

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
June 7, 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 6:00 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.

2. PLEDGE OF ALLEGIANCE

Chair pro tem Camp led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Barton Crandell, Brent Davis, Gary P. McCaughan, M.D., Karen Prescott-Loeffler; Chair pro tem M. Steven Camp, Vice Chair Cameron Cosgrove, Chair Scott McKhann

Commissioners Absent: None

Staff Present: Adam Atamian, Deputy Community Development Director
Jonathan Lightfoot, Economic Development Officer
Laura Coury, Assistant Planner
Christopher Wright, Associate Planner II
Ryan Kim, Senior Civil/Traffic Engineer
Gena Burns, Deputy City Attorney

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

A. Minutes from the Regular Planning Commission Meeting of May 17, 2023.

IT WAS MOVED BY COMMISSIONER PRESCOTT-LOEFFLER, SECONDED BY CHAIR PRO TEM CAMP, AND CARRIED 5-0-2, WITH COMMISSIONER DAVIS AND COMMISSIONER MCCAUGHAN ABSTAINING, TO RECEIVE AND FILE

THE MINUTES FROM THE MAY 17, 2023, PLANNING COMMISSION REGULAR MEETING AS SUBMITTED.

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

A. Parking Modification South El Camino Real - Avenida San Luis Rey

Should the Planning Commission forward to City Council a recommendation to modify parking restrictions on South El Camino Real and Avenida San Luis Rey?

The Commissioners pulled this item from the Consent Calendar to allow for public comment.

Ryan Kim, Senior Civil Engineer-Traffic, reviewed the proposed parking modifications through a PowerPoint presentation with location maps. He clarified the intent of the new signage and curb color changes is to clearly define permitted parking areas for both residents and visitors to the nearby business and park.

Chair McKhann invited the public to provide comment.

John Anderson, resident, stated the amount of parking available is inadequate for the traffic generated by the Primo Restaurant/Market; questioned why the restaurant use is allowed when it is not required to provide its own parking; commented on the heavy traffic, leading to dangerous conditions for pedestrians, bicyclists, and motorists during lunch/dinner hours; suggested additional traffic modifications, such as reduced speed limit, were warranted.

Chair McKhann read aloud emails from Mike Paquette, resident, and Stan and Sheri Schrofer, residents, in support of the proposed modifications to increase safety and clearly define parking/no parking areas for the benefit of residents living nearby.

Chair McKhann closed the public comment period.

Senior Civil Engineer - Kim and Deputy Director Atamian provided information on the project. The subject property is primarily a market, but provides prepared food to go similar to a deli counter at a grocery store. The property was developed as a commercial use with no off-street parking, so the replacement of a general commercial use is allowed to continue without providing parking. Potential additional modifications/actions were suggested, such as Code Enforcement review, increased traffic enforcement, and parking meter installations.

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

- 1) Recommend that City Council determine the project is categorically exempt from the requirements of the CEQA pursuant to CEQA Guidelines Sections 15306 (Class 6, Information Collection) and 15301.k (Class 1, Existing Facilities) of the State CEQA Guidelines; and
2. Forward a recommendation of approval to the City Council for the proposed parking modifications as follows:
 - a) Reduce the red curb to 50 feet on the east side of South El Camino Real south of Avenida San Luis Rey.
 - b) Install a 60-foot green curb with a 20-minute parking limit from 9:00 a.m. to 7:00 p.m. daily south of the above red curb along South El Camino Real.
 - c) Reduce the parking duration from 24 minutes to 20 minutes between 9:00 a.m. and 7:00 p.m. daily on the south side of Avenida San Luis Rey next to Primo Foods.
 - d) Install an 80-foot green curb on the south side of Avenida San Luis Rey between the 6-foot red curb and the alley.
 - e) Install a 40-foot red curb at the northeast corner of Calle Del Comercio and Avenida San Luis Rey.

Modified as follows:

The Commission requested staff meet with Traffic Enforcement to discuss potential for additional modifications to increase safety and encourage compliance.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

8. PUBLIC HEARING

A. Conditional Use Permit 23-063, EOS Fitness, 93 Via Pico Plaza, Suite A

A request to establish and operate an approximately 30,000 square foot full-service fitness center (including locker room facilities and childcare) in an existing commercial space within the Pico Plaza shopping center. The site is zoned Community Commercial 2 (CC2) within the West Pico Corridor Specific Plan and Professional Business overlay.

