

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
May 8, 2013 @ 7:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

---

**1. CALL TO ORDER**

Chair Avera called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:04 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Kaupp led the Pledge of Allegiance.

**3. ROLL CALL**

Commissioners Present: Nesa Anderson, Barton Crandell, Michael Kaupp, and Jim Ruehlin; Vice Chair Julia Darden, Chairman Lew Avera

Commissioners Absent: Chair pro Tem Donald Brown

Staff Present: Jim Pechous, City Planner  
Cliff Jones, Associate Planner  
Adam Atamian, Assistant Planner  
Denise Obrero  
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 Regular Study Session of April 17, 2013

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of April 17, 2013, as submitted by staff.

B. Minutes from the Regular Meeting of April 17, 2013

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of April 17, 2013, as submitted by staff.

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

7. **CONSENT CALENDAR** - None

8. **PUBLIC HEARING**

A. Capital Improvement Program General Plan Consistency Finding (Atamian)

A request for review of projects for the Fiscal Year 2013-14 Capital Improvement Program for consistency with the San Clemente General Plan.

Adam Atamian, Assistant Planner, reviewed the staff report and 2013-2014 Capital Improvement Program General Plan Consistency Exhibit. Staff recommended the Commission adopt the resolution finding the projects for the Fiscal Year 2013-2014 Capital Improvement Program consistent with the San Clemente General Plan.

Chair Avera stated for the record that the Commission had already seen the Project's listing in a study session and heard clarification from staff.

IT WAS MOVED BY COMMISSIONER KAUPP SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-018, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, FINDING THE FISCAL YEAR 2013-2014 CAPITAL IMPROVEMENT PROGRAM CONSISTENT WITH THE SAN CLEMENTE GENERAL PLAN.

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

B. 211 Avenida Fabricante – Conditional Use Permit 13-006 – The Shoreline Church (Obrero)

A request to consider establishing a church use in an industrial building located at 211 Avenida Fabricante in the Rancho San Clemente Business Park, legal description being Lot 5, Tract 15257, Assessor's Parcel Number 690-69-107.

Denise Obrero, Social Service Programs Planner, narrated a PowerPoint Presentation entitled, "The Shoreline Church, Conditional Use Permit 13-006, May 8, 2013." Staff recommended the Commission approve the request as conditioned.

Brian Connor, architect for Shoreline Church, complimented staff on the streamlined application process. They are aware that parking is the primary issue with the project, and will be encouraging members to carpool, bike, use mass transit, etc in order to decrease demand for parking. He displayed posters illustrating site plans, floor plans, play/recreation areas and areas reserved for the Church's youth. He noted the space will feature an indoor basketball/gym, which can be rented out to other groups in the community when available. He noted the architecture and signage permits will be submitted separately. He indicated the areas proposed for development in Phase II, which is dependent on future shared parking agreements with adjacent uses, and will be submitted to the Commission when ready for review. The site will be built using green building, water conservation, and energy conservation practices, which will allow more of the Church's funds to be spent on community outreach.

In response to a question, Social Services Programs Planner Obrero advised Engineering Division staff has reviewed the proposed daycare drop-off circulation and approved the plans as proposed.

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

Discussion ensued regarding the pros and cons of locating churches in industrial areas, including convenient access, economics, lack of public institution-zoned properties, and uses for existing vacant properties.

IT WAS MOVED BY COMMISSIONER DARDEN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-022 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-006, SHORELINE CHURCH, A REQUEST TO ESTABLISH A CHURCH USE AND DAYCARE FACILITY IN AN INDUSTRIAL BUILDING LOCATED AT 211 AVENIDA FABRICANTE.

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

**C. 107-115 Avenida Serra – Cultural Heritage Permit 13-021/Site Plan Permit 13-023 – Serra Workforce Housing (Jones)**

A request to construct a three-story, 19-unit, affordable housing project located at 107-115 Avenida Serra. The project is located within the Mixed

Use zoning district, and within the Architectural and Affordable Housing Overlays (MU3-A-AH). The legal description is Lots 7, 8, 9, and 10 of Block 4, of Tract 779, Assessor's Parcel Numbers 058-073-18 and 058-073-46.

Commissioner Kaupp recused himself from considering this agenda item due to property ownership within 500 feet and left the meeting room for the night.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "Serra Workforce Housing, CHP 13-021/SPP 13-023, dated May 8, 2013." In response to direction from the City Council, staff is processing an affordable housing development of 19 one-bedroom units featuring Spanish Colonial Revival architecture. The project, which complies with all applicable development standards, has been modified in response to Design Review Subcommittee (DRSC) comments, and is consistent with the General Plan. Staff recommended approval of the request as conditioned.

