

**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
May 7, 2014 @ 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA**

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**1. CALL TO ORDER**

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:07 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Eggleston led the Pledge of Allegiance.

**3. 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  
Jeff Hook, Principal Planner  
Amber Gregg, Associate Planner  
Denise Obrero, Housing Programs Planner  
Zachary Ponsen, Senior Civil Engineer  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS - None**

**5. MINUTES**

**A. Minutes from the Planning Commission Regular Study Session of April 16, 2014**

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of April 16, 2014, as submitted by staff.

**B. Minutes from the Planning Commission Regular Meeting of April 16, 2014**

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of April 16, 2014, as submitted by staff.

6. **ORAL AND WRITTEN COMMUNICATION - None**

7. **CONSENT CALENDAR - None**

8. **PUBLIC HEARING**

**A. SB 2 Emergency Shelter Ordinance (Obrero)**

The Planning Commission will consider alternative strategies for complying with a State law, "SB 2" the Emergency Shelter Act. This is a continued item from the March 19, 2014 Planning Commission meeting. At this meeting, the Commission is expected to review SB 2 requirements, locational criteria for identifying areas or zones where shelters could be allowed, possible development and operation standards, and alternative strategies for meeting SB 2.

SB 2 requires that cities allow homeless shelters by right in at least one land use zone. The ordinance does not require cities to build or provide funding for such uses. It allows cities to establish standards to regulate emergency shelters' location, size, parking, and proximity to other emergency shelters, length of stay, lighting, security and management. The City completed an evaluation of possible sites and zones to meet SB 2 requirements and, based on that evaluation, has identified six sites and two zones that may meet SB 2 criteria. The Planning Commission will also consider the possibility of allowing churches to provide seasonal or year around shelter for homeless persons to help meet SB 2 requirements. Frequently asked questions about SB 2 and a map showing possible sites or areas being considered are available on the City's website at [www.san-clemente.org/SB2homelessshelter](http://www.san-clemente.org/SB2homelessshelter).

Chair Darden welcomed all attendees to the meeting and explained that the purpose of tonight's meeting is to review potential sites for a homeless shelter and provide input to staff. Under Senate Bill 2 (SB 2) the City is required to identify a land use zone in which homeless shelters will be allowed by right. She clarified that at this time there are no applications submitted to the City for an emergency shelter or plans to construct a shelter in the foreseeable future. In addition, under SB 2, the City is not required to actually build an emergency shelter; just identify a zone that would allow its existence by right. Staff will make a presentation followed by Commission question and answer period. The public will then have an

opportunity to speak. She requested that those present refrain from clapping, speaking out of turn, or disrupting the meeting in any way in order to show respect for all speakers and allow the meeting to continue in orderly fashion. She encouraged members of the public to indicate agreement with previous speakers rather than come up to the podium and repeat the same comments. In addition, she requested the public respect staff for the hours spent seeking solutions and preparing reports for the public, and noted that the three-minute time limit for individual public testimony would be strictly enforced in fairness to all. She advised that the Planning Commission's final recommendation will go to City Council for their consideration, and asked for the public's cooperation in finding a solution that will meet the needs of the homeless as well as the community.

Commissioner Kaupp established from the Commission that at a prior meeting, there was no consensus of Commissioner support for including the former K-Mart/Big Lots Shopping Center as a potential SB 2 location. He asked staff to make a brief presentation on that study site to determine if it were possible to eliminate the site from consideration. In this way, property owners present for that specific site can be assured of the Commission's intention and not have to remain in Council Chambers for the entire meeting.

Ajit Thind, Assistant City Attorney, suggested the Commission consider bifurcating the K-mart/Big Lots Shopping Center segment from the staff report, hear the staff report on that issue as well as public testimony, and take action on that study site separately from the other SB 2 study sites and areas.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO DIRECT STAFF TO BIFURCATE CONSIDERATION OF THE K-MART/BIG LOTS SHOPPING CENTER AS POTENTIAL ZONE FOR EMERGENCY HOMELESS SHELTER FROM THE STAFF REPORT.

#### K-Mart/Big Lots Shopping Center Consideration

Jim Pechous, City Planner, reviewed the staff report with regard to potential inclusion of the K-Mart/Big Lots Shopping Center as a zone where emergency homeless shelters would be allowed by right. While discussing the State criteria for potential sites, he noted that the K-Mart/Big Lots site is adjacent to residential zones; advised the site does not meet the City's primary goal of separating potential shelter locations from residential zones; recommended the Commission consider removing this location from consideration.

