Recording Secretary

AGENDA

A. Zoning Permit Streamlining (Wright)

This is a request to receive comments on the effectiveness and efficiency of planning procedures and get suggestions on code and policy changes that would improve customer service. The City Council has made it a priority for decisions to be made at a lower level when it would be more practical and efficient. The next phase of the Zoning Ordinance update is an overhaul of planning procedures. The Commission's comments will be used to prepare code changes that the Planning Commission will consider at a future public hearing.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Zoning Ordinance Study Session, dated March 19, 2014." In the process of overhauling the Zoning Ordinance, staff is looking at opportunities to improve customer service and simplify the review process. Three main categories of code changes that are being considered include 1) streamlining, 2) reducing the number of applications and simplifying

terms, and 3) changes to design review procedures. Staff recommended the Commission comment on the effectiveness and efficiency of planning procedures and offer suggestions on code and policy changes that would streamline the process while maintaining the purpose and intent of permits.

Commissioner Kaupp said he had a number of concerns at the last Study Session and complimented Mr. Wright on his changes and annotations to the list of staff's streamlining ideas. Mr. Wright's edits and annotations capture the spirit of the Commission's previous discussion and concerns. The changes address much of the concerns that Commissioner Kaupp had with the previous list.

Mr. Wright stated that there has been an unwritten policy of requiring minor projects, that meet required findings, to be reviewed by the Design Review Subcommittee when it is a City project, is located in an Architectural Overlay District, or a project involves a historic building. Rather than have a general policy for these situations, Mr. Wright asked the Commission if there criteria can be established for the City Planner to waive design review. Mr. Wright asked if design review can be unnecessary in some situations and what that may include. One streamlined process could allow the City Planner to waive design review if projects are consistent with design guidelines, maintain existing architecture, sufficiently improve the appearance of buildings, maintain or improve a building's architectural or historical integrity, and projects are not expected to be of significant public concern. The Commission could retain the ability to refer projects to the Design Review Subcommittee if they believe that projects do not meet the required findings (and other criteria that can be specified in the code) or "call-up" projects if they disagree with a lower-level decision or if they believe that a public hearing is necessary to provide greater oversight and public participation on a project that may be of public concern. Mr. Wright displayed an example of a mansard roof replacement project that would have benefitted from streamlined review.

Chair pro tem Crandell agreed that there are some situations where design review may be unnecessary to meet findings. However, the Design Review Subcommittee does more than just help applicants to meet required findings. It is also a quality control where the Subcommittee has the opportunity to urge applicants to step-up the quality of design. Anytime staff believes that the quality of a project isn't good enough, it should require design review. The Subcommittee doesn't have the power to require changes, but it encourages applicants to step-up and do projects right. Commissioner Kaupp agreed that over the years the Subcommittee has seen projects where an applicant is encouraged to improve the quality of projects with a "drum-beat" message, which is persuasive.

Commissioner Ruehlin asked what type of mechanism or process would be used by the Commission to review lower-level decisions and decide whether to call them up to a Commission hearing. He said that reviewing minutes on the consent calendar was discussed at the last meeting and that would seem to be a good model. He asked what type and level of information would be provided to the Commission to understand and evaluate lower-level decisions.

Jim Pechous, City Planner, commented that staff could provide detailed information or more limited action minutes for projects (similar to what is currently provided for staff waivers). A range of information can be provided depending on what the Commission needs to understand how a lower-level decision was made. This may mean City Planner action minutes that describe decisions that are made so the Planning Commission has an opportunity ask questions. And, in most cases, the City Planner attends the Commission meeting and is available to answer any questions. The other options is more like consent items that are on an agenda, where a staff report is provided to the Commission. In this case, there isn't much of a streamlining benefit (because more work and time is involved to write a report, resolution, exhibits). It may save some time at meetings since most consent items are not pulled for discussion. Mr. Pechous referred to the example of the project that involved the removal of a mansard roof element on a contemporary building in the Architectural Overlay. He explained that in the case of reviewing a project like that, it isn't just a case of deciding whether the project meets the findings. It isn't always clear if a project meets findings as shown in how the Commission can have a split vote on whether to approve a project based on findings. Therefore, in his opinion, the City Planner should only decide on a project or waive design review, when it is not ambiguous whether a project meets findings. It must be "black-and-white" clear that a project meets findings and has high-quality architecture. If necessary, the City Planner could require project changes so that a project clearly meets findings and is of good enough quality that the public and higher-level decision makers is likely to support.

Commissioner Brown asked Mr. Wright to describe which three findings he would make to approve the mansard roof element project.

Mr. Wright explained that he would make the following findings: 1) the project is consistent with Architectural Overlay standards that require minor exterior remodels to bring a non-Spanish styled building into closer character with Spanish Colonial Revival architecture in a way that is proportional to the scale of a project. The mansard is out of character with Spanish Colonial Revival architecture so its removal is consistent with the Design Guidelines and Zoning Ordinance; 2) the removal of the mansard improves the architectural integrity of the contemporary building. The mansard is inconsistent with the form and style of the building, and 3) the

project improves the appearance of the building using high-quality roofing materials.

Commission Kaupp stated that the waiving of design review would not be streamlining if the Commission disagreed with a waiver and sent projects back to the Design Review Subcommittee. However, any misunderstanding between the City Planner and Commission would probably play-out pretty quickly, since projects could be called up or sent back to the DRSC.

