

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
March 20, 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 7:03 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Ruehlin led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Nesa Anderson, Barton Crandell, Michael Kaupp, and Jim Ruehlin;
Chair pro Tem Donald Brown, Chairman Lew Avera

Commissioners Absent: Vice Chair Julia Darden

Staff Present: Jim Pechous, City Planner
Sean Nicholas, Associate Planner
John Ciampa, Associate Planner
Thomas Frank, Transportation Engineering Manager
Zachary Ponsen, Senior Civil Engineer
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

Chair Avera thanked Jim Pechous, City Planner, and Planning Division staff for the well organized and informative Architectural Tour of March 8, 2013. The noticed tour reviewed the results of architectural decisions made over time at sites including the fire station, senior center, Ralph's Shopping Center, etc. Results of the tour will be discussed at a follow up study session.

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Planning Commission meeting of February 13, 2013

IT WAS MOVED BY CHAIR PRO TEM BROWN, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Adjourned Regular Planning Commission meeting of February 13, 2013, as submitted by staff.

B. Minutes from the Planning Commission meeting of February 20, 2013

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Adjourned Regular Planning Commission meeting of February 20, 2013, as submitted by staff.

C. Minutes from the Planning Commission Architectural Tour of March 8, 2013

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Architectural Tour of March 8, 2013, as submitted by staff.

6. ORAL AND WRITTEN COMMUNICATION

Larry Culbertson, resident, expressed concern that historically significant Ole Hanson homes were being altered to such an extent that they no longer resemble "Ole Hanson" homes. He pointed out that in 1979, 272 homes were considered for inclusion on the Historic Structures list, and at this point only 204 remain. He asked why the number had been diminished, and requested a documentation of those homes from staff, including a review of the previous and existing condition of the homes. He suggested the City consider getting input from a Certified Historic Specialist to determine if they are allowing too much change when approving remodels/additions.

Commissioner Kaupp requested a study session at the Design Review Subcommittee level to consider preservation goals with forwarding for consideration at a Planning Commission study session.

City Planner Pechous advised that the General Plan Update has a number of implementation measures directly related to developing the City's own design guidelines for historic resources rather than solely relying on the Secretary of the Interior's standards as is current practice.

7. CONSENT CALENDAR**A. Parking Prohibitions for Restricted Parking in the 700 Block of Avenida Salvador (Frank)**

Consider parking prohibitions for Time Restricted Parking in the 700 block of Avenida Salvador.

Thomas Frank, Transportation Engineering Manager, reviewed the staff report and displayed the location map and results of the resident survey. The majority of the survey respondents expressed support for restricting overnight parking from 10:00 p.m. to 6:00 a.m. The property owner of 790 Avenida Salvador, opposed. With the implementation of the parking restrictions, nearby residents hope to curb disturbing behavior such as loud partying, extensive trash, fire potential, drug dealing, and various recreational activities. In addition, they expressed concern that calls to the police take them from other important duties. Staff recommended the Commission consider potential for parking restrictions in a holistic manner and direct staff.

Chair Avera opened the public hearing.

Susan Pierce, resident, commented that several signatures on the original petition had been from the same households, and that some of the residents signing the petition live up to 100 feet from the subject site. She does not want to lose any parking, and believes the homeowners that signed the petition are mostly concerned with how parking restricts their views. She believes approval of the request for restricting parking would be considered a granting of special privileges to adjacent homeowners. In addition, restricting the parking at this location will only force parking impacts elsewhere on the street, leading to additional petitions.

Lisa Lazarz, resident, stated that the parking restriction request has nothing to do with views, as the views are the same with or without cars parked. At issue is illegal activity which erodes the community. She is concerned about the sketchy activity on the lot, including drug deals, drug usage, underage drinking, and sexual activity. In the neighborhood, a father and daughter team occasional pick up the trash, but much of it goes straight onto the City's beaches. If the City continues to allow illicit activities to continue, it will erode the fabric of the community and render San Clemente an unwholesome place to live. She has called the police several times, but does not want to become a nuisance, nor does she want to call the police on community children just doing stupid things. The parking restriction at night may stop some of the illegal activity.