Chair Darden opened the public hearing.

Norma Rhue, Capistrano Beach resident, supported welcoming a homeless shelter in the community that would provide shelter for adults, single parents, and families, as well as providing rehabilitation, job skills instruction, medical assistance, and giving homeless people back their dignity. Although a homeless shelter would be a wonderful addition to the community, she expressed concern about this site as it is located near at least three liquor stores.

Marika Segal, resident, stated that she recognizes that there is a need for a homeless shelter and would have no objection to a homeless shelter at the K-Mart/Big Lots Shopping Center.

Bill Sandre, Los Angeles, representing the K-Mart/Big Lots Shopping Center property owner, opposed rezoning/applying an overlay to the property to allow emergency homeless shelter by right, noting that the owners' vested rights in the property may be compromised, including the ability to attract/retain existing tenants and/or the imposition of restrictions, if the property is rezoned or an overlay is applied. He advised that the property owner is currently in negotiations with major national retailers to subdivide the site for new uses.

Naomi Segal, resident, commented that the existing K-Mart/Big Lots Shopping Center site has deteriorated since its last tenants moved out and is not currently an asset to the City. She acknowledged adjacent residents' concerns regarding locating a homeless shelter adjacent to their homes, but commented that the community as a whole has a responsibility to address the homeless living in their city. As a mother of sons with drug dependency, she understands the frustration of finding help/shelter/rehabilitation services nearby. She tried for years to get her sons into a nearby homeless shelter in Laguna Beach, and was repeatedly told that the center was full of Laguna Beach residents and had no room for others from outside Laguna Beach. She occasionally called the police to arrest her sons to remove them from their drug sources and force them into rehab while in jail. The homeless and drug dealers are everywhere in San Clemente, which puts a stress on the police department and the City's taxpayers. She implored the community to do the right thing for its homeless population and address them lovingly and compassionately for the sake of all.

Chair Darden closed the public hearing.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO REMOVE THE K-MART/BIG LOTS SHOPPING CENTER SITE FROM DELIBERATIONS.

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

Chair Darden suspended the meeting at this time to allow members of the public attending the meeting for that singular issue to exit the meeting room if they desired. She re-adjourned the meeting approximately 15 minutes afterwards.

### SB 2 Emergency Shelter Ordinance

Chair Darden described the format of the remainder of the meeting. The Commission will hear information presented by the various staff members, pose questions following each segment of the staff report, hear public testimony, and then take straw votes for each of the potential options identified by staff. The agenda item will be continued to a date certain, at which time staff will present the revised plans for Planning Commission action, which will be a recommendation to City Council.

Jim Pechous, City Planner, outlined the staff report; introduced staff members doing presentations; introduced specialists also present to provide information. Staff recommended the Commission hear the presentations, take public testimony, discuss options, and take straw votes for each of the alternatives presented.

Denise Obrero, Housing Programs Planner, narrated portions of the PowerPoint Presentation, entitled, "SB 2 Emergency Shelter Ordinance, dated May 7, 2014:" summarized the progress of the proposal to date; described Senate Bill 2 (SB 2) which sets forth requirements for all cities and counties to designate at least one zone where emergency shelters are allowed by right; summarized the Council Subcommittee formation, process, and direction; described the purpose of tonight's meeting; discussed how adjacent communities have addressed SB 2 and listed the consequences the City would face if it does not comply with SB 2.

Amber Gregg, Associate Planner, described each of the sites/areas being reviewed for potential sites, and reviewed how each site met State criteria, including public transport within ¼ mile, proximity to services, prescribed distance away from residential zones, proximity to a job center, and freedom from environmental constraints.

Jeff Hook, Principal Planner, reviewed the process used to estimate the number of residents living in San Clemente; recommended the Commission use the number established using data supplied by San Clemente Police Services, local homeless services providers, and County social services providers, which is an estimate of between 65 to 70 homeless persons. He clarified that SB 2 addresses the need for "emergency shelter for homeless persons" and as such, is intended to allow an overnight homeless shelter by right in at least one specific zone.

