

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
October 19, 2022 @ 6:00 p.m.
San Clemente Council Chambers
910 Calle Negocio, San Clemente, CA 92673
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 6:02 p.m. The meeting was offered in person at The City of San Clemente 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 Davis led the Pledge of Allegiance.

3. ROLL CALL

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

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

Staff Present: Cecilia Gallardo-Daly, Community Development Director
Adam Atamian, Deputy Community Development Director
Zachary Ponsen, Assistant City Engineer
Ryan Kim, Senior Traffic Engineer
Matthew Richardson, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

- A. Minutes from the Joint City Council/Planning Commission Joint Study Session of August 31, 2022.
- B. Minutes from the Regular Planning Commission Meeting of October 5, 2022.

IT WAS MOVED BY CHAIR MCKHANN, SECONDED BY COMMISSIONER CRANDELL AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES FROM THE AUGUST 31, 2022, JOINT CITY

COUNCIL/PLANNING COMMISSION STUDY SESSION AND THE OCTOBER 5, 2022, PLANNING COMMISSION REGULAR MEETINGS.

Amended as follows:

August 31, 2022, Joint Meeting Minutes:

Page 1, under “Call to Order” replace “Commissioner Crandell” with “Planning Commission Chair McKhann”

October 5, 2022, Regular Planning Commission Meeting Minutes:

Page 2, 3rd paragraph, replace ‘COMMISSIONER COSGROVE’ with “COMMISSIONER MCCAUGHAN” and replace “VICE CHAIR CRANDELL” with “COMMISSIONER CRANDELL”

Page 6, 5th paragraph, remove period and add to the end of the 1st bullet, “; Can make the findings for the Zoning Amendment and General Plan Amendment.”

11th paragraph, add to the end of the last bullet, “without the addition of any more concessions.”

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

A. 654 Camino De Los Mares – Senior Housing and Medical Office Development Agreement (Savage)

A request for a Development Agreement for 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), change the General Plan designation from RMF to CC at 654 Camino De Los Mares, and includes requests for shared parking an increase in floor area, and concession/incentive/waiver(s) pursuant to State Density Bonus Law. The proposed Development Agreement would stipulate that the applicant is required to obtain all necessary approvals and permits/entitlements to allow the general plan amendment, zoning amendment, subdivide the lot, and construct the proposed development.

Adam Atamian, Deputy Community Development Director, reviewed the staff report. Staff is recommending the Commission determine the project is categorically exempt from CEQA, and adopt the resolution approving the Development Agreement (DA).

Tom Leary, Senior Vice President of Memorial Care, noted the intent of having the DA on the Planning Commission agenda is so that it can be forwarded to City Council so that they can review all the submittals of the proposed project together. In response to questions from the Commission, he and Gary Sanders, the applicant's attorney, confirmed that there is no discussion of the proposed urgent care facility and just a brief mention of the medical office building in the DA; noted the DA before them is the original submittal with some details subsequently changed such as the percentage of low-income units; confirmed the owner of the project should appear as "Saddleback" in all owner mentions in the document; explained that the City's obligation to pay a 15K monthly maintenance fee as referenced in the DA is part of the settlement agreement between the parties after litigation, and has been waived by the applicant during this period of project planning for the site. In response to a reference to the "Pardee" case referenced in the DA, he explained that this refers to the public's ability to stop or amend the project by referendum or initiative once the City Council has approved the DA.

In response to questions, Matthew Richardson, Assistant City Attorney, described the DA negotiation process; advised the DA vests the project approval against subsequent City regulations, but does not vest the project approval against and subsequent changes in State regulations; commented that the 20-year life of the DA is common for these documents and noted that once the property owner has invested funds furthering the project, that vests the document; confirmed much of the language in the DA such as mention of the Hardee case, annual review provisions, extensions, disaster relief, etc., is boilerplate language common to most DA's.

Chair McKhann opened the public hearing.

Stewart Wilson, resident, speaking on behalf of the San Clemente Affordable Housing Coalition (SCAHC) supported the DA with revisions to reflect subsequent concessions, as the affordable senior housing, regular senior housing, and medical building are of great benefit to the community.

Thomas Miller, resident and Sea Pointe Estates homeowner, opposed the project due to its high density, inadequate parking, local traffic impacts, I5 Freeway congestion impacts, and negative impacts to emergency care for existing senior residents. The project will decrease the life style and quality of life for all City residents.

John Cebolla, Carpenters' Union representative, requested the City add language to encourage the developers to hire local union carpenters rather than those from outside the City to help with traffic congestion/travel time once

construction has commenced. Additionally, he requested the developer be required to provide training for a skill training workforce to help young people from San Clemente and surrounding cities get into trade schools/train for construction careers.

Chair McKhann closed the public hearing.

Commission Comments:

- Confirmed with staff that any “force majeure” that delayed the project would have to have a connection to the project in order to justify the delay.
- Suggested that in order for this project to be successful, each segment of the project should be separate and distinct from each other, allow for independent construction timelines, and provide the required parking for each stand-alone use.
- Commented that due to the Commission’s unanimous vote to deny the project at its last meeting, they would not feel comfortable approving the associated DA.
- Confirmed with staff that the proposed affordable housing units are deed restricted and although still part of the DA, stands apart from many of the provisions within the DA.
- Opposed the DA due to its many inconsistencies with the project including disregard of traffic impacts, access safety, inaccurate map; suggested the properties are large enough to accommodate the separate parking requirements unique to each use and should not have to rely on a shared parking agreement; expressed concern regarding the lack of any mention of the proposed urgent care facility.
- Expressed concern re approving a DA which has not been updated as to the latest concessions/negotiated terms.
- Confirmed that in order for the project to be vested without a DA, the developer would have to pull building permits and invest funds. The rules for vesting are set by the State of California.
- Commented that the City is not getting enough in exchange for providing a 20-year DA or other concessions it has made through the negotiation process; suggested a 3- or 5-year time period would be sufficient.
- Suggested that although the findings as listed could be made for the project, in general the DA was not in the best interests of the City.