Mary Lou Marshall, resident, complained of loitering and illegal behavior occurring on the lot in a residential neighborhood. She is concerned that restricting parking will not curb the behavior, and suggesting continuing acacia plantings all the way along the street to block access to the site. She is concerned that the parking will just move elsewhere.

Alex Lazarz, resident, noted the huge amount of garbage accumulating on the site, traveling in the gutters, and ending up on the street, on the slope, and then eventually to the beach. Vector control has been unable to control the rat population due to all the food/drink left on site, and the property owner should be held accountable. Because most of the activity goes on in and around the cars, restricting the cars from parking so close to the site may discourage activity. He noted the main concern of neighbors is not the view, especially as the restriction will occur at night, when there are no views. The main concern is the amount of illegal activities, including drugs and alcohol which are a danger to the community. He suggested increased enforcement will improve the situation, and that restricting the parking will give the police a reason to disperse the crowd.

Kelson McDaniel, resident and retired City Police Chief, lives directly across from the subject site. While sitting on his porch at night, some nights 20 to 40 kids show up, play loud music, and participate in illegal activities. Although many years ago the City had a proactive police force that would go out, lecture the kids and bring them home, that type of policing is a thing of the past for San Clemente. He speculated that a lot of the undesirable activity will stop if cars are not allowed to park directly in front of the lot, as many of the kids play music and sit in the cars. Restricting the parking there will allow police to have probable cause to approach, and hopefully apprehend anyone doing illegal activities. Kids often come at night after a game raising Cain and drinking beer. Although the loud noise destroys the ambiance, it would not make him move. He would just be happier if it ceased.

Jerry Anderson, property owner, stated that restricting parking on the entire site will not defer the activity; the kids will just park on the other side of the street and cross over. He is concerned that the parking restriction may hamper his efforts to build/live on this site. He may consider erecting a fence for liability purposes when the property is developed, but currently has no plans for development.

Bob Hill, resident, reiterated the problems on the site, known locally as "top of the world." Kids congregate and discourage others, such as dog walkers, from walking on the same side of the street. Restricting parking has nothing to do with restricting views, and everything to do with increasing fire safety, preventing loitering, littering, illegal drug use, underage drinking, and undesirable activities. All will be able to enjoy the view during the day and early evening. Signage should be adequate, as red curbing may be difficult to see at night. The parking restriction will give the police a reason to approach the cars, and may discourage illegal activity and/or discourage noisy, disruptive congregation. He agreed the solution would not have to be permanent.

Chair Avera closed the public hearing.

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

- Commented on the excessive amount of trash found on the property during visits to review the site before tonight's meeting.
- Established from staff that the parking restriction could be temporary and/or lifted when the property is developed.
- Discussed potential for increased law enforcement to curb the illegal activity, littering, loitering that may remain despite parking restrictions.
- Commented that installing parking restriction signage would give the police a tool to use in curbing the undesirable behavior.
- Expressed concern that restricting parking at this location may just push the parking elsewhere along the road without resolving any of the problems.
- Commented the problem is a health and safety issue, and the solution may rest at a higher level than the Planning Commission.
- Suggested a trial period of 6 months from the date the signs are installed, then reassessment.
- Agreed that parking restriction will be reevaluated when the property is developed.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO RECOMMEND TO CITY COUNCIL TO INSTALL SIGNAGE TO RESTRICT PARKING ON THE STREET FRONTAGE AT 790 AVENIDA SALVADOR FOR A PERIOD OF SIX MONTHS FROM THE DATE THE SIGNS ARE INSTALLED; PROHIBITION TO BE REVIEWED AT END OF SIX MONTH PERIOD; PROHIBITION TO BE REVIEWED WHEN THE PROPERTY IS DEVELOPED.

[DECISION RECOMMENDATION TO COUNCIL]

B. Parking Prohibitions and Sidewalk Design for 266 Avenida Victoria and 200 Block of Calle Seville (Frank)

Review the conceptual design of sidewalks along the 200 block of Calle Seville and the affected parking at 266 Avenida Victoria and 207 South Calle Seville.

Thomas Frank, Transportation Engineering Manager, summarized the staff report, and displayed the two options for sidewalk design consideration. Staff prefers Option B as it features a bulb-out on the corner, consistent cross slope

of the sidewalk resulting in a more walkable sidewalk, tree preservation and ADA compliance for the newly added walkway.