Jim Pechous, City Planner, reviewed the alternative strategies to meet SB 2 requirements as identified by staff. He described the specific tools that

can be used to accomplish this goal, and listed 3 alternative solutions that would meet the required goals for their consideration. In addition, he encouraged the Commission to use the information contained in the staff report, review the models adopted by nearby cities, and study the potential sites identified in the staff report to develop a solution unique to San Clemente. He recommended the Commission 1) consider the Draft SB 2 Development Standards and provide direction on Draft Standard 17.08.110 (C) regarding the number of beds per facility, 2) provide direction to staff regarding SB 2 sites or zones where homeless shelters shall be allowed by right, subject to development standards, and 3) Continue this item to a specific Planning Commission meeting date with direction to staff to prepare a draft Zoning Ordinance and Map Amendment to meet SB 2 requirements. In their deliberations, he advised the Commission to consider from a reasonable point of view whether the amount of property in the form of zoned/overlaid areas designated by the city for establishment of shelters could conceivably meet the emergency shelter needs for the estimated 65 to 70 homeless persons in the City. The "reasonable man standard" will be the standard by which the SB 2 plans in the Housing Element will be reviewed. Once the Housing Element has been revised to meet SB 2, the City's new General Plan will be deemed complete and legally adequate.

In response to comments from the Commissioners regarding the excellent GIS maps that clearly show location criteria for each site, Mr. Pechous noted that staff planner Christopher Wright had prepared the maps for Commission review.

In response to questions from the Commissioners, various staff advised that approximately half of the Saddleback Church property is located within 500 feet of residential homes, with the other half of the property outside that boundary; provided estimation that 10,000 square foot of property would be needed to accommodate a two-story emergency homeless shelter large enough to accommodate 65 to 70 homeless persons; assured the Commissioners that residents/businesses in the Pier One Shopping Plaza, Talaga, and Calle de Industrias areas were properly notified about tonight's meeting; advised that with regard to churches, maximum number of bed limits can be set on a case by case basis.

Deputy Joel Bull, Orange County Sheriff's Department, advised that as much security as possible should be installed on site; noted calls/disturbances may be more common in the areas around any shelter, as the presence of homeless people traveling to and from the shelter in nearby businesses may generate calls.

Karen Williams, OC Homeless Partnership, explained how the 2013 "point in time" homeless persons count was taken, including regulations that must be followed in order for the County to continue to receive HUD money to fund programs for the homeless. She described the process to

physically count the homeless, noted the next count will be on January 24, 2015, and advised that the homeless people hired to help with the last count were excellent and dependable workers that were delighted when they were given references following termination of their employment with the County. For the upcoming count, the County hopes to double the amount of volunteers to go out there, and run a parallel job training program at the same time. With the County as a whole, the focus is now on rapid re-housing, a program intended to help homeless persons back on their feet. At emergency shelters in Fullerton and Santa Ana, single homeless adults are housed in the emergency shelters, and families are directed to churches. She noted extensive and thorough searches must be done in order to ensure an accurate count; the count should be performed at night to reflect an accurate number of homeless without a place to sleep. Heat sensing equipment may also be used for the next count to increase odds that none are missed; results of the next count should be available in May or June of next year. Regulations and methodologies regarding the count must adhere to Federal rules. In response to questions, she noted that an infusion of Federal money in 2009 for homeless veterans, plus improvements in the local economy have improved the homeless situation; advised no dramatic increases or decreases have been seen based on seasonality; advised original documents or information from the last count are not available, and would have to remain confidential even if they were. During the last count, she speculated that pockets of homeless were counted at Trestles, the State park, and the Beach Trail. The homeless at Doheney State Park were not included in the San Clemente counts as it is part of Dana Point. It is important to establish a county-wide count of beds and central information point to ensure that homeless advocates/workers are aware of where empty beds are located. Within the County there are many programs for mothers and families with children, but not so many for individual adults. Because the rapid re-housing program has shown a significant success rate, the County is considering ways to expand that program in lieu of the more traditional 2-year program.