In response to questions, Associate Planner Jones noted the units will have assigned parking spaces in a gated garage; advised green code requirements will ensure that light fixtures are shielded to prevent light trespass.

Zachary Ponsen, Senior Civil Engineer, advised walls in the front yard setback are setback 10 feet, which should allow sufficient line of sight for cars backing out of the garage.

Byron Ely, representing National CORE, the applicant, commended staff for the positive experience through the review process; noted agreement with the conditions of approval.

David Chacon, representing National CORE, advised Palm Trees were selected over canopy-style trees due to reduced amount of plantable space, and potential for the roots of canopy trees to disrupt the sidewalk; noted courtyard/landscape maintenance will be performed by contracted landscape gardener; commented the rear elevation had been improved as a result of DRSC suggestions.

Chair Avera opened the public hearing.

Written Communications:

Email dated May 8, 2013, from John Seymour, National CORE, with attached information from the Kennedy Commission in support of affordable housing in general.

Letter dated April 30, 2013, from Larry Culbertson, resident, opposed to the affordable housing project due to massing, negative impacts on adjacent historical resources, general unpopularity of three story buildings in the T-zone, the units are too expensive, land too valuable for affordable housing, and the land is needed for parking.

Letter dated May 6, 2013, from Larry Culbertson, resident, questioning the validity of exempting the project from CEQA review.

Email dated May 7, 2013, from Steve Hopper, resident, supporting the affordable housing project due to need for work force housing in this location.

Email dated May 8, 2013 from Eduardo Cerezo, representing Healthy Communities, in support of the project.

Letter dated May 8, 2013, from Cesar Covarrubias, The Kennedy Commission, supporting the project as it provides much needed workforce homes close to jobs.

Petition signed by 99 persons including San Clemente residents and non-residents opposing to the affordable housing project on the site and advocating that the property be used to create parking.

Public Testimony:

Larry Culbertson, resident, stated he is not opposed to affordable housing as a rule, but believes an affordable housing project is wrong for this site. In his opinion, the project is not compatible with neighboring projects due to its massing and scale. The project is detrimental to the City as it has potential to encourage additional large projects. The project overwhelms the identified historic resource as well as an additional historic structure at 116 Avenida Serra originally identified as a historical resource but ultimately not included on the City's list. He believes the development costs are too high for the product, questioned why the three story wall would be adjacent to the adjacent one story structure, and asked for an explanation why the project is considered exempt from CEQA review.

Jeff Gorley, adjacent business owner, suggested the sidewalk from this project to the nearest bus stop be improved for better access; questioned whether noise generated by his restaurant could become a concern for the residential units.

Mike Senco, resident, opposed the project due to negative parking impacts; and questioned how the one car per unit rule would be enforced.

Chair Avera closed the public hearing.

Associate Planner Jones advised that the City Council determined that no further environmental review was required following preliminary CEQA analysis and input from staff and the City Attorney's office regarding how the project meets the exemption requirement; noted the project as proposed this evening meets the same scale and massing as the conceptual project approved by City Council; noted the property is intended for affordable housing and will have to be sold, with proceeds going to the County, if not developed by the City as an affordable housing project; suggested addition of a condition of approval that potential residents of the affordable housing project indicate knowledge of noise generated by the adjacent restaurant; noted residents will be subject to DMV checks to ensure there is only one car per household.

Wayne Davis, the primary architect for the building, advised that the building envelope as approved by the City Council featured the three story wall adjacent to the single story structure; noted the wall is setback 10 feet from the property line, and further removed from the single story structure by the property's driveway.

Byron Ely noted that National CORE has a successful record maintain quality and controlling the tenants based on conditions and leases; noted intention to be good neighbors and solve issues as they arise; advised portion of project closest to adjacent restaurant is community and laundry area, which will be less sensitive to noise that might be generated by the restaurant.

Zachary Ponsen, Senior Civil Engineer, responded to comment that storage shelves be considered in the garage areas. The original proposal featured a shelf above each parking space, which was discouraged by staff as it would limit the type of vehicle a resident could store in the stall, and potentially negatively affect equal access for disabled persons. In addition, he explained that Condition no. 38, regarding the location of the backflow prevention assembly, is worded to allow flexibility with location but ultimately requires Engineering Division approval.

Bryan Ely agreed to work with staff to determine if storage shelves could be accommodated; agreed to new condition requiring tenants be advised as to noise generated by adjacent restaurant.

Ajit Thind, Assistant City Attorney, provided wording for new condition of approval to provide tenants with written notice of potential noise generated by adjacent restaurant.

