

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
April 2, 2014 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

1. CALL TO ORDER

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair pro tem Crandell 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
Amber Gregg, Associate Planner
Sean Nicholas, Associate Planner
John Ciampa, Associate Planner
Thomas Frank, Transportation Engineering Manager
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 March 19, 2014

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of March 19, 2014, as submitted by staff.

B. Minutes from the Planning Commission Regular Meeting of March 19, 2014

IT WAS MOVED BY CHAIR PRO TEM BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of March 19, 2014, with the following revisions:

Page 13, under "Development Standards," second sentence, replace, "A, B, D, E, F, and G." with "A. Location - A homeless shelter shall not be less than three hundred feet from another homeless shelter or facility providing homeless services. B. Number of Homeless Shelters – The number and capacity of homeless shelters allowed without use permit review shall be limited to that required to meet community needs, as established by the most recent Citywide homeless enumeration count. D. On-Site Waiting and Intake Areas – An on-site waiting and client intake area shall be provided within the shelter building. Outdoor patios or entry areas shall be located and screened so as to not be visible from a public street. E. Parking – On site parking shall be supplied at a rate of not less than one vehicle space per five beds plus one space per staff. Enclosed, secure bicycle parking area shall be provided on-site at the ratio of not less than one bicycle parking space per ten beds. F. Site Lighting – Shielded site lighting shall be provided for safety and security and compatible with the neighborhood, to the approval of the Community Development Director. G. Architectural Review – Homeless shelters shall comply with Design Guidelines, and with the Rancho San Clemente Specific Plan architectural and development standards to ensure the shelter is compatible with its surroundings, provides for adequate privacy between uses and minimizes potential impacts to adjacent uses."

Page 13, under "Development Standards," third sentence, replace "item C," with "item C. Maximum Number of Beds and Building Area – Maximum number of beds per facility shall not exceed 65 beds,"

6. ORAL AND WRITTEN COMMUNICATION - None

7. CONSENT CALENDAR

A. Parking Prohibitions on Calle Altea, Via Cascadita, and Calle Frontera (Frank)

Consider parking prohibitions including:

Calle Altea, west side, at its intersection with Via Sedona for 100 feet on the northwest corner and 40 feet on the southwest corner;

Via Cascadita, south side from its crosswalk at the intersection with Via Montego for 20 feet westerly and 60 feet easterly; and

Calle Frontera, south side, at its intersection with Calle Ola Verde for 100 feet on the southwest corner.

In response to a question, Thomas Frank, Transportation Engineering Manager, advised that adoption of the parking prohibitions will bring the existing parking into compliance with guidelines.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO FORWARD TO THE CITY COUNCIL A RECOMMENDATION TO PROHIBIT PARKING AT THE FOLLOWING LOCATIONS:

- 1) Calle Altea, west side, at its intersection with Via Sedona for 100 feet on the northwest corner and 40 feet on the southwest corner;
- 2) Via Cascadita, south side from its crosswalk at the intersection with Via Montego for 20 feet westerly and 60 feet easterly; and
- 3) Calle Frontera, south side, at its intersection with Calle Ola Verde for 100 feet on the southwest corner.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

B. Traffic Calming in the Riviera Neighborhood (Frank)

Consider traffic calming improvements for Avenida De La Riviera.

Thomas Frank, Transportation Engineering Manager, narrated a PowerPoint Presentation entitled, "Traffic Calming Measures in the Riviera District, dated April 2, 2014;" displayed maps illustrating proposed traffic calming measures and options for consideration; discussed input received as results of neighborhood surveys/input at meetings; reviewed official Average Daily Traffic (ADT) counts and speeding reports. He reviewed Stop Sign Warrants in the Manual of Uniform Traffic Control Devices by the State of California Department of Transportation; noted that existing traffic at this location does not warrant stop signs; discussed impacts associated with installing stops in locations that don't meet the prescribed warrants. He displayed Exhibit "A" which was devised using input received at neighborhood meetings during the planning process as a potential set of traffic calming measures if/when funds become available. Staff recommended the Commission forward to the City Council a recommendation to approved proposed traffic calming measures as described in the staff report.

Chair Darden opened the public hearing.

Charles Bradley, resident, discussed traffic accidents that have occurred in the neighborhood in the past; cautioned that unless decisive action is taken, there is potential that a child or children in the neighborhood could

be seriously injured/killed by unsafe drivers; supported installing stop signs; described his experience as a law enforcement professional.