In response to questions from the Commissioners, Deputy Bull noted there was a very small number of homeless persons in San Clemente with small children; stated he was unaware if homeless people that must be registered as sex offenders were unable to live in the San Clemente area due to Megan's Law restrictions. He is unable to speculate as to just what percentage of homeless persons would prefer to stay where they are rather than stay in an emergency shelter at night. Those abusing drugs or alcohol are aware they will not be allowed in the shelter, and sometimes choose not to use shelters or take advantage of other available homeless resources. With regard to security for a homeless shelter, he recommended fencing, lighting, security staff, and surveillance video cameras. He speculated that there may be more homeless in the City during the summer months because they come here to vacation and enjoy

the beaches and parks. Consequently, they are more visible in the parks and beaches and their presence increases call volume to Police Services.

Commissioner Ward asked Deputy Bull, 'Did you encounter people that were homeless that you deemed to be new to our town that told you that they were here because of IHope services? Did you ever encounter that, (and how often)?' Deputy Bull responded, 'Yes, when IHope came to town, we did see an influx. I don't have those hard numbers, but in polling my fellow deputies and being approached by them, they told me there is a new one in town, here is his name, date of birth, and he states he was from another location outside the city and he got word of IHope and he wanted to utilize these services that they offered. I've come in contact personally with people who came to our city specifically because they heard of IHope and were also utilizing their address to receive mail.'

In response to questions from the Commissioners, Jeff Hook, Principal Planner, noted that as the Commission agreed at its March 19th meeting, the draft SB 2 Development Standards require one parking space for every five homeless clients. He added that although this is on the high end of homeless shelter parking requirements among OC cities, he believes it is necessary as there are many homeless that are still in possession of their cars. He advised that Commissioners could set a different standard if they so desire; noted that although SB 2 requires the shelter to have a management plan, he doubted that requiring homeless persons to arrive and depart only by shuttle (as part of the management plan) would meet SB 2 requirements.

Ajit Thind, Assistant City Attorney, advised that SB 2 states that the City can only apply the same standards to homeless shelters as the ones that are required by other uses in the same zone. He cautioned against establishing standards or requirements for homeless shelters that are not applied to other uses in the same zone.

Jeff Hook, Principal Planner, explained that SB 2 requires cities to zone sufficient land to meet their estimated homeless need; that is, the total estimated average number of unsheltered homeless persons residing there. Each jurisdiction must show in its housing element that it has zoned land to allow the development of an emergency shelter by right in an amount to meet or exceed the number of homeless living there. Cities can accomplish this several ways: they can centralize homeless services by allowing up to the estimated total number of homeless in one shelter, or disperse homeless services by setting a lower maximum number of beds per shelter. If and when the City allows enough shelter capacity to be built by right to meet its estimated need, any further homeless shelter facilities may be subject to discretionary approval (i.e. conditional use permits).



Jim Pechous, City Planner, advised it would be prudent for the City to overestimate the number of homeless rather than underestimate it. The City should have more zoned capacity than the minimum required in order to comply with State law and to be able to accommodate additional shelter beds if needed. The number of beds required may fluctuate annually, as indicated, in part, by the County's "point in time" count.

Chair Darden opened the public hearing.

Public Testimony:

Letters from three residents opposed to rezoning K-Mart/Big Lots Shopping Center to allow an emergency homeless shelter; letter from resident urging the Commission to follow recommendations in the staff report.

Bob Adams, president of the Rancho San Clemente Business Park (RSCBP) opposed zoning the entire business park to allow emergency homeless shelters due to potential loss in business property values, presence of an element of society generally rejected by the majority, and potential loss of sales tax revenues for the City. He supported establishment of a facility in the triangle area because it is a more suitable location and the homeless are already camping there.

Lee Miller, Lake Forest resident, supported allowing an emergency homeless shelter at the triangle site. As a civil engineer and general contractor, he believes there are reasonable solutions to the topographical challenges to the site, including constructing a pervious parking lot to handle the drainage, and additionally room on site for a community garden. In addition, he supported a "local preference" policy to give preference to San Clemente residents to use the shelter, similar to Laguna Beach's policy.

Jack Kulp, Dana Point resident, read a letter describing how he built his business from the ground up in RSCBP.

Tom Mauriello, resident, is the attorney for RSCBP, supported allowing the homeless shelter on the triangle site as it is legally viable, meets all criteria, and is isolated from the community in a good way, whereas the remainder of the entire business park is isolated in a bad way.

Tom Alexander, resident, opposed rezoning the business park because allowing a homeless shelter to be built there would put an undue burden on businesses and create problems for the surrounding community, whereas constructing it in the triangle area sounds ideal to meet the needs of the community with minimal negative impacts.

