

**MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
January 20, 2021 @ 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 6:05 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 Crandell led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Donald Brown, Barton Crandell, Chris Kuczynski; Chair pro tem Zhen Wu, 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
- *Christopher Wright, Associate Planner II
- *Nestor Mangohig, Senior Traffic Engineer
- *Zachary Ponsen, Senior Civil Engineer
- *Tom Bonigut, Public Works Director
- *Matthew Richardson, Assistant City Attorney
- *Eileen White, Recording Secretary

*Participated in meeting via teleconference

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

A. Minutes from the Planning Commission Regular Meeting of December 2, 2020

IT WAS MOVED BY COMMISSIONER KUCZYNSKI, SECONDED BY COMMISSIONER BROWN AND UNANIMOUSLY CARRIED TO APPROVE THE MINUTES OF THE PLANNING COMMISSION REGULAR MEETING OF DECEMBER 2, 2020, AS SUBMITTED.

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

A. Extend License Agreements with the County of Orange for Three Ballot Drop Box Locations in the City (Baade)

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER CRANDELL AND UNANIMOUSLY CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE LICENSE AGREEMENTS WITH THE COUNTY OF ORANGE TO ALLOW THE THREE EXISTING BALLOT DROP BOXES IN SAN CLEMENTE TO REMAIN FOR A FIVE-YEAR PERIOD.

B. Speed Cushions on Esplanade, 100 Block (Mangohig)

In response to questions, Nestor Mangohig, Senior Traffic Engineer, explained that staff was recommending the project move forward based on the petition the City received indicating 91% of the residents are in favor of installation; advised the type of speed cushion to be used is recommended/specified by the OCFA, and speculated other emergency vehicles have the same wide wheel base; noted staff's intent to review/modify traffic calming procedures to address overabundance of speed cushions.

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

- Opposed the installation because the street does not qualify for proceeding with the general traffic calming process since it does not meet the minimum point score requirement.
- Opposed due to potential unintended consequences, such as diversion of traffic to other streets and other potentially negative impacts on the existing traffic circulation as a whole.
- Supported the installation due to the petition in favor signed by 39 of the 43 residences on the street, with 4 residences not responding.
- Requested staff include details regarding the traffic volume, 85th percentile speed data, and other factors used to calculate the point score qualification to proceed with the general traffic calming process to the staff report for City Council consideration, particularly since the

recent addition of channelizers on El Camino Real at Esplanade restrict left turns at that location.

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER BROWN AND CARRIED 3-2-1, WITH CHAIR RUEHLIN AND VICE CHAIR BLACKWELL OPPOSED AND CHAIR PRO TEM WU ABSTAINING, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE USE OF SPEED CUSHION TRAFFIC CALMING TREATMENTS ON THE 100 BLOCK OF ESPLANADE.

8. PUBLIC HEARING

A. General Plan Amendment 20-011 – Roadway System Update (Wright)

A public hearing to consider forwarding a recommendation to the City Council on the adoption of a City initiated General Plan amendments that involve:

1) Updating roadway classifications on the General Plan Mobility Element Roadway System Map (Figure M-1) to reflect existing conditions and the County of Orange planned Los Patrones Parkway extension into the City, for consistency with the Orange County Master Plan of Arterial Highways (MPAH) required to maintain the City's eligibility for regional transportation funding.

2) Removing General Plan references to the toll road and State Route 241 (SR-241) extension alignment initially designed to skirt the eastern perimeter of San Clemente, but not encroach into San Clemente open spaces. Since, the alignment is no longer proposed.

Christopher Wright, Associate Planner II, narrated a PowerPoint Presentation entitled, "GPA 20-011, Roadway System Update, dated January 20, 2021." A copy of the Presentation is on file in Planning Division.

Tom Bonigut, Public Works Director, updated the Commission on the status of street classifications previously reviewed by the Commission at its February 5, 2020, meeting; clarified that no mitigation measures are proposed for potential impacts Avenida La Pata due to the Los Patrones Parkway extension because Avenida La Pata will continue to meet acceptable standards; commented the data used for City and County-wide traffic models was likely compiled before the Covid-19 Pandemic and does not consider changes in how people will live and conduct business going forward.

Chair Ruehlin opened the public hearing.

City Planner Perez read a letter dated January 20, 2021, from David H. Speirs, Chief Engineer and environmental Planning Officer, Transportation Corridor Agency, supporting the proposed GPA and clarifying that the

Agency did not abandon the Green Alignment of the 241 Toll Road extension, but deemed it practically and legally infeasible.

Chair Ruehlin closed the public hearing.