Bill Kurnik, resident, supported the City installing traffic calming measures/resolving safety issues in the neighborhood, which is populated by children and senior citizens, for the safety and well being of all residents in the City.

Pete van Nuys, resident, expressed disappointment that the Riviera residents have not been able to come to consensus on recommendations; commented that most motorists/bicyclists/golf cart drivers run an existing stop sign on Ole Vista because it is viewed as unnecessary; supported bulb outs in lieu of extensive striping.

Robert Joseph, resident, advised that most of the traffic going by his house and ignoring traffic rules/speed limits are residents of the Riviera District; supported the staff recommendation with the exception of street striping; encouraged enforcement of existing traffic regulations as much as possible; suggested the association work closely with staff, hold meetings in neutral location, and come to the Commission with a recommendation supported by the majority of residents.

Orville King, resident, supported traffic calming measures for the safety of children playing in the neighborhood; encouraged the Commission to consider installing sidewalks to narrow the streets and slow down traffic rather than painted lines; speculated that estimated costs for proposed bulb-outs are overstated; speculated that painted lines on streets would not be obeyed or used; opposed bike lanes because bicyclists do not obey street laws.

Barbara Howard, resident, noted she is caretaker to an adult son struck by a car at age 11 and permanently disabled; commented that painted lines will not stop cars from speeding; supported installation of sidewalks if they have the potential to protect children.

Chair Darden closed the public hearing.

In response to questions, Mr. Frank advised that the estimated cost of \$20,000 for a bulb out varies dependent on landscaping features, design, ADA compliance issues etc.; advised there is currently no funding available to fund bulb outs; described the way bike lane "sharrows" are intended to function and noted they do not assist with traffic calming; noted the most effective traffic calming occurs when streets have narrow travel lanes and the described progressive street designs, which include landscaping medians and boulevards and wide sidewalks to maintain wide view corridors, that create car weaving effects that slow traffic speeds. He noted the majority of residents were opposed to lane striping due to perception that it would cheapen the neighborhood; advised no funding is

available for expensive options such as landscaped medians; suggested one way to fund improvements would be for the homeowners association to create an assessment district that would fund the improvements.

John Tulley, past president of the Riviera District Homeowners Association, noted the majority of the existing CC&R's deal with height issues; discussed existing procedures to resolve issues that arise with residents.

In response to comments/questions, Mr. Frank speculated the radar speed trailer, although not a permanent solution, could be placed on the most affected street for 4-5 days a month and may help to slow down speeders. In addition it will help to collect data about existing traffic conditions. With regard to a permanent speed display sign, like the one installed on Vista Hermosa, he noted that solution can be effective at the start, but not in the long run, and the signs are not as effective as bulb outs in slowing down traffic.

Commissioner Eggleston commended Mr. Frank for all his efforts to address the existing traffic situation and consider alternatives; commented that the residents should come to consensus before staff takes action; opined one effective solution would be sidewalks and installation of bulb out at Monte Cristo/Riviera intersection to address the one resident's driveway situation; urged the residents to come together with their homeowners association and staff to develop a solution that the majority can support.

Mr. Frank commented that installation of one bulb out may cause negative impact to the other streets; suggested that at least three on the east side of the side streets would have to be installed; reaffirmed that the most effective method to slow down traffic would be to narrow the travel lanes in the most practical and cost-effective manner possible.

Commissioner Ruehlin supported bulb outs and sidewalks to narrow the streets; commented that although painting the street was not attractive to the majority of residents it might have the desired effect; noted the street functions as beach access for many in addition to a collector street for the neighborhood. He asked staff if it would be viable for the homeowners association/residents to consider partnering with the City to share costs for more expensive solutions such as sidewalks and bulb outs; established from staff that the area may not be a viable location for grants due to its high income and relatively low usage in comparison to other streets.

Commissioner Kaupp did not support striping due to aesthetic issues; supported the home owners meeting together to come to consensus on recommendation; supported funding partnership with City if possible.

Commissioner Crandell established from Mr. Frank that speed humps were a potential solution, but because they come with additional issues such as noise and potential abuse as obstacles for thrill seeking drivers, their potential of use and placement must be carefully considered and vetted by stakeholders and staff. He acknowledged difficulties associated with emergency vehicle transport over speed humps, but noted the humps can be placed to allow easier access, and advised the Orange County Fire Authority would have final sign off on any speed hump proposal.