Chair pro tem Brown recommended the City study the entire length of Seville and look for opportunities/grants to improve intersections and sidewalks.

Commissioner Anderson cautioned staff to ensure they do not take away anyone's ability to park on their own driveway when constructing the improvements.

Chair Avera opened the public hearing.

Brenda Miller, resident, endorsed Option B, commenting that the roadway, as part of the Pacifica Coast Bike Route, will have increased safety as a result. She commended staff for the creative solution; suggested staff should consider switching out the existing stop signs with roundabouts to further increase safety; noted this solution is a start to implementing complete streets.

Alan Korsen, resident, thanked staff for saving the trees and preserving parking.

Georgette Korsen, resident, thanked staff for the creative solution.

Chair Avera closed the public hearing.

Commissioners commended Thomas Frank, Transportation Engineering Manager, and Bill Cameron, City Engineer, for their efforts to implement complete streets, save the trees, and develop a solution that will improve quality of life for residents.

IT WAS MOVED BY COMMISSIONER KAUPP SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO RECOMMEND TO CITY COUNCIL OPTION B FOR SIDEWALK DESIGN FOR 266 AVENIDA VICTORIA AND THE 200 BLOCK OF CALLE SEVILLE.

[DECISION RECOMMENDATION TO COUNCIL]

8. PUBLIC HEARING

A. 104 West Paseo De Cristobal – Cultural Heritage Permit 12-261/Minor Exception Permit 13-042 – Frankhouse Addition (Ciampa)

A request to consider an addition to a historic house and a reduction in the required front yard setback to the original historic house to legalize the non-conforming setback. The house is located within the Residential Low (RL) zoning

designation at 104 West Paseo De Cristobal, legal description being Lot 4, Block 6 of Tract 822, Assessor's Parcel Number 692-153-23.

Chair pro tem Brown recused himself from considering this item due to property ownership within 500 feet and left the meeting room.

John Ciampa, Associate Planner, narrated a PowerPoint Presentation entitled, "Frankhouse Addition, CHP 12-261, MEP 123-042, dated March 20, 2013." Staff recommended approval of the request as conditioned.

Tom Wilson, architect representing the applicant, reviewed the design process and Secretary of the Interior's standards. Through the process the building's inside was carefully studied to ensure no negative impacts and the client's needs were explored. The end result removes distracting elements, retains important character defining elements, keeps the property consistent with the era, and conforms to the Secretary of the Interior's standards. In addition, he researched building strategies that have worked in other areas/other historic homes. In response to questions, he speculated the property will still be eligible for Mills Act status when the renovations are complete.

Dylan Moser, son in law of the property owner, noted he and his wife sold their home in Temecula with intent to expand this property so that they could live comfortably there with his father in law. Although currently living in tight quarters, they really love the area and his children enjoy living with their grandfather. He thanked Mr. Wilson and City staff for all their assistance. The new addition preserves the original feel of the property, and several adjacent residents have submitted letter in support.

Chair Avera opened the public hearing.

Larry Culbertson, resident, speaking as an individual, opposed the proposed renovation as it may remove the property's potential for historic preservation.

Chair Avera closed the public hearing.

Discussion:

In response to questions, Mr. Ciampa reviewed the section of the Secretary of the Interior's standards that allows changes to a structure's roof. He noted the Design Review Subcommittee (DRSC) met twice to review the project, and the project was revised in response to comments. Staff believes all the Secretary of the Interior's standards have been met, and the project as designed meets all the required findings.

Commissioner Ruehlin expressed concern that removing so much of the roof of the historic structure takes away from its historic significance and may have a negative physical impact on the nature of the historic home, therefore reducing the building's historic value.

Jim Pechous, City Planner, noted the architect for this project researched additions done in the 1920 – 1930's to determine if the proposed renovation is historically accurate; noted the property has to differentiate from the original structure. He suggested that a building losing some its historic significance may not have anything to do with size, and more to do with losing its character defining features.

The majority of the Commission agreed that the proposed addition protects and saves the historic structure; concurred the project met the required findings; commented on the importance of allowing homes to evolve in order to encourage viability and allow for modern living.

