

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
June 21, 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 6:20 p.m. He apologized for the late meeting start due to the Study Session running overtime. 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 Prescott Loeffler 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
Chris Johnson, Senior Planner
Gena Burns, Deputy City Attorney

4. SPECIAL ORDERS OF BUSINESS

None

5. MINUTES

A. Minutes from the Regular Planning Commission Meeting of June 7, 2023.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES FROM THE JUNE 7, 2023, PLANNING COMMISSION REGULAR MEETING.

The Commissioners requested staff revise page 10, New Business, to accurately reflect the comments.

Page 10, under “9. New Business” replace with the following: “Commissioner Crandell recognized fellow Commissioner Camp and other community members for volunteering to serve on the open City Council seat; announced that he, Commissioner Camp, and Commissioner Davis had been reappointed; thanked his fellow Commissioners for their service. Additionally, he suggested the Commission request City Council welcome a member of the Commissioner 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.”

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

A. Conditional Use Permit 22-370 and Minor Cultural Heritage Permit 23-116, Drift Distillery & Kitchen, 115 S. El Camino Real

A request to allow a restaurant, distillery tasting room with on-site light manufacturing of hard alcohol, with indoor amplified live entertainment at 115 S. El Camino Real. The restaurant will occupy existing commercial floor area, and the project will include minor exterior aesthetic alterations, such as increased landscaping, an attached pergola, and screening of rooftop equipment.

Chair McKhann opened the Public Hearing.

Commissioner Crandell reported he had received a public communication concerning amplified music; Vice Chair Cosgrove also reported a communication regarding amplified music, that he had conducted a site visit, engaged in conversations with adjacent business, and shared his concerns with staff; Commissioner Prescott-Loeffler reported visting the site.*

Chris Johnson, Senior Planner, narrated a PowerPoint Presentation entitled, “Drift Distillery & Kitchen, CUP 22-370, MCHP 23-116,” dated June 21, 2023. A copy of the Presentation is on file in the Planning Division.

In response to questions, staff responded regarding the updated site/project floor plans in the packet, amplified music proposal, parking plans and open air/outdoor seating and other modifications made by the applicant in response to DRSC and Planning staff comments.

Ryan Winter, applicant, described the proposed project; clarified the type of amplified sound, which is intended to provide ambient music only and would be appropriately placed. The applicant also described the occasional type of special events anticipated. For example, renting the restaurant for a wedding or similar event that would be closed to the public. No DJ's are proposed and the applicant noted they would not be selling tickets for special events. It was noted that if this is proposed at some point a separate special activity permit would be required. The applicant noted he would prefer to be allowed to continue providing the live amplified sound until 11:00 p.m., but is willing to cease providing live amplified sound at 10:00 p.m. to allow the application to move forward. It was also noted that the outdoor patio area should have security shades to prevent people from accessing the area after hours. Commissioner Cosgrove brought to the applicants attention MRK Public, a business located at 1402 S El Camino Real as an example.

Chair McKhann closed the public hearing.

During the ensuing discussion, the Commissioners, either individually or in agreement, provided the following commentary:

- Because the sound/music proposal is conditioned to be consistent and controlled and involves purchase of a sophisticated system to provide speakers throughout, it is unlikely to be problematic for adjacent residents/businesses and less likely to be abused. Because the subject use is located in a Mixed-Use Zone, which is likely to become increasingly denser due to the demand for housing, ceasing the live amplified sound at 10:00 p.m., while allowing the restaurant to remain open until 11:00 p.m. is appropriate for the Zone; suggested the Zoning Code be amended to make 10:00 p.m. live amplified sound cut-off standard for Mixed-Use Zones.
- Cautioned that the approval will run with the property and may be used differently by other tenants.
- Thanked the applicant for working with staff and the Design Review Subcommittee to improve plans to ensure compatibility with the area.
- Suggested it is punitive to require the cessation of live amplified sound at the subject property, while allowing the other bars/restaurants nearby the ability to have amplified sound past 10:00 p.m.; suggested the live music operation be allowed until the restaurant closes at 11:00 p.m.

IT WAS MOVED BY CHAIR PRO TEM CAMP, SECONDED BY COMMISSIONER CRANDELL 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);
2. Adopt Resolution no. PC 23-011, entitled, "A RESOLUTION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-370 AND MINOR CULTURAL HERITAGE PERMIT 23-116, DRIFT DISTILLERY & KITCHEN, A REQUEST TO ALLOW A RESTAURANT, DISTILLERY TASTING ROOM AND ON-SITE LIGHT MANUFACTURING OF HARD ALCOHOL, WITH AMPLIFIED LIVE ENTERTAINMENT AT 115 S. EL CAMINO REAL AND FINDING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER SECTION 15301 OF THE CEQA GUIDELINES (14 CCR§ 15301, CLASS 1: EXISTING FACILITIES)."

Amended as follows:

Staff to include a condition of approval requiring the applicant cease providing live amplified music at 10:00 p.m. nightly.

It was stated for the record that the Planning Commission's action on this project may be appealed within 10 days of its decision. Furthermore, because City Council has canceled its July 4, 2023, meeting due to the holiday, the City Council's appeal window is extended until City Council's next meeting on July 18, 2023.

[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 Waivers

Reports received and filed.

12. ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE COMMISSION, CHAIR MCKHANN ADJOURNED THE MEETING AT 7:55 P.M. TO THE NEXT REGULAR PLANNING COMMISSION MEETINGS TO BE HELD IN-PERSON ON JULY 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:

Adam Atamian, Deputy Community Development Director

DRAFT