

These minutes will be considered for approval at the Planning Commission meeting of 10-19-2022.

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
October 5, 2022 @ 6:00 p.m.
San Clemente Community Center Auditorium
100 Calle Seville, San Clemente, CA 92672
Teleconference via www.san-clemente.org/live or Cox Channel 854**

CALL TO ORDER

Chair McKhann called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:08 p.m. The meeting was offered in person at The City of San Clemente City Hall Council Chambers, located at 910 Calle Negocio, San Clemente California, and also via live stream from the City's YouTube Channel or live on Cox Channel 854.

2. PLEDGE OF ALLEGIANCE

Commissioner McCaughan led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Barton Crandell, Gary P. McCaughan, M.D. Karen Prescott-Loeffler; Chair Scott McKhann

Commissioners Absent: Brent Davis, Chair Pro Tem M. Steven Camp, Vice Chair Cameron Cosgrove

Staff Present: Adam Atamian, Deputy Community Development Director
Cecilia Gallardo-Daly, Community Development Director
Jennifer Savage, Assistant to the City Manager
Sara Toma, Senior Planner
David Carrillo, Assistant Planner
Zachary Ponsen, Acting Deputy Public Works Director
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

- A. Minutes from the Regular Study Session of the Planning Commission Meeting of September 7, 2022.

B. Minutes from the Regular Planning Commission Meeting of September 7, 2022.

Commissioner Prescott-Loeffler stated that she had viewed the video of the meetings she did not attend in person.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY COMMISSIONER CRANDELL AND UNANIMOUSLY CARRIED 4-0-0 TO RECEIVE AND FILE THE MINUTES FROM THE SEPTEMBER 7, 2022, PLANNING COMMISSION REGULAR STUDY SESSION AND THE SEPTEMBER 7, 2022, PLANNING COMMISSION REGULAR MEETING, AS SUBMITTED.

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

A. 654 Camino De Los Mares – Master Project (MP) 22-089, Architectural Permit (AP) 22-101, Conditional Use Permit (CUP) 22-100, General Plan Amendment (GPA) 22-097, Site Plan Permit (SPP) 22-103, Tentative Parcel Map (TPM) 22-099, Zoning Amendment (ZA) 22-098 – Senior Housing and Medical Office (Savage)

A request to demolish an existing medical building and surface parking lot; construct a mixed-use project with 250 for-rent senior residential units and a 7,500 square foot medical office; subdivide one lot into two lots; rezone the property from Regional Medical Facilities 1 (RMF1) to Community Commercial 4 (CC4); and change the General Plan Designation from RMF to CC at 654 Camino De Los Mares. The project includes requests for shared parking, an increase in floor area, and a concession/incentive/waiver pursuant to State Density Bonus Law.

Jennifer Savage, Assistant to the City Manager, narrated a PowerPoint Presentation entitled, “Senior Housing and Medical Office, MP 22-089, GPA 22-097, ZA 22-098, TPM 22-099, CUP 22-100, SPP 22-103, and AP 22-101,” dated October 5, 2022. A copy of the Presentation is on file in the City Manager’s Office. Assistant Savage reviewed the request including the variances requested, indicated where in the packet information supporting the variances was included, and reviewed modifications to selected conditions. She noted that due to a clerical error, the Project’s Development Agreement was not including in the noticing of the project, and was therefore exempt from consideration this evening. She noted the Commission in the

alternative had the option of forgoing Development Agreement review and forwarding it to the City Council for their consideration and action.

Matthew Richardson, Assistant City Attorney, advised with regard to Density Bonus Law, if the applicant has provided the qualifying information in order to be eligible for the Density Bonus, the City's hands are tied with regard to providing input on certain variances and/or modifications for the project.

Tom Leary, Senior Vice President of Memorial Care, described the vision of the project, which is senior living with health center located nearby. He thanked all for participating in the planning of the project and provided an overview. He announced at the meeting that after working with the San Clemente Affordable Housing Coalition (SCAHC), they've agreed that the total affordable housing aspect of the project can be up to 8%.