Sandra Weaver, resident, commented that it is sad that the City has to be forced by legislation to provide compassion and morality to those less fortunate in the community; noted the homeless are humans like us just down on their luck, with potentially no family or friends to help them or take them in. IHope does a wonderful job helping the homeless get back on their feet. Jesus said, "Whatever you do to the least of me, you do to me."

Ed Connor, San Juan Capistrano resident and IHope Board member, supported allowing the homeless shelter on the triangle site and requested the Commission allow IHope to work with the RSCBP to construct the homeless shelter in that location. He warned the Commission that if they do not allow them to put 65 homeless in this one location, he will go to Sacramento and challenge the Housing Element. IHope has no desire to be in the business park, and would prefer this site. He believes the site is workable and that obstacles associated with it can be overcome; commented that existing churches do not seem to be equipped to shelter the homeless overnight, even if it is only 10 beds; requested the Commission support the triangle site.

Nancy McIntyre, resident, commended the Commission and staff for their efforts to do the right thing for the entire community and support the most vulnerable. She supported the City working with a coalition of people to find the most reasonable and logical solution; commented that with the management plan, it will be possible to come up with a win-win solution that will provide a safe environment for the homeless with the least negative impacts on the surrounding community.

Robert Searle, resident, thanked the homeless shelter advocates for all their hard work on behalf of the homeless; cautioned there may be unintended consequences. As a retired police officer, he volunteered his time in the past to help those less fortunate, until he was cautioned by an administrator at the Los Angeles Downtown Mission that he was incurring personal liability due to shady lawyers filing lawsuits. He cautioned that increasing numbers of the homeless on the street will lead to increased crime, plummeting property values, and loss of quality of life. He recommended the City work with homeless advocates to establish the best locations for emergency homeless shelters.

Vonne Barnes, resident and president of the Rancho San Clemente Homeowners Association, advised that the triangle site, which is not irrigated, is in a very high fire hazard severity zone. She displayed photos of existing encampments in and around the triangle site, as well as discarded propane tanks and other flammable materials scattered throughout. She speculated that allowing the homeless shelter in the triangle site will lead to more camp sites as well as chronic alcohol and drug issues.

Lindy O'Toole, resident, suggested staff add additional buffering around the fire danger areas that could be dangerous to residents as well as significant buffer around Richard Steed Memorial Park and the skate park in order to protect area children. As a firefighter's wife, she has seen firsthand what can happen with fast moving fires, and taken in victims whose homes have been destroyed.

Reverend Patrick Crerar, resident, stated a preference that the City allow 65 to 70 beds in one location because there are economies of scale; it is harder to run many shelters with small number of beds than it is to run just one shelter with a larger number of beds. The triangle location would be advantageous if by sheltering the homeless in a shelter it would eliminate the need for the homeless to light fires to cook food or stay warm in a high fire danger area. As a pastor with experience in running a shelter, he supported allowing larger shelters to be built in areas that meet the State criteria, with churches in the area providing overflow temporary bed space with perhaps a meal. Churches cannot do the same thing that IHope can do out of a large facility, which is help people regain their self sufficiency, address substance abuse, provide mental health support, and partner with social services. In response to questions, he speculated that maybe 10 to 20 percent of the homeless he has dealt with in the past prefer not to go into established shelters.

Georgette Korsen, resident, supported establishing a shelter away from schools, parks and homes; questioned why RSCBP was opposed to having a shelter within the park itself but willing to allow it in the triangle area; advised those in shelters must be willing to abide by its rules: i.e. no drugs or alcohol, willingness to take mental health medications, etc., to ensure it does not promote enabling. In addition, the ideal program should support and provide kennel space for pets.

Alan Korsen, resident, opposed allowing the homeless shelter in the triangle site as it is too close to the high school, adjacent shopping center which is frequented by high school students and near housing tracts. Using the site for a homeless shelter will require a citywide vote to change its zoning from open space, its grassy canyon locale will always be subject to fire hazards, and it would require access from Pico. The Rancho San Clemente Homeowners Association CC&R's clearly state that it is intended to be a passive area. The site is not suitable for engineering, fire safety, and access reasons, and is too close to adjacent residences and schools.

