

**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
August 21, 2013 @ 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

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**1. CALL TO ORDER**

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chair pro tem Crandell 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  
Sean Nicholas, Associate Planner  
Christopher Wright, Associate Planner  
Erin Murphey, Planning Intern  
Evan Jedynak, Planning Intern  
Zachary Ponsen, Senior Civil Engineer  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS- None**

**5. MINUTES**

**A. Minutes from the Planning Commission Adjourned Regular meeting of August 7, 2013**

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Adjourned Regular Meeting of August 7, 2013, with the following revision:

Page 6, add to the end of the 3<sup>rd</sup> paragraph, "He expressed concern that the General Plan does not address how increased density would affect residential areas."

Page 6, 4<sup>th</sup> paragraph, replace "Commissioner Ruehlin thanked staff" with "Commissioner Ruehlin thanked the City Council"

6. **ORAL AND WRITTEN COMMUNICATION** – None

7. **CONSENT CALENDAR** - None

8. **PUBLIC HEARING**

A. **235 West Marquita – Cultural Heritage Permit 13-105 – Whitmore Residence Addition** (Wright)

A request to consider an expansion of a nonconforming residence that is across the street from a historic structure. The residence is nonconforming because it does not comply with the required coastal canyon setback. The subject site is a coastal canyon lot located at 235 West Marquita in the Residential Medium Density zone and Coastal Overlay (RM-CZ). The site's legal description is Lot 14, Portion of Lot 13, Block 17 of Tract 793, and Assessor's Parcel Number 692-095-17.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "Whitmore Residence, Cultural Heritage Permit 13-105, dated August 21, 2013." Staff recommended approval of the request as conditioned.

Jack Garland, architect representing the applicant, described how the replaces a one-car carport with a two-car carport so parking can be provided off the street; noted the remodeled 2-story home will appear 1-story from the street due to the site topography; advised the spa barrier, which must be approved by the building inspector, will be five feet high.

In response to questions, Christopher Wright, Associate Planner, advised that through communications with the applicant, the California Coastal Commission (CCC) may have changed how they address non-conforming properties. He anticipates speaking with CCC staff to discuss any new requirements. In addition, he noted that the applicant at first proposed to replace the carport with a garage structure. After determining that the addition of a garage would increase the size of the house to the extent that it would trigger a requirement to bring the whole structure into compliance, the applicant decided to leave the carport in place.

Jim Pechous, City Planner, advised that the project as proposed meets the City's standards and codes, which is the primary focus of staff's scrutiny of the project. If there are new requirements from the CCC that

will ultimately cause major changes to the design of this project, the applicant will be required to bring it back through the City's approval process for additional review.

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

IT WAS MOVED BY COMMISSIONER KAUPP SECONDED BY COMMISSIONER WARD, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. 13-027 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 13-105, WHITMORE RESIDENCE, A REQUEST TO CONSIDER AN EXPANSION OF A LEGAL-NONCONFORMING RESIDENCE ON A SITE THAT ABUTS A HISTORIC STRUCTURE, LOCATED AT 235 WEST MARQUITA, with the following revision:

Page 3, F-2., second sentence, replace "higher" with "lower"

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

**B. Site Plan Permit 13-080 – Alora Architecture and Model Homes  
(Wright)**

A request to consider revised architecture and a model home complex for 36 vacant lots in Tract 16795 "Alora." The properties are located within the Low Density Residential area (TSP-RL) of the Talega Specific Plan. Specifically, the subject properties are located at 11-17 Calle Estilo Nuevo (Lots 23-26), 20-30 and 23-33 Via Lampara (Lots 7-18), 11-22 Calle Loyola (Lots 40-49), and 12-30 Via Paulina (Lots 30-39).

Christopher Wright, Associate Planner, narrated a PowerPoint presentation entitled, "Alora Architecture and Model Home Complex, Site Plan Permit 13-080." Staff recommended approval of the request as conditioned.

In response to questions, Mr. Wright advised that the applicant met several times with Development Management Team (DMT) because of plan changes and timing issues; confirmed that the applicant requests approval of revised architecture for the vacant lots; noted staff will confirm that no lots exceed 50% coverage during plan check review; advised all residents within 300 feet of the subject site were notified of tonight's meeting and indicated on the site plan where public hearing notices were posted. He advised that notification for Design Review Subcommittee meetings is done at City Hall only and not mailed to property owners.

Rick Puffer, Project Manager for William Lyon Homes, noted the property is owned by Rezmark Development; advised the architecture for this

project is compliant with the Talega Specific Plan regulations; thanked staff for all their assistance with the project.

