

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
December 4, 2013 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

1. CALL TO ORDER

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:10 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Wayne Eggleston, Michael Kaupp, Jim Ruehlin and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Amber Gregg, Associate Planner
John Ciampa, Associate Planner
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

4. SPECIAL ORDERS OF BUSINESS- None

5. MINUTES

A. Minutes from the Joint City Council/Commissions/Committees Meeting of October 22, 2013

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY CHAIR PRO TEM CRANDELL, AND CARRIED 6-0-1, WITH VICE CHAIR BROWN ABSTAINING, to receive and file the minutes of the Joint City Council/Commissions/Committees Meeting of October 22, 2013, as submitted by staff.

B. Minutes from the Planning Commission Regular Study Session of November 20, 2013

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of November 20, 2013, as submitted by staff.

C. Minutes from the Planning Commission Regular Meeting of November 20, 2013

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER WARD, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of November 20, 2013, with the following revisions:

Page 8, 2nd paragraph from the bottom of the page, replace with the following: "Regarding the CHP, Chair Darden was supportive and thanked the applicant for his openness to DRSC input and felt the project would add to the streetscape. Regarding the CUP, she felt the project met the findings and had met the parking requirements because it was grandfathered, and therefore she supported it. She acknowledged that it was difficult to support a project when you knew that it would not have adequate parking but met the parking requirements by right. She appreciated the applicant's business model and his intent to create a lower demand on parking and thought this was a good experiment in reducing demand through a novel approach to circulation. She agreed that parking should be reviewed in 12 months. She understood that the intent of grandfathering parking but, as stated earlier in the study session discussion of downtown parking, she felt that the Planning Commission should study this policy and its effects. She asked for a condition that prohibited hanging towels or other items over the balcony rails."

Page 8, last paragraph, replace "Vice Chairman Brown" with "Commissioner Ruehlin"

6. ORAL AND WRITTEN COMMUNICATION

Larry Culbertson, resident, reiterated points brought up in a letter he wrote on March 18, 2013, to the Planning Commission regarding the alteration of historic structures, wherein he referenced the Historic Resources Survey done in 1995 and its update in 2006. He noted that many of the homes downgraded between the surveys were downgraded due to additions. He stated that it is imperative that the City not allow additions to be done that jeopardize a structure's ability to be placed on the National List of Historic Homes.

Chair Darden assured Mr. Culbertson that neither the Commission nor staff had disregarded his letter; noted these issues are scheduled to be addressed in a special session of the Design Review Subcommittee (DRSC) in the near future, and then brought to the Planning Commission for further discussion.

Jim Pechous, City Planner, advised that guidelines were added to the General Plan to address many of the issues brought up in Mr. Culbertson's letter because in the past the General Plan lacked specific guidelines for additions to historic homes. Those guidelines will be very beneficial and guide staff in analyzing additions to historic homes.

Georgette Korsen, resident, thanked Commissioner Kaupp and the Downtown Business Association (DBA) for their time and effort to produce "Putting on the Glitz" the singularly best event in the City. She noted the shops looked very inviting and the family-oriented event was a pleasure for all who attended. In response to her comment that the carriage was sorely missed, Commissioner Kaupp advised that the carriage was eliminated due to liability, but he was working on ways to bring it back for next year.

7. CONSENT CALENDAR - None

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY CHAIR PRO TEM CRANDELL AND UNANIMOUSLY CARRIED TO REORDER THE AGENDA SO THAT AGENDA ITEM 8C WAS HEARD FIRST.

8. PUBLIC HEARING

A. 1637 Calle Las Bolas – Cultural Heritage Permit 13-373 – Snyder Addition (Gregg)

A request to consider a 423 square foot addition to the back of a legal non-conforming duplex that is located across the street from a historic resource. The duplex is non-conforming because its main entrance, along the side property line, does not meet the eight-foot setback requirement. The project is located in the Residential High zoning district and within the Coastal Zone overlay at 1637 Calle Las Bolas. The legal description is Lot 35, of Block 4, of Tract 821, and Assessor's Parcel Number 692-121-11.

Commissioner Ruehlin recused himself from considering items 8A and 8B due to nearby property ownership, left the meeting room, and did not return for the remainder of the meeting. For the record, Commissioner Ruehlin was present to hear item 8C, as it was heard out of order.

Chair Darden questioned why this property had not been presented for DRSC review; suggested the Commission continue the project to allow it to go through the usual process for purposes of consistency.

Amber Gregg, Associate Planner, explained that the buildings for both 8A and 8B were almost identical in appearance and feature additions of less than 500 feet on the rear of the buildings that could not be seen from the public right-of-way or when viewing the historic resources. The City Planner and staff reviewed the proposed additions and decided because the size of the proposed project was so minor, the fact that the applicants planned to use the exact same materials as existing, and the project was located at the back of the structures and could not be seen from the public right of way or the historic resources, that it was not necessary for it to go through DRSC review.