Tamara Perras, resident and former RSCBP property manager for many years, supporting allowing the triangle site an emergency homeless shelter; noted proactive leadership from RSCBP board members will help ensure that it will happen.

Thomas O'Keefe, resident, former Mayor and Councilmember, submitted a card read aloud by Chair Darden. He suggested the use of the old Miramar Theater as a potential property for the homeless. Funds available for housing the homeless could be used to help restore and preserve this historical landmark. The use should not require much parking, and the theater location is convenient for local transients and the homeless without having to provide transportation anywhere else.

Chair Darden closed the public hearing.

Commission Discussion Regarding City's Estimated Number of Homeless Persons

The Commissioners discussed the best number to use as the City's estimated homeless need and concurred that the high of 70 persons was appropriate because it was derived from multiple sources, which helps validate it.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER RUEHLIN AND UNANIMOUSLY CARRIED TO SET THE CITY'S HOMELESS AT A COUNT OF 70.

Commission Discussion Regarding Strategy Determination:

Commissioner Kaupp supported allowing churches to have a prescribed number of beds available for the homeless as an ancillary use; supported the triangle site and commended RSCBP board members for their support and efforts to encourage its use as an SB 2 site. He commented that the site has challenges such as a required public vote before it can be changed to a non-open space use, as well as expensive topographical and engineering issues to develop it. If the property is donated for the use, the absence of site purchase costs might help defray its development costs. In addition, he suggested there may be public and institutional parcels that may emerge as favorable after further study and supported the Heritage Church site as a potential stand-alone homeless shelter site.

Vice Chair Brown supported the triangle site as well and commented that if it is supported by the Commission, should go to Council with the caveat that it go to a vote of the people. In addition, he also supported the Calle Industrias (Behind Denny's) site but questioned the vacant parcel adjacent to the City's Water Treatment Plant on Pico due to pending development of Marblehead Coastal. He suggested the Commission consider a number of options, including the Calle Industrias site, triangle site with caveat that it must be put to a citywide vote, churches in non-residential areas with a 10 bed maximum, and use of public and institutional parcels to make up the numbers.

Commissioner Eggleston acknowledged that although the City has a legal, ethical and moral obligation to care for its homeless, it is important that no decision be made that compromises the City's Mission Statement which states that our number one priority is the 'health and safety of this community' which is my guiding principal. He questioned whether the Heritage Church site was viable, commenting that the Commission has not heard from them. He thanked the RSCBP board members for stepping up to the plate and suggesting the triangle site as a viable alternative to the entire business park, but he does not support that site as a viable alternative. He knows many people that supported Measure V, which enacted the vote of the people requirement to approve the use of open space for another use, and he predicts a proposal to turn the triangle space to a homeless shelter site would be overwhelmingly defeated. Additionally he believes that construction of a homeless shelter at the triangle site may encourage additional campers and turn the site into a huge homeless encampment. He supported the Calle Industrias site, commenting that many of the existing warehouses could be reasonably turned into homeless shelters, and a maximum of 10 beds in churches that are not in or adjacent to residential areas. He believes those two site choices more than satisfy the required number of beds.

Commissioner Ruehlin commented that there are many advantages connected with the triangle site, including site availability as well as RSCBP and IHope support, but he felt that supporting this option would be setting a bad precedent and create the perception that the City is receptive to reducing open space areas. He is concerned with installing a homeless shelter in the Calle Industrias area, as that area features narrow streets, a lot of retail, and is used by students walking to and from the high school. He believes the Heritage Church site may be viable as there is a large buffer around it and Heritage Church officials have supported construction of a homeless shelter there at a previous meeting. Using churches located in non-residential areas with limited beds would also be a good overflow option. With regard to the former Animal Shelter site located adjacent to the Water Treatment Facility, he speculated that because the site was deemed too hazardous to house animals, it seems to follow that it would be too hazardous for the homeless as well.

Bruce Wagner, one of the pastors at Heritage Church, stated that the Church supports zoning its vacant property for use as an emergency and/or full time homeless shelter. His church and many others signed a letter submitted by IHope because they also want to be in partnership with other churches to provide shelter.