Jonathan Lightfoot, Economic Development Officer, narrated a PowerPoint Presentation entitled, "EOS Fitness, 93 Via Pico Plaza, CUP 23-063," dated June 7, 2023. A copy of the Presentation is on file in Planning Division.

Chair McKhann opened the Public Hearing.

Mark Stoner, representing EOS Fitness, advised they are amenable to work with staff and look at the number of driveways in and out of the center to ensure traffic safety; noted the proposed childcare center may be eliminated depending on space constraints. The facility will be open 7-days a week, 24-hours a day. Traffic to the site is pretty steady all day, with peaks in a.m. and p.m. periods. The facility will be staffed with 1 or 2 staff members at all times. The main purpose of the gym is for strength training, with no basketball courts or spin rooms included.

Bob Pohlman, representing Sevan Solutions on behalf of the applicant team, advised that traffic for a typical quick service restaurant (QSR) is 100 to 160 trips per hour; noted traffic for EOS Gym is typically 1200 trips over 24 hours, or 50 trips per hour.

Chair McKhann closed the Public Hearing.

Discussion ensued regarding potential traffic impacts to the four access points into the shopping center from Via Pico Plaza, which are located very close to one another. The primary expressed concern was in regards to customers leaving In-n-Out and turning left onto Via Pico Plaza, safely crossing two lanes of traffic. Senior Civil/Traffic Engineer Ryan Kim noted that the City has not had to make any changes to the traffic signal timing at Avenida Pico and Via Pico Plaza since the opening of the In-n-Out restaurant. Potential solutions include traffic light timing modifications, driveway modification to one-way traffic only and/or solutions in the right of way that may be recommended within a trip generation / level of service study. Deputy Director Atamian noted that potential impacts to off-site traffic had been reviewed during the project's DMT review and conditions of approval related to traffic submitted accordingly. The Commission elected to add a condition of approval to require that the applicant submit a trip generation / level of service study for the shopping center with focus specifically on the four entry/exit points to be reviewed and approved by the City Engineer prior to issuance of building permits.

FIRST MOTION:

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER TO:

- 1) Determine the project is categorically exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities, 14 CCR § 15301); and
- 2) Adopt Resolution no. PC 23-009, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 23-063, EOS FITNESS, A REQUEST TO ESTABLISH AND OPERATE AN APPROXIMATELY 30,000 SQUARE FOOT FULL-SERVICE FITNESS CENTER (INCLUDING LOCKER ROOM FACILITIES

AND CHILDCARE) IN EXISTING COMMERCIAL SPACE AT 93 VIA PICO PLAZA WITHIN THE PICO PLAZA SHOPPING CENTER IN THE COMMUNITY COMMERCIAL 2 ZONE (CC2) WITHIN HE WEST PICO CORRIDOR SPECIFIC PLAN AND PROFESSIONAL BUSINESS OVERLAY, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15301 (CLASS 1: EXISTING FACILITIES, 14 CCR § 15301)”

Amended as follows:

Staff to add the following condition of approval, required prior to issuance of the building permits:

COA 4.2: The applicant shall provide a traffic trip generation study accounting for the proposed fitness use and in consultation with the In and Out traffic analysis, to demonstrate that the resulting levels of service on Via Pico Plaza are maintained at an adequate level. If the City Engineer determines that the level of service is degraded, the applicant shall follow traffic consultant and City Engineer recommendations to improve traffic management on Via Pico Plaza.

SECOND MOTION:

IT WAS MOVED BY CHAIR MCKHANN, SECONDED BY COMMISSIONER MCCAUGHAN TO:

Determine the project is categorically exempt from CEQA and adopt Resolution no. PC 23-009 as stated in the staff report and copied above, without the amendment recommended in the first motion.

SECOND MOTION failed on a 2-5-0 vote, with Chair McKhann and Commissioner McCaughan in favor and Commissioner Prescott-Loeffler, Commissioner Davis, Commissioner Crandell, Chair pro tem Camp and Vice Chair Cosgrove opposed.