Mr. Pechous stated that it may be possible to notify the Design Review Subcommittee of decisions to waive design review on projects. This may allow the Subcommittee to give early feedback on design review waivers, rather than to wait for the Commission to get the information in their meeting packet, which is likely to take more time. Staff can consider this further and consult with the City Attorney on the idea.

Chair pro tem Crandell also said the City Planner could individually consult with Subcommittee members to get feedback on decisions to waive design review.

Mr. Pechous agreed with Commissioner Kaupp's comment that it should not take long for the City Planner and Commission to come to a solid understanding of what should require design review. Mr. Pechous stated that anyone in the City Planner position would develop an understanding quickly. If the City Planner made a decision, and didn't know it could be unpopular, they would get informed quickly, if a decision were called up or a project were referred back to the Design Review Subcommittee.

Commissioner Eggleston commented that although streamlining may be appropriate at this time with the existing tenured staff and experienced Planning Commission, decisions such as these can be subjective and could be significant in the future. If code changes are made, it could remain in place for years, so it is important to consider that the experience and knowledge of staff can change. In addition, he suggested the Planning Commission should continue to have input regarding signage as it contributes significantly to quality of life.

Commissioner Kaupp commented that the existing Planning Division staff has a really good feel for the community's standards. He agreed with Commissioner Eggleston that the knowledge and experience level of staff and the Commission could change and it is wise to assume that it will someday. He suggested that staff check with the City Attorney to find out if staff can notify the DRSC when the City Planner is not sure whether to support a design review waiver, and then poll members individually for their input and/or concerns.

Commissioner Ruehlin commented on the difficulties associated with trying to find the right balance in giving staff more authority and ensuring all projects have adequate oversight. He suggested staff consider approaching changes in a more incremental manner, following the 80/20 rule, see how it works, and having the streamlining process evolve over time. He encouraged including a small amount of information on each project, such as a paragraph, on the consent calendar so it can be called up if questions arise. If this works well, in six months more leeway could be considered.

In response to a comment from Commissioner Ward regarding potential that the Commission may feel that certain projects may have more public impact than staff believes, and that the mansard roof replacement may have been improved with Design Review Subcommittee (DRSC) review, City Planner Pechous advised that in this case, the applicant would have preferred to rehabilitate the old roof design rather than go through any review. The applicant said he would just keep the building the way it is, rather than go through a review process. He noted there would be checks and balances so the Commission questions a City Planner's decision and take different action if necessary.

Vice Chair Brown stated that projects are reviewed based on their consistency with design guidelines so it will help to update the guidelines and other documents as part of the implementation of the new General Plan. He cautioned that streamlining could affect staff's workload in an unknown way for a while. If more staff level decisions are made, perhaps this could take time away from some other projects, which could affect how the Planning Division meets City Council performance measures in some occasions. Maybe the performance measures may need to be adjusted. He supports the idea of simplifying the process by reducing the number of applications.

Mr. Wright clarified that streamlining is likely to free-up staff time that is currently spent writing reports, resolutions, and presenting at meetings.

Chair Darden asked Mr. Wright if the process of writing a staff report can raise questions or issues that can be missed if a report is not prepared.

Mr. Wright stated that the process of writing out how a project meets findings is most valuable in identifying issues. This can be done without a staff report.

Chair pro tem Crandell asked staff to clarify the process that is used to review and decide on applications at a City Planner level.

Mr. Wright explained the first step is for staff to guide applicants at the counter. Staff informs the public when there is insufficient information to

process a waiver or if a project does not seem to meet findings. If an application is complete and it looks like a waiver can be supported, staff presents a request to a supervisor and a decision is made on the project. Then, that approval is noted in the Planning Commission packet.

The Commission also had other comments, which are summarized below:

- It can be challenging to anticipate the level of public concern or impacts associated with land uses, type of technology, or other requests that are rare or have not been seen before. For that reason, in general, the streamlining of these requests is discouraged. An example of this is a proposal to allow a stable on a lot zoned Very-Low Density Residential.
- General Plan focus areas have a greater potential for public concern. This should be considered when procedures are streamlined.
- Staff identified some streamlining ideas for home occupations. While processing a recent code amendment, the Commission received several public concerns about home occupation uses. Home occupation uses need to be discussed in more detail at a latter meeting to address those concerns and figure out what should be done. For example, there are concerns with the idea of allowing tenants to submit home occupation applications without a property owner's consent.
- It would be helpful at the next meeting for staff to outline how the Commission may call-up an item with consent calendar information in meeting packets. What type of information would be provided to the Commission if the City Planner were to make more decisions?
- Staff was questioned on the idea to eliminate a requirement to obtain a use permit to allow conversions of service stations to other uses. If this were done, the City should retain an ability to review exterior building changes that may be proposed in conjunction with the change of use.
- Signage often will significantly modify the appearance of buildings and neighborhoods so there needs to be enough of a review process to ensure signage is high quality. Staff should not make decisions on signage that is likely to be of significant public concern, like large signs in the downtown. Maybe staff should make more signage decisions after signage design guidelines are adopted that clarify what signs should and shouldn't be approved.
- When sign violations exists, the City should hold building owners accountable as well as tenants.
- The staff report identifies streamlining ideas, referencing the existing zoning classifications, rather than the zones in the new General Plan. Staff should use the new land use classifications for consistency.
- A preliminary application process is often beneficial. This should be encouraged.

Chair Darden encouraged the Commissioners to provide staff with written comments.

Report received and filed.


COMMISSION COMMENT: None

RECESS - Recess until 7:00 p.m.

Respectfully submitted,

Julia Darden, Chair

Attest:


Jim Pechous, City Planner

DRAFT