Tim Mustard, Hunsaker & Associates, Irvine, Architect for the applicant, provided additional details of the project including street views from all sides and potential view blockages from surrounding residential/commercial properties. No additional concessions in affordable housing are proposed and they suggested that the 8% be a mixture of affordable housing options rather than just all Very Low. No specific details on the mix, location, etc. of the affordable housing units has been proposed at this time. The proposed Development Agreement runs with property and any proposed modifications have to be approved by both parties.

Chair McKhann opened the public hearing.

Linda Yeargin, Dr. Predrag Mitrevski, Grace Todd, Robert Henry (speaking on behalf of resident Cassidy Esperhat), Jimmy Jo (speaking on behalf of Mabel Flanders), Terri Whitt Rydell, James Watkins, residents, spoke on behalf of the project. Debbie Salahi, Rona Henry, Dr. Hitash Patel, Maura Mikulec, and JR Owens, no cities of residence given, also voiced support.

Summary of the comments in support include:

- Immense need for senior housing in the City and Orange County overall.
- Support for the project overall; comment that up to 15% could be dedicated as affordable housing units and still allow the project to turn a profit; encouraged the City continue pushing for 15% and to get as many concessions as possible from the developer before consenting to the project.
- Many amenities such as food, groceries, shopping, etc., are located close by within walking distance.

- Memorial Care as an employer cares about its employees, supports the surrounding community, and provides grants to community-based organizations.
- Support from the San Clemente Affordable Housing Coalition members in order to fulfil existing demand for affordable housing for seniors, allow seniors to stay in the community rather than be forced out due to high rental/home ownership costs, and provide much needed daily and urgent medical care.
- Suggested all units proposed be designated low income due to high demand in Orange County and increasingly aging population.
- Economically disadvantaged seniors' health will improve with the addition of housing as well as the nearby urgent care and medical offices.
- Seniors living on the street will be able to get into affordable housing; the addition of affordable housing, doctor care, and accessible urgent care can be the difference between life and death for seniors.

David Abernathy, Jon Cork, Richard Monks, Linda Rogers, Ken Rogers, Carey Bettencourt, Ed Bettencourt, Dr. Navneet Boddu, Richard Palys, Dr. Lawrence Chang, Amanda Q., Dr. P. Kalimada, Ken Rogers, Linda Rogers, Mark McGuire, Larry Culbertson, and Frank Safovilla, residents, opposed the project.

Summary of the comments in opposition include:

- Concern about increasing traffic in an already congested area; suggested the total number of units on site should be limited to 125.
- Requested the applicant be required to install story poles to indicate the negative impacts on residential and commercial views.
- The project should be held to existing regulations including only 3 stories, lower heights and lower FAR; a detailed and independent traffic study should be commissioned.
- The project is being rushed by the applicant through the approval process; the City has made too many concessions to the applicant; additional review should be encouraged and opportunities for the public to speak should be offered; the Environmental Study should be made available to the public for scrutiny.
- The view simulations have been misrepresented by the applicant and must be recalculated by an independent source to ensure accuracy.
- The project is too large, too dense, too high, and poorly designed for the site; it does not complement existing buildings and will overshadow the block.
- Not enough parking is proposed; most seniors are still driving and are part of a two-car household; concern regarding seniors jay-walking and on the streets while cars race up and down unchecked.
- The revisions suggested by the Design Review Sub-committee (DRSC) during 4 review meetings have been ignored.

