

These minutes will be considered for approval at the Planning Commission meeting of 04-19-2023.

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
March 22, 2023 @ 6:00 p.m.
San Clemente City Hall 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 6:01 p.m. The meeting was offered in person at San Clemente City Hall Council Chambers, 910 Calle Negocio, San Clemente, California, 92673, and also via live stream from the City's YouTube Channel or live on Cox Channel 854.

2. PLEDGE OF ALLEGIANCE

Commissioner Crandell led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Barton Crandell, Gary P. McCaughan, M.D., Vice Chair Cameron Cosgrove, Chair Scott McKhann

Commissioners Absent: Brent Davis, Karen Prescott-Loeffler, Chair pro tem M. Steven Camp

Staff Present: Jonathan Lightfoot, Economic Development Officer, (Acting Secretary of the Planning Commission)
Cecilia Gallardo-Daly, Community Development Director
John Ciampa, Contract Planner
Christopher Wright, Associate Planner II
Ryan Stayer, Deputy City Attorney

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

A. Minutes from the Regular Planning Commission Meeting of March 8, 2023.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY COMMISSIONER CRANDELL AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES FROM THE MARCH 8, 2023, PLANNING COMMISSION REGULAR MEETING AS SUBMITTED.

6. ORAL AND WRITTEN COMMUNICATION

George Gregory, resident, detailed problems he’s encountered over the years while trying to develop a vacant lot; requested advice on how to proceed with his plans.

Acting Secretary Lightfoot advised Mr. Gregory to visit the Planning Division counter for help moving forward.

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

A. 1351 Calle Avenzado, Conditional Use Permit 22-085 and Minor Conditional Use Permit 23-070, South Hills Community Church and Shared Parking

A request for a change of use within an existing two-story commercial building in the Talega Business Park converting the second-floor office space to a church use. The project also includes shared parking with the childcare center use on the first floor.

John Ciampa, Contract Planner, narrated a Power Point Presentation entitled, South Hills Community Church, CUP 22-085 and MCUP 23-070, dated March 22, 2023. A copy of the Presentation is on file in Planning Division.

James Valencia, South Hills Community Church Pastor, thanked staff for their assistance and support; stated he is anxious to begin serving the community.

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

IT WAS MOVED BY COMMISSIONER CRANDELL SECONDED BY VICE CHAIR COSGROVE AND UNANIMOUSLY CARRIED TO:

- 1) Determine the Project is Categorically Exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and;
- 2) Adopt Resolution no. PC 23-004, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-085 AND MINOR CONDITIONAL USE PERMIT 23-070, SOUTH HILLS COMMUNITY CHURCH, TO ALLOW A CHURCH USE IN AN EXISTING COMMERCIAL

BUILDING AND SHARED PARKING AGREEMENT LOCATED AT 1351 CALLE AVENZADO.

Amended as follows:

Add Condition No. 7.8 as follows: “All doors and windows to remain closed during religious services and events.”

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

B. Zoning Amendment 22-366 – Zoning Permit Streamlining

A request to consider a City-initiated amendment to Title 17 (Zoning) of the San Clemente Municipal Code to:

A. Clarify planning permit review procedures to facilitate staff implementation and promote public understanding;

B. Consolidate planning applications, making it easier for the public to understand which zoning permits are required and to submit applications, and reduce staff time on report writing, which allows the reallocation of those resources to other City priorities and review of other project applications. These amendments preserve findings for project consistency with planning documents, such as the General Plan, Zoning Ordinance, and Design Guidelines, use compatibility, quality design, historic preservations, and other planning issues. Therefore, the amendments maintain a focus on ensuring projects implement community goals and policies for quality of life;

C. Update the staff-level approval process for minor architectural changes. Currently the Zoning Code has a “staff waiver” application that functions as a permit rather than a waiver. There are approval findings, an ability to add conditions, and types of eligible projects, including a broad category: “Other minor projects that do not substantially alter the visual appearance and/or architectural integrity of the property or structure.” The proposed Ordinance replaces the staff waiver application with an “Administrative Development Permit” that:

- 1) Replace criteria for review of administrative applications. Currently, there are required findings that would be replaced with objective general and project-specific standards, (e.g., projects that won’t affect character-defining features of historic structures, such as a privacy fence constructed of certain materials). The general standards address design issues, such as architectural style, materials, colors, massing, scale, and historic considerations. The project-specific standards are additional objective criteria for eligible projects, such as types of windows that are minor for staff approval;

2) List types of eligible projects for staff approval that meet general and project standards. The existing broad category for eligible projects would be removed with a list of specific set of projects staff has authority to act upon. This makes the administrative process more objective. The projects that don't meet eligibility criteria would require a public hearing. Also, the City Planner would continue to have the authority to refer applications to a public hearing if finding a proposal has potential for significant public concern or impacts; and

3) Record of staff approvals would be included in City Council packets for transparency and public oversight of staff decisions. Currently, staff waiver decisions are reported to the Planning Commission in their agenda packet and the City Council reviews the minutes at the follow-up hearing with review of Planning Commission minutes.

D. Streamline the level of review required to approve several project types, while maintaining public minutes of decisions and appeal procedures, when experience has shown the project have not had issues of significant public concerns or impacts to prompt a higher level of public review. The proposed streamlining is described in Attachment 2 of the administrative staff report. The streamlining includes: 1) reducing the level of hearing required, such as changing the review authority for a project type from a Planning Commission decision to Zoning Administrator Review; and 2) in three limited instances, the proposed amendments change the decision process from a discretionary public hearing decision to a staff level ministerial process with required approval of an Administrative Development Permit.

Christopher Wright, Associate Planner II, narrated a PowerPoint Presentation entitled, "Zoning Permit Streamlining, ZA 22-36," dated March 22, 2023. A copy of the Presentation is on file in Planning Division.

Chair McKhann opened the public hearing.

Don Brown, former Planning Commissioner, opined that most of the existing time delays, which led to direction from the City Council that staff streamline the permit process, are caused by administrative delays out of the Commission's control. On the Planning Division end, the previous permit streamlining exercise has reduced time delays. Existing time delays occur either outside of the Commission control, due to a lack of trained employees, and/or lack of coordination between the departments. The Commission needs to continue its oversight in order to guide the City's growth in accordance with the General Plan.

Larry Culbertson, San Clemente Historical Club President, opposed the majority of the proposed streamlining revisions because they are unnecessary and could lead to disastrous results. The level of specificity and discretionary review are needed for guided growth; applicants and residents alike benefit when a panel of

experts review projects; buffers for historic structures are important for preservation and recent history has shown that insufficient review can result in far-reaching negative impacts. He noted that Wayne Eggleston, former Planning Commissioner and City Councilmember, shares his views but was unable to attend tonight's meeting due to illness.

George Gregory, resident, commented on difficulties he's faced during Planning and Engineering review; noted damage to a historic building near his property as a result of chronic homelessness; encouraged streamlining of minor projects.

Chair McKhann closed the public hearing.

Discussion ensued regarding the proposed revisions as presented in the Summary of Proposed Permit Streamlining Items, dated March 22, 2023, as well as the corresponding red-lined and draft copies saved from the last meeting. Planner Wright responded to questions, provided clarifications and revised language when warranted and advised the changes should be ready for review at the Commission's Regular Meeting of April 19, 2023.