Commissioner Kaupp thanked Larry Culbertson for being involved in the DRSC process and his passion for preserving homes. He intends to scrutinize why some homes have been downgraded with intent to figure out how to avoid that happening in the future. He commented that the Secretary of the Interior's standards dictate that the new structure cannot look exactly like the old structure.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER ANDERSON, AND CARRIED 4-1-1, WITH COMMISSIONER RUEHLIN OPPOSED AND CHAIR PRO TEM BROWN ABSTAINING, TO ADOPT RESOLUTION NO. PC 13-010, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 12-261 AND MINOR EXCEPTION PERMIT 13-042, FRANKHOUSE ADDITION, A REQUEST TO CONSTRUCT AN ADDITION TO A HISTORIC HOUSE AND A REDUCTION IN THE REQUIRED FRONT YARD SETBACK TO THE ORIGINAL HISTORIC HOUSE TO LEGALIZE THE NON-CONFORMING FRONT YARD SETBACK LOCATED AT 104 PASEO DE CRISTOBAL.

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

Chair pro tem Brown returned to chambers.

B. 590 Camino De Estrella – Discretionary Sign Permit 12-237/Minor Architectural Permit 13-052 – USA Gasoline Master Sign Program (Nicholas)

A request to consider a new Master Sign Program and exterior building improvements for an existing service station located at 590 Camino De Estrella

within the Community Commercial (CC-2) zoning designation. The legal description is Parcel 1, of Block 7, of Page 39, Assessor's Parcel Number 691-101-21.

Sean Nicholas, Associate Planner, narrated a PowerPoint Presentation entitled, "DSP 12-237/MAP 13-052, USA Gasoline Master Sign Program, dated March 20, 2013. Staff recommended approval of the request as conditioned.

Commissioner Ruehlin disclosed for the record that he and Mr. Nicholas had an email exchange regarding the monument sign for this project.

Dan Maziol, representing the applicant, was available for questions.

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

IT WAS MOVED BY CHAIR PRO TEM BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-011, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT 12-127/MINOR EXCEPTION ARCHITECTURAL PERMIT 13-052, A REQUEST FOR A NEW MASTER SIGN PROGRAM AND BUILDING FAÇADE IMPROVEMENTS FOR A USA GASOLINE SERVICE STATION LOCATED AT 590 CAMINO DE ESTRELLA.

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

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 February 6, 2013
- C. Minutes from the Zoning Administrator meeting of February 20, 2013
- D. Minutes from the Zoning Administrator meeting of March 6, 2013
- E. Staff Waiver 13-055, 1013 Buena Vista
- F. Staff Waiver 13-059, 903 Buena Vista
- G. Staff Waiver 13-066, 2727 Via Cascadita
- H. Staff Waiver 13-069, 1805 Calle Mayita
- I. Staff Waiver 13-074, 415 Avenida Granada
- J. Staff Waiver 13-087, 105 Avenida Del Mar

- K. Staff Waiver 13-088, 115 E. Canada
- L. Staff Waiver 13-092, 252 Avenida Montalvo
- M. Staff Waiver 13-094, 423 Avenida Granada #5
- N. Staff Waiver 13-096, 1212 Las Posas #59

Commissioner Kaupp distributed handouts on "The 350 Project," a national program that the Downtown Business Association is using to encourage residents to shop in their own communities; announced the Downtown Paseo Plan Workshop scheduled for March 21 from 7:00 to 9:00 p.m. in the Ole Hanson Fireside Room of the Community Center; distributed copies of the new Downtown Directory and directed interested individuals where they can be found about town.

Chair Avera reported on the results of the special meeting held to discuss potential for the GPAC to meet with City Council following the Planning Commission's final vote on the General Plan Update. He and Vice Chair Darden met with the Mayor and Mayor pro tem, GPAC members Bill Hart and Alan Korsen, staff, and the City Manager. All decided to have a joint meeting of the Planning Commission, GPAC and City Council sometime in the end of May. In the mean time, he and Vice Chair Darden are meeting with GPAC members to try and resolve some of the smaller issues so that only the largest issues are brought forth at the meeting. He asked staff to agendize this issue for a full discussion at a future meeting.


12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED to adjourn at 9:34 p.m. to the regular Study Session to be held at 6:00 p.m. on April 3, 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