- Residents living in Sea Pointe will have their views destroyed and home values diminished; the height limits of buildings along Camino De Los Mares should not be increased as home buyers relied on those limits when purchasing their homes and paying premiums for views.
- Reading aloud of an online position requesting the Planning Commission and City Council reject the project due to its increased height, increased FAR, massiveness, high density, traffic and parking impacts and view blockages; requested installation of story poles for accurate view impacts; rejection of shared parking plans due to existing highly congested parking and streets; additional public input opportunities and a heightened understanding of the project as proposed.
- San Clemente has many senior residential facilities to fill the need; the urgent care unit will not replace the need for a hospital.
- The project will reduce the safety of other residents due to its density and lack of parking; the OCFA facility is too close, will generate too much traffic and has inadequate parking to meet its real demand.
- Residents banded together to oppose this project need real facts and figures; those in favor of the project include those that in the past promoted the toll road extension; business groups support the project in order to increase their own sales.
- Adding this many units will increase traffic congestion to and from the City as well; trips to Mission Hospital which used to take 15 minutes now take 25. Water shortages and potential for power blackouts will increase; adding this kind of density to will turn the City into a “Concrete Jungle by the Sea.”
- The City’s soul is being changed by too much density; history is being replaced with modernity and its village feeling will be lost; support redevelopment of the site as long as it is kept to existing rules and regulations; at least 20-30 residences above will be negatively affected by view blockage if the increased height is allowed.

Connor Medina, speaking on behalf of the Orange County Business Community, supported the proposed housing; commented that currently there are 60K seniors over 60 living in Orange County; the housing stock is incapable of keeping up with demand. The project will be of much benefit to San Clemente business owners and help seniors remain in the City.

Jake Anderson, President, Laguna Hills Chamber of Commerce, recounted that his grandparents had to leave the City due to high costs of housing, and being able to place them in housing such as this would have been a better solution. He commended Memorial Care for being incredibly invested in the communities they serve.

Susie Lantz, CEO, San Clemente Chamber of Commerce, supports the project for its design sensitivity to the area. Benefits to the community include

access to wellness experts, urgent care and much needed senior housing. Additionally, the project will bring job opportunities, economic vitality, and enhance quality of life for all.

David Simpson, speaking on behalf of Cox Communications, commented that the aging population needs access to good health care; noted the site has been a vacant eyesore for many years and delaying development will only increase costs of redevelopment in the long run.

There being no additional testimony, Chair McKhann closed the public hearing.

Commission Comments:

- Does not support the architectural compatibility findings as the third story should be stepped back to provide interest; Can make the findings for the Zoning Amendment and General Plan Amendment
- Agreed the need for this type of facility exists in the City; suggested traffic safety, parking requirements, and intensity of use need to be addressed further.
- Suggested the site is not suitable for this intensity of use due to insufficient parking available, conflict between the two sites, and number of variances. Due to concerns, the site is detrimental to the public's health, safety and welfare.
- Expressed general support for this type of project, but questions regarding parking management and concessions remain; disappointing that the State will allow so many concessions and take ability away from cities to have any say in the project.
- Lack of private outdoor space for each unit for health benefits is a concern;
- Discussed potential actions including continuing the project to allow the Development Agreement to be included in the Commission's recommendation; recommendation of approval or denial to City Council, with the Development Agreement sent forward without recommendation; concurred there was not enough time to notice the Development Agreement and meet for a special meeting to consider it before the City Council meeting of October 18, 2022.
- Agreed the percentage of affordable homes should be higher than the 8% offered without the addition of any more concessions.

Zachary Ponsen, Acting Deputy Public Works Director, noted staff has reviewed the studies submitted and are satisfied with the analysis given; noted the current proposal is for less units than could be developed.

Greg Sanders, Attorney for the applicants, suggested the Commissioners' comments and concerns be memorialized for City Council consideration; expressed preference to receive a recommendation this evening to keep the project on

schedule rather than continue the project to allow Planning Commission discussion of the Development Agreement.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER, AND UNANIMOUSLY CARRIED 4-0-3 TO:

1. **Deny** recommending that City Council determine that the proposed addendum involves only minor technical changes to the 2021 FEIR and would not result in any new or increased severity significant environmental effects beyond those identified in the 2021 FEIR, and, as such, an addendum is the appropriate environmental document under Section 15164 of the State CEQA Guidelines; and
2. **Deny** recommending that City Council adopt Resolution no. 22-021, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE MASTER PROJECT (MP) 22-089, ARCHITECTURAL PERMIT (AP) 22-101, CONDITIONAL USE PERMIT (CUP) 22-100, GENERAL PLAN AMENDMENT (GPA) 22-097, SITE PLAN PERMIT (SPP) 22-103, TENTATIVE PARCEL MAP (TPM) 22-099, ZONING AMENDMENT (ZA) 22-098, FOR A REQUEST TO DEVELOP A MIXED-USE PROJECT WITH 250 FOR-RENT SENIOR RESIDENTIAL UNITS AND A 7,500 SQUARE FOOT MEDICAL OFFICE; SUBDIVIDE ONE LOT INTO TWO LOTS; REZONE THE PROPERTY FROM REGIONAL MEDICAL FACILITIES 1 (RMF1) TO COMMUNITY COMMERCIAL 4 (CC4); AND CHANGE THE GENERAL PLAN DESIGNATION FROM RMF TO CC, LOCATED AT 654 CAMINO DE LOS MARES," subject to the attached conditions of approval.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

Chair McKhann recessed the Commission meeting at 9:35 p.m. and reconvened at 9:45 p.m.

- B. CUP 22-141/MCUP 22-222 Delahunt Brewing Tasting Room and Off-Site Parking Agreement, 1011 Calle Recodo (Carillo)

A request to establish a tasting room with indoor and outdoor seating, exterior changes, and an off-site parking agreement at Delahunt Brewing located in the Business Park Zone within the Rancho San Clemente Specific Plan.

David Carrillo, Assistant Planner, summarized the staff report.

Rob Johnson, the applicant, was present for comments/questions.

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

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY CHAIR MCKHANN, AND UNANIMOUSLY CARRIED TO:

1. Determine the project is Categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and Section 15311 (Class 11: Accessory Structures); and
2. Adopt Resolution no. 22-020, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-141/MINOR CONDITIONAL USE PERMIT 22-222/MINOR ARCHITECTURAL PERMIT 22-221, DELAHUNT BREWING TASTING ROOM AND OFF-SITE PARKING AGREEMENT, TO ALLOW A TASTING ROOM WITH INDOOR AND OUTDOOR SEATING, AND AN OFF-SITE PARKING AGREEMENT AT DELAHUNT BREWING LOCATED AT 1011 CALLE RECODO.

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

C. CUP 22-236 Dish Wireless Telecommunication Facility, 170 Avenida La Pata (Toma)

A request to install building-mounted antennas with equipment enclosure on an existing self-storage facility within other existing wireless facilities located at 170 Avenida La Pata. The site is located in the Rancho San Clemente Specific Plan (RSCSP), which identifies the land-use designation of the property as Light-Industrial.

Sara Toma, Senior Planner, narrated a PowerPoint Presentation entitled, "Dish Wireless Telecommunication Facility, Conditional Use Permit 22-236," dated October 5, 2022. A copy of the Presentation is on file in Planning Division.

Peter Blad, representing Dish Wireless, thanked the Commissioners for their public service; Senior Planner Toma for her assistance; requested removal of Condition 4.16 as it is unrelated to this project. Senior Planner Toma concurred with his request.

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

IT WAS MOVED BY COMMISSIONER PRESCOTT-LOEFFLER, SECONDED BY COMMISSIONER MCCAUGHAN AND UNANIMOUSLY CARRIED, 4-0-0, TO:

1. Determine the project is Categorically Exempt from the requirements of the State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and Section 15303 (Class 3: New Construction or conversion of Small Structures); and

2. Adopt Resolution no. PC 22-018, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-236, DISH WIRELESS TELECOMMUNICATION FACILITY, A REQUEST TO ALLOW A NEW WIRELESS TELECOMMUNICATION FACILITY AND ACCOMPANYING GROUND MOUNTED EQUIPMENT LOCATED AT 170 AVENIDA LA PATA."

Amended as follows:

Remove Condition no. 4.16 in its entirety.