Chair Darden opened the public hearing.

David Hurwitz, resident, lives in one of the 10 homes currently constructed in the existing Alora project. This is the first time he's heard about a change in architecture for the rest of the tract, and the first time he's seen the sample architecture. He is concerned about the new homes being complementary with the existing homes, especially as there will be a mix of the old and new styles on his street. He was surprised to find out none of the existing residents were contacted about the new home styles, and requested the Commission consider allowing existing residents time to review and comment on the new styles before the Commission takes action.

Laurie King, resident, agreed with the comments expressed by Mr. Hurwitz, and agreed the new homes should look similar to existing homes for the benefit of all.

Mario Pschaidt, resident, agreed with comments previously expressed; requested information on project phasing.

Clifton Sykos, resident, agreed with comments previously expressed.

Chair Darden closed the public hearing.

Rick Puffer, applicant and Project Manager for William Lyon Homes, noted this plan has been in process for the past 14 months. Typically, William Lyon Homes goes through their own outreach process to ensure existing residents are informed of potential revisions, and he was unaware until tonight that this process was not followed. He noted the new styles/designs were an improvement/upgrade over the existing homes including larger floorplans, material upgrades, and refined design; advised the building will be accomplished in four phases with an additional model home phase; estimated the tract would be built out in 14 to 18 months; commented that he is confident that the new home styles are an improvement over the existing styles. He noted time is of the essence when dealing with the real estate market; requested to continue grading activity on the model home lots in the event the project is continued; noted the new home design is compliant with the tract CC&R's and Talega Specific Plan. Mr. Puffer thanked staff for their work on the project.

Jim Pechous, City Planner, advised that he has not experienced concerns in the past from homeowners when revisions were proposed that increase the quality of homes. In the past, there have been homeowner concerns when a downgrade in home size/quality of design and/or materials was proposed. He noted that all homes in the Talega development can be

replaced or remodeled at will as long as they are in compliance with Talega Specific Plan Design Guidelines; the City does not required to match existing models, however, the individual HOA may.

Chair Darden suggested the Commissioners consider a two-week continuance to give the applicant time to meet with the neighbors and make sure they fully understand and are comfortable with the proposed changes before moving forward.

Commissioners agreed a two-week continuance would allow the existing homeowners time to review and provide comment on the new style; commented that a continuance is in the best interests of all concerned.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO CONTINUE SITE PLAN PERMIT 13-080 – ALORA ARCHITECTURE AND MODEL HOMES, TO THE MEETING OF SEPTEMBER 4, 2013.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

**C. 115 East El Portal – Cultural Heritage Permit 13-158 – Cappello Residence Addition/Remodel (Nicholas)**

A request to consider a second story addition and remodel that meets required development standards including height and setbacks to a residence with nonconforming front and side yard setbacks for the primary and garage structures located at 115 East El Portal within the Residential Medium (RM) zoning district adjacent to a historic structure at 116 East El Portal. The legal description is Lot 6, of Block 7, Tract 793, Assessor's Parcel Number 057-153-17.

Erin Murphey, Planning Intern, narrated the PowerPoint Presentation entitled, "Cultural Heritage Permit 13-158 – Cappello Residence Addition/Remodel, dated August 21, 2013." Staff recommended approval of the request as conditioned.

Alora Aguilera, architect for the applicant, described the "bridge" or "floating" element featured in the proposed addition; discussed the succulent bridge roof garden, landscaping additions, and design details proposed; distributed photos of similar projects for Commission review.

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

Commissioner Ruehlin suggested the Commission add this project to its list of Projects to Review in approximately one year's time.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-029 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 13-158, CAPPELLO RESIDENCE, A REQUEST TO CONSIDER AN ADDITION TO A LEGAL-NONCONFORMING RESIDENCE ON A SITE THAT ABUTS A HISTORIC STRUCTURE LOCATED AT 115 EAST EL PORTAL.

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

**D. 129 Avenida De La Grulla – Cultural Heritage Permit 13-228 – Rosalino/Wallace Residence (Nicholas)**

A request to consider a single story addition and remodel that meets applicable development standards including height and setbacks to a residence with a nonconforming front yard setback of a nonconforming residence located at 129 Avenida De La Grulla within the Residential Medium (RM) zoning district adjacent to a historic structure at 146 Avenida Pelayo. The legal description is Lot 29, of Block 2, of Tract 820, Assessor's Parcel Number 692-381-04.