Jim Pechous, City Planner, explained that the City's Code allows the City Planner to make a determination whether it's necessary for a project to go through DRSC review or not. If the City Planner determines that it will not be beneficial for the project to go through DRSC review, and meets the required findings, the City Planner can make a determination that it's not necessary for DRSC review. If the Planning Commission makes a determination that DRSC review is necessary, they have the option to send it there. It is rare to have a project that would clearly have so little impact, so instances where projects have not gone through DRSC are equally rare. In addition, Planning Division is under direction from the City Council to streamline projects, make the approval process easier for applicants, and avoid unnecessary review.

Chair Darden clarified that she was not suggesting that staff did not follow proper procedures; she was suggesting DRSC review for purposes of consistency with other projects. She questioned whether other applicants will wonder why that had to go through DRSC level of review when others did not.

City Planner Pechous noted the clear absence of any impact whatsoever on the historic home can consistently be applied to projects that qualify, and can be justified to anyone asking why their project has review that this one did not. He suggested the Commission hear the staff presentation and then consider whether it is necessary for the project to go for DRSC consideration.

Vice Chair Brown established from staff that there is no mention in the Code concerning how the City Planner's decision is to be communicated to the DRSC or Planning Commission. He suggested that if/when this occurs in the future, it should be fully explained in the staff report as a finding, or just as an explanation why the usual DRSC process was not followed.

Amber Gregg, Associate Planner advised that surrounding homes, including those directly above the subject properties were notified by mail of the proposed project and have not contacted staff or provided any information.

Amber Gregg, Associate Planner, offered to present 1637 and 1639 together as the additions are very similar. The Planning Commission concurred. Gregg summarized the proposed additions for both 1637 & 1639 Calle Las Bolas and narrated a power point presentation. The applicants propose to enclose almost identical existing decks on both properties, and construct a deck on top of the new addition for the property at 1637 Calle Las Bolas. The applicant proposes to use matching styles and materials to the existing structures. Staff showed with photographs how the proposed additions will not negatively affect the historic resource and the additions will not be visible from the public right-of-way from below off Las Bolas or above from Buena Vista. Staff is recommending approval of the requests as conditioned.

David York, project architect, explained that both property owners had owned the properties for 14 years and were seeking to expand to accommodate their growing families. The additions will allow the families to remain in the homes and will not negatively impact adjacent properties. If DRSC would add to the project then he could appreciate going back. But the decks are currently in need of repair and have to be replaced; the applicants would like to get started on the additions before the rainy season starts and before the new Building Code updates go into effect.

Chair Darden opened the public hearing.

Charles Billy, resident and co-owner of 1639 Calle Las Bolas, stated he is happy to go through whatever process the Commission wants. He noted his existing deck is not used by family members and is not practical. Since the deck needs repair, he decided it would be more advantageous to enclose the space and use it for a recreation room for his small children. He is not opposed to going to DRSC for review if the Commission decides it is necessary, and stated that the delay in time really isn't a big issue to them at this point. Sending him through another process really doesn't impact him so much, but probably impacts the City much more and waste a lot more City staff resources than his.

Diana Rudolph, Huntington Beach resident, read a letter from Harry Snyder, co-owner of the property located at 1637 Calle Las Bolas, explaining that he needs to enclose the existing deck and construct a play room to accommodate his expanding family.

Chair Darden closed the public hearing.

Commissioners agreed to move forward and take action on the requests; requested in the future staff provide explanation of any deviation from the usual process in the staff report. Commissioner Crandell then commended Associate Planner Gregg on the presentation and City Planner on his explanation of the process.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER EGGLESTON, AND CARRIED 6-0-1, WITH COMMISSIONER RUEHLIN ABSTAINING, TO ADOPT RESOLUTION NO. PC 13-047, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 13-373, SNYDER RESIDENCE ADDITION, A REQUEST TO CONSIDER AN EXPANSION OF A LEGAL NON-CONFORMING RESIDENCE ON A SITE THAT ABUTS A HISTORIC STRUCTURE LOCATED AT 1637 CALLE LAS BOLAS.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER KAUPP, AND CARRIED 6-0-1, WITH COMMISSIONER RUEHLIN ABSTAINING, TO ADOPT RESOLUTION NO. 13-048, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 13-372, ROEMER RESIDENCE ADDITION, A REQUEST TO CONSIDER AN EXPANSION OF A LEGAL-NONCONFORMING DUPLEX IN THE ARCHITECTURAL OVERLAY, LOCATED AT 1639 CALLE LAS BOLAS.