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

- D. 1108 North El Camino Real – Conditional Use Permit 22-078 – San Clemente Gym (Atamian)

A request to establish a new fitness facility within an existing commercial building located within the Neighborhood Commercial (NC-2) Zoning District and Affordable Housing and Architectural Overlays at 1108 North El Camino Real. The applicant proposes to occupy the entire, approximately 5,300 square-foot building for the proposed use to include fitness facility area and other areas of use ancillary to the primary use, such as office and storage areas. Hours of operation will occur seven days a week, approximately between 5:00 a.m. and 10:00 p.m. on weekdays, and 7:00 a.m. and 7:00 p.m. on weekends.

Adam Atamian, Deputy Community Development Director, narrated a PowerPoint Presentation entitled, "San Clemente Gym, CUP 22-078," dated October 5, 2022. A copy of the Presentation is on file in Planning Division.

John Openshaw, the applicant, has been in the community for 44 years. The original gym location was displaced by a flood in October 2021. He requested to be allowed to keep the gym open until 10:00 p.m. on weekdays; noted most members arriving at 5:00 a.m. arrive on bikes and/or golf carts.

Chair McKhann opened the public hearing.

Stanley Mave, resident, supports the gym but opposes the noise made by cars and/or motorbikes at 5:00 a.m.

Thomas Cook, resident, is also often awoken by motorbikes and loud cars in the morning, but supports the gym location. He asked if the gym operating hours could be adjusted so they do not open so early in the a.m. He also asked that the City consider enforcing the "No Overnight Parking" restrictions on the public streets in the area to open up parking for others.

Chair McKhann closed the public hearing.

Deputy Director Atamian advised that cars and motorbikes are present in the area, although not necessarily going to the gym. Discussion ensued regarding potential solutions, with the Commission, staff, applicant and public present concluding that delaying opening the parking lot of the gym, and directing early a.m. gym members to park on the street between 5:00 and 7:00 a.m. might alleviate the noise impacts for Mr. Mave and Mr. Cook’s households. Deputy Director Atamian offered to provide a verbal update to the Commission following 3 months of operation, with a written report at 6 months.

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER AND UNANIMOUSLY CARRIED 4-0-0 TO:

1. Determine the project is categorically Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution no. PC 22-022, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-078, FOR SAN CLEMENTE GYM TO ESTABLISH A NEW COMMERCIAL FITNESS FACILITY AT 1108 NORTH EL CAMINO REAL.”

Amended as follows:

Staff to add Condition of Approval 7.21 as follows: “All operations of the fitness facility shall only occur between 5:00 am and 10:00 pm on weekdays, and 7:00 am and 7:00 pm on weekends.”

Staff to add Condition of Approval 7.22 as follows: “To mitigate early a.m. noise impacts, the applicant will close the parking lot to full size cars and motorbikes on weekdays between 5:00 and 7:00 a.m. E-bikes and golf carts will be allowed.” Additionally, the above Condition of Approval will be modified to direct staff to provide a verbal report 3 months after the commencement of use on the status of the parking lot between 5:00 and 7:00 a.m. and a written report after 6 months.

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

9. NEW BUSINESS

None

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

- A. Tentative Future Agenda
- B. Staff Waiver Memo and Reports
Reports received and filed.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER PRESCOTT-LOEFFLER, SECONDED BY CHAIR MCKHANN AND UNANIMOUSLY CARRIED TO ADJOURN AT 11:00 P.M. TO THE NEXT REGULAR PLANNING COMMISSION MEETINGS TO BE HELD IN-PERSON ON OCTOBER 19, 2022, AT 6:00 P.M. AT THE SAN CLEMENTE CITY HALL COUNCIL CHAMBERS LOCATED AT 910 CALLE NEGOCIO, SAN CLEMENTE, CA, 92672, AND TELECONFERENCE AVAILABLE TO THE PUBLIC VIA LIVE STREAM FROM THE CITY'S YOUTUBE CHANNEL OR LIVE ON COX CHANNEL 854.

Respectfully submitted,

Scott McKhann, Chairman

Attest:

Adam Atamian, Deputy Community Development Director