FIRST MOTION was approved on a 6-1-0 vote, with Commissioner McCaughan, Commissioner Prescott-Loeffler, Commissioner Davis, Commissioner Crandell, Chair pro tem Camp and Vice Chair Cosgrove in favor, and Chair McKhann opposed.

It was stated for the record that the Planning Commission’s action on this project may be appealed within ten days of its decision.

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

B. Conditional Use Permit 22-398, Togethershship Holistic Sports Academy, 1010 Calle Sombra

A request to establish and operate a private middle school for grades 6-8, with a maximum enrollment of 160 students. The school will have an emphasis on academic and athletic education with facilities including 6 classrooms, a basketball court, weight training room, student lounge, homework areas, outdoor area with tables, teacher lounge, work room, conference room, and administrative offices. The existing site is a two-story office/warehouse building, zoned Business Park (BP) within the Rancho San Clemente Specific Plan.

Laura Coury, Assistant Planner, narrated a PowerPoint Presentation entitled, "Togethershship Holistic Sports Academy, CUP 22-398," dated June 7, 2023. A copy of the Presentation is on file in Planning Division.

Chair McKhann opened the public hearing.

Devin Quinn, the applicant and business owner, described the Academy's operation and goal to use sport to create good human beings. Although there are many kids attending the Academy from San Clemente and other parts of South Orange County, the school also draws many kids from outside of the immediate area as well. Because being a good neighbor is part of the Academy's philosophy, they will do whatever is necessary to address any traffic/parking issues, and hold parents accountable to the parking/traffic/discipline direction provided. He announced that Doug Ely, Architect, was on hand to answer any questions they may have.

Jonathan Louie, Traffic Engineer for the project, displayed and reviewed the project site plan, pointing out parking zones, building floor plans and traffic patterns, as well as explaining strategies to address potential traffic issues such as staggering start times, train/car pool plans, and parking space direction to parents. He noted intersections will remain at acceptable "Level of Service" (LOS) levels and vegetation adjacent to the roads will be properly maintained to avoid line of sight issues.

Kerry Husbands, resident and head Basketball Coach, recounted the experience her two children experienced at the Academy; noted its function as a feeder into San Clemente High School's sports programs.

Kirby Ellis, parent of child enrolled at the Academy, described his experience during pick up/drop off at the existing location in the City of Lake Forest. He praised the Academy for its excellent academics, sports, fitness training, and nutritional guidance.

Randy Reynard, President of the Bernard Corporation located next door to the Academy site, endorsed the proposed use and cautioned about the potential danger of the nearby intersection if traffic circulation is not handled properly.

Chair McKhann closed the public hearing.

IT WAS MOVED BY VICE CHAIR COSGROVE, SECONDED BY COMMISSIONER CRANDELL 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 23-010, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-398, TOGETHERSHIP HOLISTIC SPORTS ACADEMY TO ESTABLISH A NEW PRIVATE MIDDLE SCHOOL (GRADES 6-8) AT 1010 CALLE SOMBRA AND FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SECTION 15301 OF THE CEQA GUIDELINES (14 CCR § 15301, Class 1: Existing Facilities)."

It was stated for the record that the Planning Commission's action on this project may be appealed within ten days of its decision.

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

The Commission recessed for a ten-minute break and reconvened at 9:40 p.m.

C. 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:

1. Clarify planning permit review procedures to facilitate staff implementation and promote public understanding;
2. 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 preservation, and other planning issues. Therefore, the amendments maintain a focus on ensuring projects implement community goals and policies for quality of a life;

3. Update the staff-level approval process for minor architectural changes. Currently, the Zoning Code has a “staff waiver” application that functions as a permit 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:
 - a. 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;
 - b. 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 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
 - c. 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.
4. Streamline the level of review required to approval several project types, while maintaining public minutes of decisions and appeal procedures, when experience has shown the projects 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.