IT WAS MOVED BY CHAIR PRO TEM WU SECONDED BY COMMISSIONER KUCZYNSKI, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 21-001, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT 20-011, ROADWAY SYSTEM UPDATE; AN UPDATE TO ROADWAY CLASSIFICATIONS FOR CONSISTENCY WITH THE ORANGE COUNTY MASTER PLAN OF ARTERIAL HIGHWAYS, REMOVAL OF REFERENCES TO THE ABANDONED STATE ROUTE 241 TOLL ROAD EXTENSION, AND MAKING ASSOCIATED CEQA FINDINGS.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

B. 1531 North El Camino Real – CUP 20-243 & MCHP 20-244 – Publik House (Roxas)

A request to adapt a 19,979 sq. ft. historic property into a multi-use building comprised of a special events venue, cafe, office, and accessory church use. The project includes requests for exterior modifications to the existing 7,448 sq. ft. building, site improvements, indoor and outdoor amplified sound, full alcohol service, and valet parking services for events exceeding 100 guests.

Stephanie Roxas, Senior Planner, narrated a PowerPoint Presentation entitled, "Publik House, CUP 20-243 and MCHP 20-244, dated January 20, 2021." A copy of the Presentation is on file in the Planning Division.

Jim Holloway, representing the applicant, described the challenges associated with adapting a historic resource for modern day use including neighborhood concerns and existing economy. He denounced an email blast sent to the City's Historical Society Members by an individual opposed to the project; stated other venues have property walls for privacy and noise containment. In response to questions, he commented the site meets its parking requirements for each intended use with the exception of transition time between 3:00 to 5:00 p.m. weekdays when the office is operating while vendors are preparing for special events later in the evening; stated intent is to have the gates open to provide a viewing opportunity of the historic structure as well as increase exposure of the businesses to the public to increase economic viability; noted no discussion to date regarding participation in a Mills Act Agreement; confirmed that staff parking had not yet been addressed;

Alura Aguilera, Architect for the project, described the project in line with Henry Lenny's vision for the City; opined the project will enhance the historic

structure and help to revitalize North Beach. In response to questions, she noted the proposed wall and sliding gate feature were designed to allow the gates to go into pocket spaces within the walls, and for that reason the gated or open areas cannot be enlarged and the walls cannot be stepped back farther onto the property.

Eric Rose, the applicant, described the project as a "gathering place" and was available for questions. He submitted a letter detailing his reasons for constructing walls around the project, namely the need for security to protect valuable amenities/artwork, the need for privacy for special events, and the goal of creating a peaceful and tranquil atmosphere buffered from traffic and outside noise.

Scott Nieman, Landscape Architect for the project, stated that based on hardscape and other vegetation, damage to the root system of the Canary Island Date Palm will be avoided; noted the trees are located/positioned to highlight open space in an effort to create balance.

Senior Planner Roxas, in response to the Commissioners' questions, stated: the project would be going to the California Coastal Commission (CCC) for its review; clarified the Planning Commission is the final approval body unless the project is appealed or called up by a City Council member; advised the project includes a condition related to traffic circulation and valet parking to enable the City to address issues should they arise in the future; confirmed that the noise study does not specifically address the nonconforming residential structure across the alley from the site; noted the applicant does not need to apply for a Special Activities Permit as long as special events held on the site comply with the conditions of approval; and stated the noise study did not specifically address sound reflecting off the wall as the wall is intended to be a sound buffer/absorber to minimize noise impacts to surrounding properties.

Zachary Ponsen, Senior Civil Engineer, confirmed that vehicles travelling south on El Camino Real may turn left into the project site across the divided yellow lines and that the Engineering Division does not require applicants to remove overhead utility poles in conjunction with development applications.

Chair Ruehlin opened the public hearing.

Senior Planner Roxas read aloud comments from letters/emails received and included in the meeting packet.

Lisa Wagoner, owner of Iva Lee's Catering; Rachel Salas and Michelle Searles, owners of Joy n' Company Events; Patti and Richard Herdell, current property owners; Jon Parry, General Manager of Bemus Landscaping; Bryan Godber, resident; Chris Shanley, resident; Dan Granite, Vice President of MAC Incorporated; Dave Hill, President, ECLR Flooring; Devin Mears, resident; Eric Balch, resident; Fidel Fernandez, resident; Heather Pruitt, resident; Kirsten Van Mourick, resident; Kurt & Julie Olsen;

residential rental units' owners; Mark Dressel, resident; Matthew J. Cutone, President, Horizontal Display; Michael S. Aleman, resident; Paul Anthony, resident; Steve McGreevy, resident; and Tina Metzger, resident; submitted correspondence supporting the proposed project citing factors such as revitalization of the area, increased economic growth, maintenance of the artistic community, perseveration of the historic building, etc.

Larry Culbertson, President of the San Clemente Historical Society, submitted a letter opposed due to the proposed 7-foot wall obscuring views of the historic structure as well as negative noise and parking impacts.

City Planner Perez read aloud comments from letters/emails received following publication of the meeting packet.

Residents/interested individuals in favor of the proposed project included Brad Curtis, Becky Grondahl, Gregg McLaughlin, Taylor Helm, Jason Pearson, Cheyne Maule, John T, Justin Hill, Nick and Laura Maule, Eric Haug, Jeremy Clements, Erik Lurker, Kim Lahr, Stephany Rose, Todd M, DJ Yeilding, and 7 other individuals who preferred not to give their full names.