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

B. 1639 Calle Las Bolas – Cultural Heritage Permit 13-372 – Roemer Addition (Gregg)

A request to consider a 490 square foot addition to the back of a legal non-conforming duplex that is located in the Architectural Overlay. The duplex is non-conforming because its main entrance, along the side property line, does not meet the eight-foot setback requirement. The project is in the Residential High zoning district and is within the Architectural and Coastal Zone overlays at 1639 Calle Las Bolas. The legal description is Lot 36, of Block 4, of Tract 821, and Assessor's Parcel Number 692-121-10.

This item considered and action taken in conjunction with item 8A above.

C. 418 Cazador Lane – Cultural Heritage Permit 13-215 – Casa Ammirato (Ciampa)

A request to consider an addition to a historic house and hardscape improvements to the site. The project is located at 418 Cazador Lane in the Medium Density Residential zoning district and Architectural Overlay of the Pier Bowl Specific Plan (PBSP/RM-A). The legal description is Lot 14, Block 3, of Tract 785, and Assessor's Parcel Number 692-032-01.

John Ciampa, Associate Planner, advised that additional information has come forward regarding a feature of this property which may be of historical import. Staff is recommending a continuance to allow further

review. He noted the applicant's representative and applicant are also present, and would like to speak to the Commission.

James Glover, architect representing the applicant, displayed a photo of the existing building, and indicated the subject feature, a closet, which may or may not have been part of the original plan for the building, and may or may not have been added on following the original construction. He indicated atypical features of the closet feature, including plaster wrapped around a beam, the wall set back to make the balcony more pronounced, and differing plastering techniques. The closet area blocks the home's main view of the ocean. In addition, he displayed a building presentation without the closet added on, which he feels reflects the original feel of the building and brings the house more up to the intent of the project when the house was built.

Chair Darden opened the public hearing.

Tom and Jill Ammirato, applicants and homeowners, bought the home with the intent of removing the closet, and were under the impression that the historical society believed that was possible. The closet blocks light from entering the home, and makes the space appear as a cave. The closet looks like a box on the balcony. They intend to beautify the home with new landscaping and want to make the City their home. They believe the home's façade would be much improved with the closet removed, and questioned whether they should be required to keep an unattractive feature just because it may have been built many years ago. They are willing to abide by the City's decision and want to be good neighbors to the existing neighborhood.

Al Pouba, resident, has confidence that the architect's plans for the home will be lovely; questioned whether the home would be divided and turned into rental units; noted a single family living there would be a treat after the numerous complaints about parties, drinking, and loud noises coming from the numerous families currently living there.

Mike Schmidt, resident, has restored historic homes in the past, and appreciates the new owners' desire to restore this home. He questioned why he was not notified of the proposed remodel until today, as he lives within 300 feet of the subject property, and believes he should have been notified of the Design Review Subcommittee meetings. His home is similar to the subject home, was built the same year, and features many of the same design details, including windows on closets, Dutch doors, etc. He has a photo from 1927 of the original property, which shows the closet pop out. He requested the City continue to enforce Secretary of the Interior's standards when evaluating historic home remodels. He has no idea how many people are currently living in/renting the home, but noted it is a single family residence, and questioned plans to add another

staircase. He requested the Commission consider the lack of parking in the area while reviewing the proposed project.

Jim Pechous, City Planner, advised noticing for Design Review Subcommittee meetings was followed as required for advisory board meetings; noted Mr. Schmidt will be notified in the future because he appeared and provided testimony on this project at tonight's meeting. He stated staff has a copy of the photo referred to by Mr. Schmidt. He recommended the Commission consider tabling the project to allow staff adequate time to study the issue before returning with a recommendation.

Larry Culbertson, resident, questioned the need for an additional set of stairs into the master bedroom; questioned why an addition made in 1948 should be considered outside the home's historic period of significance because that addition was taken into consideration when the home was placed on the City's Historic Resources List.

Chair Darden closed the public hearing.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED TO TABLE 418 CAZADOR LANE – CULTURAL HERITAGE PERMIT 13-215 – CASA AMMIRATO.

[AGENDA ITEM TABLED.]

9. **NEW BUSINESS** - None

10. **OLD BUSINESS** – None

11. **REPORTS OF COMMISSIONERS/STAFF**

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of November 20, 2013
- C. Staff Waiver 13-474, 1601 N. El Camino Real
- D. Staff Waiver 13-483, 903 Buena Vista A

Vice Chair Brown reported that the Coastal Advisory Committee will be meeting next Thursday evening.

Commissioner Kaupp announced that the Downtown Business Association will be celebrating the 60th anniversary of Sam's Shoes on Saturday, December 7, 2013, at 11:30 a.m.

Ajit Thind, Assistant City Attorney, introduced Patrick Donavon, a recent Bar graduate and associate of the Public Law section of their law firm.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY CHAIR PRO TEM CRANDELL, AND UNANIMOUSLY CARRIED to adjourn at 8:17 p.m. to the Study Session to be held at 6:00 p.m. on December 18, 2013, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Julia Darden, Chair

Attest:



Jim Pechous, City Planner

DRAFT