Vice Chair Brown encouraged the homeowners to get together, review their CC&R's, consider assessing themselves to install the traffic calming measures with the most support, establish partnerships with the City if possible, and develop an elegant solution befitting the beautiful neighborhood. He suggested the residents consider striping as a temporary solution until a more permanent one is developed in order to solve traffic issues; encouraged the neighborhood to get organized and come back with a solution with the residents' support.

Chair Darden commented that the Commissioners have had insightful comments; encouraged the community to come together and develop a consensus; commented they may want to consider striping as a short term solution to address safety.

Mr. Frank commented that every time he has met with residents it has been a pleasure; opined that the homeowners are interested in developing intelligent and effective solutions; welcomed working with them again for additional discussion.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO CONTINUE TRAFFIC CALMING IN THE RIVIERA NEIGHBORHOOD TO A DATE UNCERTAIN; ENCOURAGE THE HOMEOWNERS ASSOCIATION TO CONSIDER A SOLUTION SUPPORTED BY CONSENSUS; ENCOURAGE THE HOMEOWNERS ASSOCIATION TO EXPLORE POTENTIAL TO ESTABLISH A PARTNERSHIP WITH THE CITY TO ADDRESS THE TRAFFIC SITUATION IN THEIR NEIGHBORHOOD.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

8. PUBLIC HEARING

A. Lots 1-18, 57, 58, 62, and 63 of Tract 16630 – Second Amendment to Site Plan Permit 02-93 – Alta Residential Development (Gregg)

A request to consider modified floor plans and architecture for the remaining 22 of the 64 lot development. The project is located in the Residential Low density area of the Talega Specific Plan. The legal description is Lots 1-18, 57, 58, 62, and 63 of Tract 16630, and

Assessor's Parcel Numbers 708-104-01-11, 27-33, and 708-102-12, -13, -17, and -18.

Chair pro tem Crandell recused himself from considering this agenda item due to existing professional relationship with Standard Pacific and left the meeting room.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, "Alta Homes in Talega, AM SPP 02-093, dated April 2, 2014;" reviewed existing and proposed architecture. Staff recommended approval of the request as conditioned.

Crystal Berkle, representing Standard Pacific Homes, thanked Ms. Gregg for her assistance and support; noted they met with existing homeowners for their input on the proposal.

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

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY KAUPP, AND CARRIED 6-0-1, WITH CHAIR PRO TEM CRANDELL ABSTAINING, TO ADOPT RESOLUTION NO. PC 14-008, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO SITE PLAN PERMIT 02-093, A REQUEST TO CONSIDER REVISED ARCHITECTURE AND FLOOR PLANS FOR 22 VACANT LOTS IN TRACT 16630 "ALTA" LOCATED ON STREETS CALLE TAMERA AND VIA CARINA.

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

Chair pro tem Crandell returned to the meeting room.

B. 1317 Calle Avanzado – Conditional Use Permit 14-031 – The Arts Project of Orange County (Gregg)

A request to consider an education facility for both group and private lessons for acting, vocal, music, and visual arts. The project is located in the Business Park of the Talega Specific Plan. The legal description is Lot 3 of Tract 16411, and Assessor's Parcel Number 701-034-09.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, "Conditional Use Permit 14-031, The Arts Project Orange County, dated April 2, 2014." Staff recommended approval of the request as conditioned.

Michelle Hanson, applicant, advised she is opening up new facility so that many of her existing clients will not have to drive out of town for desired

instruction; noted she has not had any sound related issues during her 2.5 year tenure at facility adjacent to the subject location.

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

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 14-010, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 14-031, THE ARTS PROJECT OF SAN CLEMENTE, A REQUEST TO ALLOW A COMMERCIAL RECREATIONAL USE FOR A MUSIC AND ARTS STUDIO AT 1317 CALL AVANZADO.

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

C. 821 Via Suerte Suite 104 – Amendment to Conditional Use Permit 12-385 and Minor Architectural Permit 14-094 – Inka Mamas Patio (Ciampa)

A request to consider an amendment to allow a restaurant to serve alcohol outdoors within a new enclosed patio. The project site is located at 821 Via Suerte, Suite 104 within the Commercial zoning district of the Talega Specific Plan. The legal description is Lot 5 of Tract 16936, Assessor's Parcel Number 701-373-02.

John Ciampa, Associate Planner, summarized a PowerPoint Presentation entitled, "Inka Mama's Patio, AM CUP 12-385, MAP 14-094, dated April 2, 2014; recommended approval of the request as conditioned.