Staff recommends that the amendments not be considered a “project” as defined by the State CEQA Guidelines Sections 15378(b)(2) and 15378(b)(5), because the revisions relate to the ongoing administrative activities and organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore do not constitute a “project” as defined by the State CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.). In the alternative, staff recommends that the amendments be found exempt from the California Environmental Quality Act (“CEQA”) under State CEQA Guidelines section 15061(b)(3) on the basis that there is no possibility that the activity in question may have a significant effect on the environment. The amendments clarify the application review process and streamline several procedures. The proposed changes do not change land use designations or increase the type, density, or land use impacts of potential development.

Christopher Wright, Associate Planner II, narrated a PowerPoint Presentation entitled, “Zoning Permit Streamlining, ZA 22-366,” dated June 7, 2023. A copy of the Presentation is on file in Planning Division.

Chair McKhann opened the public hearing.

Deputy Director Atamian read aloud a letter from Larry Culbertson, President of the San Clemente Historical Society, opposed to the Amendment as it will be less protection for certain historic resources and the neighborhoods around them.

Chair McKhann closed the public hearing.

The Commission reviewed certain portions of the proposed Amendment, and suggested clarifications/modifications to be included for City Council consideration. Of particular note, the Commission discussed story pole direction under Section 3, 17.12.040 (Page D-7) and suggested staff revise the text to improve the information flow, including incorporating E.1. into E. Supplemental Information; replacing “is required” with “may be required”, and renumbering the order of the listed items for clarification.

IT WAS MOVED BY VICE CHAIR COSGROVE, SECONDED BY COMMISSIONER MCCAUGHAN TO:

- 1) Recommend City Council determine the amendments are not subject to CEQA because they do not constitute a “project” as defined by the State CEQA Guidelines; and
- 2) Adopt Resolution no. PC 23-003, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE ZONING AMENDMENT 22-366 AMENDING CERTAIN SECTIONS AND

TABLES OF TITLE 17 (ZONING) OF THE SAN CLEMENTE MUNICIPAL CODE; TO CLARIFY, STREAMLINE, AND CONSOLIDATE PERMIT PROCEDURES, WHILE MAINTAINING ADEQUATE REVIEW OF PROPOSALS THAT ARE REGULARLY WITHOUT SIGNIFICANT IMPACTS AND PUBLIC CONCERNS; AND FINDING THIS ACTION DOES NOT QUALIFY AS A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), OR IN THE ALTERNATIVE, IS CATEGORICALLY EXEMPT UNDER STATE CEQA GUIDELINES SECTION 15061(B)(3).”

Recommended revision as follows:

- 1) Add mention of the Cultural Heritage Subcommittee (CHSC) in Section 17.12.060 after Design Review Subcommittee and add a footnote after 17.12.060(A) that mentions advisory subcommittee review may also be required as part of the process; and
- 2) Recommend City Council delegate to the Planning Commission appeal authority of Zoning Administrator decisions, and lower the appeal fee to \$100 (one-hundred dollars).
- 3) In table 17.16.110, page D-58, Item C.2., add to the end of that sentence, “and meets zoning standards.”
- 4) Delegate to staff the request to reword the story pole section to reflect the Commission’s conversation.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL.]

9. NEW BUSINESS

Commissioner Crandell announced that he, Commissioner McCaughan, and Vice Chair Cosgrove had been reappointed to the Commission and congratulated his fellow Commissioners for their service; suggested the Commission request City Council welcome a member of the Commission to be in attendance at City Council meetings where Planning Commission recommendations are discussed to answer questions, explain reasoning and represent the Commission for Council’s deliberations. Deputy Director Atamian agreed to research and report back.

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

A. Tentative Future Agenda

B. Staff Waivers

Deputy Director Atamian announced that the Commission’s next meeting will start at 5:00 p.m. with a Study Session on the Secretary of the Interior Standards; meeting in the near future to include selection of Commission officers and DRSC members; requested Commissioners reach out to staff with questions and input regarding policy in place in the event an extended absence from Commission meetings is necessary.

Reports received and filed.

12. ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE COMMISSION, IT WAS MOVED BY CHAIR MCKHANN, SECONDED BY VICE CHAIR COSGROVE, AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 10:17 P.M. TO THE NEXT REGULAR PLANNING COMMISSION MEETINGS TO BE HELD IN-PERSON ON JUNE 21, 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.

Respectfully submitted,

Scott McKhann, Chairman

Attest:

Adam Atamian, Deputy Community Development Director