Comments/Suggestions:

- Agreed with speaker Don Brown that many of the delays are outside Planning Division staff or Planning Commission control.
- Suggested thorough review of how/when project roadblocks/delays have occurred in the past in order to specify the exact reasons why the project did not proceed in a timely manner, and make recommendations for changes according to the facts discovered; proposed a future "phase 2" of streamlining, to include meetings with architects who routinely submit projects to clarify where/when the roadblocks occur.
- Recounted a recent Design Review Subcommittee (DRSC) meeting where a "minor remodel" was reviewed. DRSC review revealed the project had been mischaracterized as "minor". The difference between a "minor" and "major" remodel must be carefully and thoroughly delineated.
- When streamlining projects results in Planning Commission/staff loss of control and oversight, the result will be loss of City legacy, charm and quality of life for its residents. The existing process has played an essential role in guiding development to its current status as a city well known for its charm, historical preservation and enduring legacy.
- Commended Planner Wright for his knowledge, ethical standards and longevity with the City as he is an asset to both the Planning Division and Planning Commission; commented the City needs a specialized historic planner on staff to continue its legacy as preserved historical enclave;

suggested the recent misclassified project undergoing review greatly emphasized the importance of the DRSC and Planning Commission providing oversight for new and/or inexperienced planners.

- Expressed a desire to meet with the City Manager to encourage additional staffing resources.
- Commented that the new standards are being proposed in lieu of maintaining/increasing funds and budget for the Planning Division;
- Opined that many project delays/roadblocks are due to lack of communication and/or cooperation between departments.
- Suggested implementation of applicant advocates or ombudsmen to help applicants navigate the system.
- Supported retaining the 300 feet separation of projects from historic resources.
- Established that Planning Division staff undergoes historic structure training and that staff has the Secretary of the Interior standards for guidance.
- Suggested that the City Planner or Zoning Administrator should be involved in minor or major classification decisions.
- Reviewed the “Summary of Proposed Zoning Permit Streamlining Items” (Attachment 2 of the staff report), focusing on items 11-17 which were not reviewed during the March 8, 2023 public hearing.
- Suggested revisions including maintaining the existing 300-foot distance from historic properties standard currently in use;
- For the proposed Administrative Development Permit, which would replace the Staff Waiver, the Commission recommended several changes, including:
 - Requiring canvas for awnings on historic structures, but allowing flexibility of materials on properties that are not historic or in the Architectural (A) Overlay;
 - Supported staff approval of certain improvements if adequately screened from the street;
 - Agreed that landscape changes hidden from public view can be considered minor and that tree removals that meet certain criteria should be exempt from a zoning permit, such as trees that are unhealthy or destructive to surrounding property

- Recommended standard language for roof tiles, stucco treatment, and window types should be specific to historic structures and those located in Architectural Overlay;
 - Noted that porches are referenced in two separate sections of the standards;
 - Supported staff’s proposal to develop a City color palette for exterior colors of historic/Spanish architecture buildings.
 - Recommended including the table version of the City’s Window Policy in the Amendment.
- The Commission supported the staff recommendations on items 13-17, including removing the requirement for a Minor Conditional Use Permit to allow beer and wine service at restaurants and accessory to other limited uses; and supported review of shared parking, off-site parking, and Discretionary Parking Permits by the Zoning Administrator instead of the Planning Commission.

IT WAS MOVED BY CHAIR MCKHANN, SECONDED BY VICE CHAIR COSGROVE AND UNANIMOUSLY CARRIED TO CONTINUE ZONING AMENDMENT 22-366, ZONING PERMIT STREAMLINING, TO THE MEETING OF APRIL 19, 2023.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

9. NEW BUSINESS

None

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

A. Tentative Future Agenda

Reports received and filed.

Chair McKhann thanked his fellow Commissioners for attending the meeting and being engaged with its topic; requested staff review other areas of Planning that are frustrating the public and alert the Planning Commission to affect change.

Acting Secretary Lightfoot requested those interested in attending the upcoming Planning Commissioners Academy to advise staff if they would like to be registered for all or part of the conference.

12. ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE COMMISSION, CHAIR MCKHANN ADJOURNED THE MEETING AT 10:18 P.M. TO THE NEXT REGULAR PLANNING COMMISSION MEETINGS TO BE HELD IN-PERSON ON APRIL 19, 2023, 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:

Jonathan Lightfoot, Acting Secretary of the Planning Commission

DRAFT