In response to questions from the Commissioners, Mr. Ciampa advised that the existing maximum capacity of 49 seats is self-enforced and based on the existing number of restrooms; displayed a map indicating the area noticed for tonight's meeting and discussed manner of calculations; advised the City has not received complaints regarding patio dining for adjacent restaurant Sun Dried Tomato; noted Inka Mama's proposes to close an hour earlier than adjacent dining establishments; agreed to revision in conditions of approval to reflect correct maximum occupant load.

Angelo Guiliano, applicant, was available for questions.

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

IT WAS MOVED BY COMMISSIONER WARD, SECONDED BY COMMISSIONER KAUPP AND UNANIMOUSLY CARRIED TO ADOPT

RESOLUTION NO. PC 14-007, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING AMENDMENT TO CONDITIONAL USE PERMIT 12-385 AND MINOR ARCHITECTURAL PERMIT 14-094, INKA MAMA'S PATIO, A REQUEST TO ALLOW THE SERVICE OF ALCOHOL OUTDOORS WITHIN A NEW PATIO LOCATED AT 821 VIA SUERTE SUITE 104, with the following revisions:

Page 8, condition no. 13, replace "50" with "49"

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

D. Nonconforming Ordinance Amendment (Nicholas)

A request to consider an amendment to the Nonconforming Use section of the Nonconforming Ordinance of the Municipal Code related to existing nonconforming mobile home uses and associated accessory structures and improvements.

Sean Nicholas, Associate Planner, summarized the staff report; recommended the Planning Commission recommend City Council approval of ZA 14-101, Nonconforming Ordinance Amendment, as presented by staff.

Chair Darden acknowledged a letter dated April 2, 2014, from Alexander Maniscalco, Esq., The Loftin Firm, P.C., Attorneys at Law, representing Capistrano Shores Mobile Home Park, setting forth opinion that the Nonconforming Use Ordinance is in conflict with the California Mobilehome Parks Act and related regulation and jurisprudence.

Ajit Thind, Assistant City Attorney, summarized communication from his office in response to the letter from Mr. Maniscalco; opined the proposed Amendment is not a "taking" because it allows coach owners to replace like with like; advised the proposed Amendment is consistent with the City's zoning powers. In addition, he noted any potential expansion of use for mobile home coaches will have to have CCC approval.

Alexander Maniscalco, Esq., from The Loftin Firm P.C., representing Capistrano Shores Mobilehome Park, suggested the City's proposal to regulate mobile home parks is unlawful under the California Mobilehome Parks Act; recommended the Commission adopt alternative regulation. In addition, he opined that the City would be liable for attorney's fees in court cases as well as have to pay damages for temporary taking of property; commented that there were no applicable height restrictions on mobile homes; advised the issue is a matter of interstate commerce.

Chair Darden opened the public hearing.

Mr. Pearson, resident, endorsed Mr. Maniscalco's opinion on behalf of Capistrano Shores Mobilehome Park; opined State and Federal laws prevent the City from restricting the size and height of mobile homes; stated the City has made an inconsistent and inappropriate interpretation of the use ordinance and expanded the definition of nonconforming uses to confound mobilehome park residents and confuse the relevant issues.

Chair Darden closed the public hearing.

Assistant City Attorney Thind advised the City is clarifying the Ordinance at issue by including the revised language and making it easier for mobile homeowners to go through the City's process.

Jim Pechous, City Planner, clarified that the definition of nonconforming use is a use that is not allowed within a designated land use zone. Because a mobilehome use is not allowed in private open space, it is a nonconforming use.

The Commissioners agreed that the proposed code modifications will make the Ordinance consistent with City policy intent and allow for regulated improvements to occur for nonconforming mobile home uses.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 14-009 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE AMENDING SECTION 17.72.060 REGARDING THE REPLACEMENT OF MOBILE HOMES, ACCESSORY STRUCTURES, AND UTILITY IMPROVEMENTS WHEN THEIR RESIDENTIAL USE IS LEGAL NON-CONFORMING.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

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 March 19, 2014
- C. Staff Waiver 14-098, 219 Avenida Victoria
- D. Staff Waiver 14-116, 1606 N. El Camino Real
- E. Staff Waiver 14-117, 533 Avenida Victoria
- F. Staff Waiver 14-118, 105 S. Ola Vista

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to adjourn at 9:24 p.m. to the Study Session to be held at 6:00 p.m. on April 16, 2014, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,



Julia Darden, Chair

Attest:



Jim Pechous, City Planner