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

- Acknowledged that the building envelope and proposed massing had already been approved by the City Council.

- Acknowledged that the project as proposed meets the approved Development Agreement.
- Agreed that although additional parking would be helpful in the downtown area, because this site had been purchased with RDA housing funds, it has to be used for affordable housing.
- Commented that the building's massing and scale were compatible with adjacent buildings.
- Agreed the project as proposed meets design guidelines.
- Noted the slightly lower grade elevation of the site will give the appearance of a lower height project.
- Complimented the project's architecture, articulation, and pedestrian orientation.
- Requested Engineering review to confirm adequate line of sight as cars exit the parking garage.
- Commented the project proposes setbacks when none are required, less height than allowed, less lot coverage than allowed, and two additional parking spaces more than required.
- Commended Larry Culbertson for his passion and efforts for historic preservation.
- Commented that a mix of building heights and massing, such as a large structure located next to small historic building, can be complementary, create contrast, and evoke positive feelings.
- Requested the applicant work with staff to ensure awning colors are compliant with the color pallet submitted.

IT WAS MOVED BY COMMISSIONER RUEHLIN SECONDED BY COMMISSIONER ANDERSON, AND CARRIED 5-0-1, WITH COMMISSIONER KAUPP ABSTAINING, TO ADOPT RESOLUTION NO. PC 13-019 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT (CHP) 13-021, SITE PLAN PERMIT, (SPP) 13-023, SERRA WORKFORCE HOUSING, A REQUEST TO CONSTRUCT A THREE-STORY, 19-UNIT, AFFORDABLE HOUSING PROJECT LOCATED AT 107-115 AVENIDA SERRA, with the following revision:

Add the following new Conditions of Approval:

Condition # 40: "Prior to the leasing of each unit, the owner or designee is required to notify potential tenants, in writing, of adjacent restaurant and bar uses that may present noise issues."

Condition # 41: "City staff shall further investigate the location of the required backflow prevention assembly and, if feasible, find an alternative location or screen device consistent with City Codes."

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

**D. 1509 North El Camino Real – Conditional Use Permit 12-362/Cultural Heritage Permit 12-363/Discretionary Sign Permit 13-082/Sign Exception Permit 13-083/Minor Exception Permit 13-084/Outdoor Dining Permit 13-085 – North Beach Rooftop Bar and Grill**  
(Pechous/Nicholas) (continued from 04-03-13)

A request to consider a conversion of a one-story commercial building into a restaurant with an open roof top bar and grill with a full range of alcohol, live amplified music, an off-site parking agreement, parking waivers for outdoor seating, and approve a new sign package which exceeds the allowed total sign area for the site. The project is located at 1509 North El Camino Real within the C2/MU-3 zoning designation. The legal description is Lot 9, of Block 2, of Tract 795, Assessor's Parcel Number 057-170-31.

Jim Pechous, City Planner, recommended the Commission continue this agenda item to the meeting of June 5, 2013, to allow additional time to complete requested studies.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO CONTINUE 1509 NORTH EL CAMINO REAL – CONDITIONAL USE PERMIT 12-362/CULTURAL HERITAGE PERMIT 12-363/DISCRETIONARY SIGN PERMIT 13-082/SIGN EXCEPTION PERMIT 13-083/MINOR EXCEPTION PERMIT 13-084/OUTDOOR DINING PERMIT 13-085 – NORTH BEACH ROOFTOP BAR AND GRILL, TO THE REGULAR MEETING OF JUNE 5, 2013.

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

**9. NEW BUSINESS - None**

**10. OLD BUSINESS- None**

**11. REPORTS OF COMMISSIONERS/STAFF**

Included in the Commissioners' packets for their review:

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of April 17, 2013
- C. Staff Waiver 13-123, 255 Avenida Lobeiro H
- D. Staff Waiver 13-129, 412 Arenoso Lane #101
- E. Staff Waiver 13-148, 252 Avenida Lobeiro
- F. Staff Waiver 13-150, 101 Calle Seguro



Jim Pechous, City Planner, announced that staff had met with California Coastal Commission staff regarding the City's Local Coastal Element of the General Plan Update. No major comments have been submitted to date.

Commissioner Crandell commented that today was National Ride Your Bike to School Day; announced next week a study would be performed to determine safe routes to Concordia Elementary School.

**12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED to adjourn at 8:56 p.m. to the Adjourned Regular Meeting to be held at 4:00 p.m. on May 15, 2013, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

\_\_\_\_\_  
Lew Avera, Chair

Attest:

  
\_\_\_\_\_  
Jim Pechous, City Planner

DRAFT