Chair pro tem Crandell supported putting an overlay zone on the vacant site next to Heritage Church; speculated that although the triangle site may be viable in many ways, he is doubtful that the City's residents would support changing the site from open space to homeless shelter use in a citywide vote; noted that although the Calle Industrias site meets all

criteria, its location in the City's major gateway and view corridor make it problematic. Although there is space in the RSCBP, he is concerned about protecting the children that visit the studios, gyms, and group teaching facilities etc., which have been approved by this Commission to operate in the park. He is concerned that locating a shelter may not be as much of a problem as controlling access to and from, and making sure the homeless are not out wandering about or causing trouble in areas where they should not be. He established from staff that requiring shelter operators to provide shuttle service, or requiring that the homeless are dropped off in the same location they were picked up from may not be workable options in terms of SB 2 law.

In response to questions from Chair pro tem Crandell, Deputy Bull commented that if the City elects to designate an area for pick up and drop off, eventually the homeless seeking shelter will become acclimated to it as a standard procedure. Although this may help prevent the homeless from loitering at the shelter, the pick up/drop off area may attract a crowd milling about waiting for pick up or loitering after drop off.

Commissioner Ward is opposed to including the RSCBP as a potential homeless shelter location because a homeless shelter does not fit in with the goals of a premier business park with its acres of open space, golf course, and safe environment for families. It is also not fair to install a homeless shelter in an area where businesses and landowners have spent years building up businesses and weathering downturns, and then have a homeless shelter potentially negatively affect business. She thanked the RSCBP for offering up the triangle site as a potential homeless shelter location, but questioned whether it is a good idea to continue allowing the homeless in open space areas where fire danger is of major concern. She suggested that two to three smaller shelters, rather than one large 70-bed shelter would be preferable because not all the homeless people get along, and they themselves may prefer not to be housed with a large number of homeless. In addition, constructing just one large shelter poses an undue burden on a single area. She supported the Calle Industrials site as the most compatible and tolerant of the other sites. It is in a business area, with fenced off businesses, and a secure and fenced off homeless shelter would fit better there. She has some concerns regarding negative impacts on the retail located in the nearby center, and anticipates swift police action in response to any calls. She believes that providing the homeless with food and lodging may result in less need to panhandle. In addition, she supported designating the 13 churches located outside of residential areas as potential overflow, with no more than 10 allowed for each site. She did not support any of the remaining sites.

Chair Darden agreed with Commissioner Ward that a large number of homeless in one site may result in higher likelihood of problems requiring intervention from Police Services. She favors 35 or 40 for the maximum

number at one shelter, commenting that a smaller amount would be easier to control, and result in less impacts to just one area than would a larger number such as 65 to 70. She supported the Calle Industrias site with the caveat that the amount is controlled. She supported 30 to 35 at the Heritage Church site, and a maximum higher than 10 for non residential church sites. Although the triangle site is a perfect example of cooperation, with the RSCBP willing to donate the land, she is not sure that that is the best use for open space, and is concerned that the community may agree. If the majority of the Commission feels it is a good idea to bring this idea to Council for further discussion and public input, she can support that action. She supports limits to the large shelter sites of 30-35 and is agreeable to reconsidering the numbers and sites if it is determined more beds are needed. She clarified that none of the public entities would be required to sell or lease their property for use as a homeless shelter.

Vice Chair Brown supported including the triangle site as a potential location despite the fact that it would need a citywide vote because it is a win-win proposal. He also supported the Heritage Church site, Calle Industrias site, and churches in non residential areas used for overflow. He supported looking at each of the public/industrial sites to determine if they meet the criteria outlined in SB 2.

Assistant City Attorney Thind speculated that the triangle site would be brought to the attention of Council for discussion, whether or not the Planning Commission recommends it. In addition, he cautioned against considering requiring CUPs for homeless shelters at this point in the process.

Chair pro tem Crandell pointed out that the information provided by staff on what other cities have done to satisfy SB 2 regulations indicates that other cities have exceeded their reported homeless need by up to 400%.

Associate Planner Gregg pointed out for the record that although the Saddleback Church site located in Talega is within 500 feet of a residential area, the church itself is outside the area.

Assistant City Attorney Thind advised that the Commission has the option of establishing one or more overlays to establish how many beds could be allowed on site, and then designating churches according to overlays.

Action on Lois Berg Rule:

Noting that the time was past 11:00 p.m., Commissioner Kaupp moved, Commissioner Ward seconded, and it was carried 6-1, with Commissioner Eggleston opposed, to continue deliberations for another 30 minutes.