Evan Jedynak, Planning Intern, narrated a PowerPoint Presentation entitled, "129 Avenida de La Grulla, Rosaline/Wallace Residence, Cultural Heritage Permit 13-228, dated August 21, 2013." Staff recommended approval of the request as conditioned.

Bill Peters, architect representing the applicant, described the proposed project; indicated on the elevations the areas that will receive the siding treatment; was available for questions.

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

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-028, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 13-228, ROSALINO/WALLACE RESIDENCE, A REQUEST TO ADD A 456 SQUARE FOOT SINGLE STORY ADDITION TO A LEGAL NONCONFORMING RESIDENCE THAT ABUTS A HISTORIC STRUCTURE LOCATED AT 129 AVENIDA DE LA GRULLA, with the following comment:

Applicant required to include siding on the front and rear elevations, including some portions of the side elevations, as indicated at the hearing.

**[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL]****E. 987 Avenida Vista Hermosa – Conditional Use Permit 12-334/Site Plan Permit 13-200/Architectural Permit 13-201 – Verizon Wireless at Vista Hermosa Sports Park (Jones)**

A request to consider allowing the replacement of a field light pole with a cellular field light pole at Avenida Vista Hermosa Sports Park located at 987 Avenida Vista Hermosa within the Public Use zoning district within the Forster Ranch Specific Plan. The park site is located at the southwest corner of the intersection of Avenida Vista Hermosa and La Pata and is a portion of Assessor's Parcel Number 124-081-64.

Jim Pechous, City Planner, recommended the Commission continue this item to the regular meeting of September 4, 2013 to allow the applicant additional time to consider the project's conditions of approval.

Jim Pechous, City Planner, agreed to research and report back regarding suggestions made by individual Commissioners for the next meeting, including consideration of requiring the applicant install equipment under the sidewalk by excavation rather than cutting and patching the existing sidewalk; suggestion to notify those residents living in the development down the slope, especially those in view of the proposed wireless antennas on the light poles; information concerning venting and fuel storage for the proposed generator; consideration of undergrounding cellular equipment; information concerning the value this installation will provide to the community.

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO CONTINUE 987 AVENIDA VISTA HERMOSA – CONDITIONAL USE PERMIT 12-334/SITE PLAN PERMIT 13-200/ARCHITECTURAL PERMIT 13-201 – VERIZON WIRELESS AT VISTA HERMOSA SPORTS PARK, TO THE REGULAR MEETING OF SEPTEMBER 4, 2013.

**[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]**

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 August 7, 2013
  - C. Staff Waiver 13-292, 629 Camino De Los Mares #105
  - D. Staff Waiver 13-293, 3000 Calle Nuevo

- E. Staff Waiver 13-297, 1705 N. El Camino Real
- F. Staff Waiver 13-301, 315 Avenida Monterey
- G. Staff Waiver 13-302, 2305 Calle Monte Cristo
- H. Staff Waiver 13-312, 157 Avenida Granada

Vice Chair Brown announced the Coastal Advisory Committee's next meeting will be on the second Thursday of September.

Commissioner Ruehlin announced that he will be meeting with Mayor Baker regarding the Web-based General Plan and would update the Commission at their next meeting.

Commissioner Eggleston commended City staff for its proactive stance regarding sidewalk improvements/cleanings for the Active Culture Natural Café as outlined in the Zoning Administrator meeting minutes.

Jim Pechous, City Planner, pointed out that the Commission will have a Study Session at 6:00 p.m. in advance of its next regular meeting of September 4, 2013; noted the next Study Session will address how the City deals with properties awaiting building permits including maintaining the quality of the look of the building; announced the Granicus proposal and presentation from Peak Democracy will be discussed at the Study Session of September 18; advised staff has no additional information regarding ownership of the Miramar Theatre. He agreed to schedule a refresher on Form-based Zoning for a future Study Session and agreed to keep the Commission informed regarding potential Webinar opportunities. In addition, he agreed to contact Mike Jorgensen, Building Official, for a presentation on green building codes at a future Study Session.

Ajit Thind, Assistant City Attorney, agreed to provide a presentation on relevant legal cases at a future Study Session.

## **12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to adjourn at 7:45 p.m. to Study Session to be held at 6:00 p.m. on September 4, 2013, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

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Julia Darden, Chair



Attest:

A handwritten signature in black ink, appearing to read "Jim Pechous", is written over a horizontal line. The signature is somewhat stylized and loops back to the left.

Jim Pechous, City Planner

DRAFT