IT WAS MOVED BY CHAIR MCKHANN, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER AND UNANIMOUSLY CARRIED TO:

1. **Deny** recommending that City Council adopt Resolution no. 22-023, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE THE DEVELOPMENT AGREEMENT FOR A REQUEST TO

DEVELOP A MIXED-USE PROJECT WITH 250 FOR-RENT SENIOR RESIDENTIAL UNITS AND A 7,5000 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.”

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

9. NEW BUSINESS

None

10. OLD BUSINESS

A. Consideration of Speed Cushions on Camino Faro (Ponsen/Kim)

A request to consider forwarding a recommendation to the City council to implement speed cushions on Camino Faro between Avenida Vista Hermosa and Calle Frontera.

Zachary Ponsen, Acting Deputy Public Works Director, and Ryan Kim, Senior Traffic Engineer, described the request. Staff is not recommending approval of the request because the proposal does not meet the minimum eligibility score to qualify for traffic calming treatments. Additionally, installation of speed cushions as requested is not advised due to the street grade, which deviates from industry standards and could render the City liable in the event an accident occurs. Staff has a limited budget; some of the options considered/suggested are cost prohibited at this time. Staff is recommending denial of the street cushions at this time and intends to meeting with residents and the Homeowners Association (HOA) representatives to discuss options to improve street safety.

Chair McKhann opened the public hearing.

Tatum Brittain, Adelynn Brittain, Chloe Brittain, Tracey Denney, Kari Kobayashi, Nancy Nowell, and Burt Sanden, residents, voiced their support. Summary of the comments provided in support include:

- Cars are parked on both sides of the curved street and the street is very busy due to its status as a collector street from the New Providence subdivision.
- Many outside of the area drivers use the street as a shortcut/alternative to traveling along Vista Hermosa/Calle Frontera in both east and west directions, using the street as a major thoroughfare instead of its intended use as a neighborhood collector.

- The New Providence neighborhood is made up of many families with young and school aged children out on scooters and bikes. Kids do not feel safe playing in their own neighborhoods due to the speed and volume of traffic.
- It is difficult and dangerous for residents to make left hand turns out of the surrounding streets to access Camino Faro due to the amount of traffic and speed of drivers.
- Visibility and line of sight is hampered due to the number of cars parked on the street. Residents are unable to park in front of their homes and use Camino Faro for overnight parking. Additionally, there is spillover parking from the nearby condominium complex.
- 82% of the residents signed the petition in support of speed cushions.
- Although there is liability for the City to install speed cushions when the street does not meet industry standards, there is also liability for the City if someone is seriously injured or killed due to the existing traffic conditions.
- The entire board of the New Providence HOA supports installing speed cushions; suggestion that if the traditional speed humps are not supported, a softer, smaller, less intrusive, etc., option should be considered.

Kevin Thomas, resident, opposed installing speed cushions to calm traffic as deviating from the industry standard does not only increase liability for the City, it renders the street more dangerous for both residents and drivers.

Chair McKhann closed the public hearing.

Commission Comments:

- Suggestion to consider converting the street to a one-way street and creating bike lanes to increase safety; consider restricting the parking to only one side of Camino Faro.
- Many kids ride their bikes to school and the popularity of E-bikes has increased bicycle traffic.
- Questioned why no overnight parking was allowed on the private residential streets.
- Although bot dots could be considered, they are noisy and require permission from homeowners for placement.
- Suggestion for staff to consider creating a Parking District to restrict out of neighborhood drivers from parking on Camino Faro.
- The Safe Routes to School Program can be studied to determine if solutions may be available through the Program.
- The situation does not meet criteria for speed cushions, but the traffic, parking, sight distance and safety conditions are there and need to be addressed. Additional solutions might be speed enforcement, creation of a Parking District, etc.

- Denial of the request is necessary due to existing road and traffic conditions, but staff should continue exploring options, as well as working with residents and the New Providence HOA to come up with solutions.

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

1. **Deny** the public's request for the use of speed cushions on Camino Faro since the street does not satisfy the installation criteria per the City Speed Hump/Cushion Policy and the City Traffic Calming Policy, and:
2. Direct staff to work with the residents and New Providence HOA to consider any or all options to calm traffic, as well as any Safe Routes to School Program potential solutions.
3. Direct staff to come back to the Planning Commission within 2 months with an update on the alternative solutions/options being researched.

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

11. REPORTS OF COMMISSIONERS AND STAFF

A. Tentative Future Agenda

Deputy Director Atamian announced the City's Housing Element has been approved by the State's Housing and Community Development Department and noted the related zoning updates will be presented for Planning Commission consideration and action at its meeting of November 2, 2022; announced at the last City Council meeting, the West Pico Specific Plan was approved, including approval of the zoning change for the three through lots. The City's new Senior Planner will start on November 1st; the newly created management position will oversee the current planning section of the Planning Division; the new Code Compliance Officer will also start on November 1st. He suggested the Design Review Subcommittee consider rescheduling/canceling its meeting scheduled for November 23 as it falls the day before Thanksgiving. In response to a question, he agreed to research Building Inspector positions and report back.

Reports received and filed.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER PRESCOTT-LOEFFLER, SECONDED BY COMMISSIONER MCCAUGHAN AND UNANIMOUSLY CARRIED TO ADJOURN AT 8:50 P.M. TO THE NEXT REGULAR PLANNING COMMISSION MEETINGS TO BE HELD IN-PERSON ON NOVEMBER 2, 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

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