Those opposed to/questioning the integrity of the project as presented were Betty Nolan, Larry Culbertson, President of the San Clemente Historical Society; and Wayne Eggleston, former President of the San Clemente Historical Society, former Councilmember, former Mayor, and former Planning Commissioner.

Chair Ruehlin closed the public hearing.

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

- Suggested redesign of the gates to include wrought iron details that would provide security as well as increase visibility of the historic structure.
- Questioned how deliveries of food, liquor, etc., would be accommodated on site.
- Suggested accordion-style gates; commented the blank walls and secured gates do not provide a sense of community or friendly hospitality for the public; requested consideration of landscaping/vines added to the walls, undergrounding of utilities, and improved alley enhancements. Suggested final landscaping plans should have been included in the application.
- Commented the Noise Study did not accurately identify the closest residential property and therefore is inadequate. The property's historic features should not be obscured from view by walls and the applicant should be required to keep the gates open whenever the property is not being used for special events. If the wall is moved back farther on the property, additional landscaping could be added. The

walls should be reduced to 6-feet in compliance with guidelines and avoid setting precedent for others properties. The project is deficient in its parking plans in that it does not allow for transitional parking for special event set up on weekdays, there's no proposed solution for instances where additional parking for guests and staff is needed.

- Suggested staff perform a traffic study to consider left turns into and out of the property.
- Suggested many of the concerns and issues being brought up during this meeting should have been brought up and addressed during Design Review Subcommittee (DRSC) meetings; established the applicant stated preference to come to the Planning Commission with the project as presented.
- Commented that issues relating to noise, parking and traffic circulation are not part of the purview of the DRSC.
- Suggested consideration of an alternative design to the upper rail over the wall/gated areas.
- Supported the project if the gates are required to remain open when there are no special events going on.
- Expressed concern regarding potential negative parking impacts on local residents.
- Suggested prohibiting outdoor amplified music and instead only allowing amplified acoustic music and officiant announcements.
- Suggested the project be continued and brought back at future date.
- Suggested the project be approved and conditioned for additional gate review at the DRSC level with staff oversight, which would allow the project to advance toward CCC review and action.

Following the discussion, Mr. Holloway, who was in contact with the applicant Mr. Rose throughout the meeting, elected to withdraw the application for outdoor amplified music. He agreed to limit the outdoor noise to acoustic music and officiant announcements. He was informed that in the event outdoor amplified music was requested/planned for an event, he could apply for a Special Activity Permit.

IT WAS MOVED BY CHAIR RUEHLIN, SECONDED BY COMMISSIONER BROWN, AND CARRIED 4-2-0, WITH CHAIR PRO TEM WU AND VICE CHAIR BLACKWELL OPPOSED, TO ADOPT RESOLUTION NO. PC 21-002, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 20-243 AND MINOR CULTURAL HERITAGE PERMIT 20-244, TO ESTABLISH A MULTI-USE FACILITY, REFERRED TO AS "PUBLIK HOUSE" COMPRISED OF A SPECIAL EVENTS VENUE WITH VALET PARKING SERVICES, CAFÉ, AND ACCESSORY CHURCH SERVICES, AND FOR EXTERIOR BUILDING AND SITE MODIFICATIONS TO A HISTORIC PROPERTY, LOCATED AT 1531 N. EL CAMINO REAL.

Amended as follows:

- 1) Staff to add/modify a condition of approval to require the applicant to submit a contingency parking plan to accommodate any overflow parking needs.
- 2) Add Condition 7.26, as recommended by staff during the presentation, but revised as follows: "The sliding doors of the exterior patio walls shall remain open when privacy and quiet is not needed with the special events venue."
- 3) Staff to add a condition of approval requiring the applicant to revise the gate design to improve visibility into the courtyard, and the revisions shall be reviewed by DRSC prior to building permit issuance.
- 4) Staff to revise the resolution and conditions to remove outdoor amplified sound from the CUP, with the exception of announcements of wedding officiants, and only unamplified acoustical stringed instruments are permitted outdoors.

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

10. NEW BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

- A. Tentative Future Agenda
- B. Zoning Administrator Minutes of December 17, 2020
- C. Staff Waiver Memo and Reports
- D. City Planner report
 - a. North Beach Historic District Update – City Planner Perez reported that the North Beach Historic District is now listed on the National Register of Historic Places. Jonathan Lightfoot, Economic Development Officer, will be giving City Council an update at their second meeting in February. He requested the Commission provide feedback on moving forward, such as suggestions for signage, promotion, events, etc. Promotional tee shirts and sweatshirts were suggested. City Planner Perez asked them to contact him with any additional suggestions or comments.

12. ADJOURNMENT


IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED TO ADJOURN AT 11:00 P.M. TO THE NEXT REGULAR MEETINGS TO BE HELD ON FEBRUARY 3, 2021, AT 6:00 P.M. VIA 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 J. Perez, City Planner