Straw Votes:

Churches - Allow by right shelters as ancillary uses to a church up to 30 beds, when located 500 ft away from the nearest residential use (Passed 5-2 with Commissioners Ward and Eggleston not in favor)

In a preliminary straw vote without the discussion of the number of beds, the Commission were unanimously in favor of including the church option to address SB 2 requirements. They then discussed the number of beds that could be provided at church sites, including discussion of potentially lower numbers for those located with 500 feet of residential areas and higher numbers for those located in non residential areas. It was noted that there were some churches with the capacity and desire to house up to 30 beds, while others may struggle to provide 10. Additionally, it was pointed out during discussion that allowing several churches with only 10 beds apiece may actually confuse the homeless, and end up with them traveling from church to church looking for one that has an available bed. Allowing more beds at fewer churches might eliminate some of that confusion. The majority of the Commission agreed that churches in non residential areas should have the option of providing beds for up to 30 homeless on an emergency shelter basis. Planning staff will review the churches and perform more analysis for their consideration, including potential that a larger number could be allowed with approval of a Conditional Use Permit. Staff will bring options for consideration at their May 28 meeting. The final vote allowing up to 30 beds at each church site was 5-2, with Commissioner Ward and Commissioner Eggleston not supporting the proposed number of maximum beds.

Public and Institutional Parcels - Allow by right shelters up to 35 beds in either Pubic /Institution Zones (Passed 5-2, with Commissioner Eggleston and Commissioner Ruehlin not in favor)

The majority of the Commissioners supported a 35-bed limit in either the public or institutional zones, with staff bringing back an inventory of the subject properties for review at the meeting of May 28.

Calle Industrias - Allow by right an emergency homeless shelter with up to 35 beds in the area behind Denny's (Passed with 5 in favor, with Commissioner Kaupp and Commissioner Ruehlin not in favor)

Heritage Church Lot - Allow by right an emergency homeless shelter at the Heritage Church site with up to 45 beds (Passed with 5 in favor, with Commissioner Ward and Commissioner Eggleston not in favor)

Commissioner Eggleston commented that these votes will allow hundreds of emergency shelter beds to be provided in these areas by right and Assistant City Attorney Thind agreed that that was his understanding as well. Principal Planner Hook and City Planner Pechous stated that their



understanding was that only 70 beds would be allowed by right in these areas, with any additional beds proposed subject to discretionary review.

For the record, the Commissioners concurred that they made the preceding votes based on direction from staff indicating that the homeless shelters would be allowed by right at the aforementioned locations until the number of available beds actually built reaches 70. After the City has reached its goal of 70 emergency shelter beds by right, any additional beds proposed would require discretionary approval. City Planner Pechous agreed to research this understanding and report back.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO CONTINUE SB 2 EMERGENCY SHELTER ORDINANCE TO THE MEETING OF MAY 28, 2014.

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

**9. NEW BUSINESS - None**

**10. OLD BUSINESS – None**

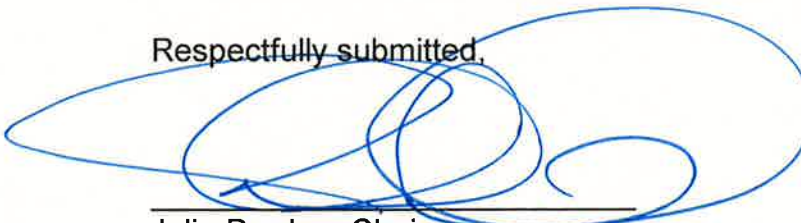
**11. REPORTS OF COMMISSIONERS/STAFF**

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of April 16, 2014
- C. Staff Waiver 14-145, 704 Calle Puente
- D. Staff Waiver 14-147, 145 and 147 Avenida Del Mar
- E. Staff Waiver 14-151, 412 Avenida Victoria
- F. Staff Waiver 14-153, 328 Avenida Santa Margarita
- G. Staff Waiver 14-155, 110 Avenida La Pata
- H. Staff Waiver 14-160, 401 S. El Camino Real
- I. Staff Waiver 14-161, 267 W. Marquita

**12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED to adjourn at 11:35 p.m. to the Study Session on May 21, 2014, at 6:00 p.m. in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

  
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Julia Darden, Chair

Attest:



Jim Pechous, City Planner