

**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
February 20, 2013 @ 6:00 p.m.  
City Council Chambers  
100 Avenida Presidio  
San Clemente, CA 92672**

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**1. CALL TO ORDER**

Chair Avera called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:07 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Anderson led the Pledge of Allegiance.

**3. ROLL CALL**

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

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Amber Gregg, Associate Planner  
Christopher Wright, Associate Planner  
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 meeting of February 6, 2013**

IT WAS MOVED BY CHAIR PRO TEM BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Adjourned Regular Planning Commission meeting of February 6, 2013, with the following revisions:

Page 5, 1<sup>st</sup> paragraph, before the sentence starting “The high density...” insert the following sentence, “This is a special case due to the building’s potential historic significance and does not set a precedent for non-historic buildings.”

Page 10, 4<sup>th</sup> paragraph, replace “Organization” with “Association”

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

**7. CONSENT CALENDAR - None**

**8. PUBLIC HEARING**

**A. 410 Arenoso Lane – Conditional Use Permit 12-270/Cultural Heritage Permit 12-271/Site Plan Permit 12-272 – Reef Pointe Villas (Gregg)**

Reconsideration of Conditional Use Permit 12-270 and Cultural Heritage Permit 12-271, a request to demolish an existing apartment building and construct a new three story building with five residential units and a subterranean garage located at 410 Arenoso Lane. The project is located in the Pier Bowl Specific Plan and the Architectural and Coastal Zone Overlays. The legal description is Lot 46, of Block 3, of Tract 784 and Assessor’s Parcel Number 692-012-06. The Planning Commission approved these entitlements on December 19, 2012. The City Council appealed these entitlements on January 22, 2013. At the request of the applicant the City Council requested the Planning Commission reconsider these entitlements at its meeting held on February 5, 2013.

Amber Gregg, Associate Planner, narrated a PowerPoint Presentation entitled, “Conditional Use Permit 12-270 and Cultural Heritage Permit 12-271, Reef Pointe Villas, dated February 20, 2013.” The Commission has been asked by the applicant to reconsider a previously approved project following installation of story poles. The story poles were added on site after the project was called up at a City Council meeting and Council directed staff to work with the applicant to install the poles. Staff advised the project before the Commission this evening is exactly the same as the one approved by this Commission on December 19, 2012; noted the project will go back to City Council at its March 5, 2013, meeting; recommended approval of the request as conditioned.

In response to comments, Associate Planner Gregg indicated that the purpose of story poles is to give a visual context of how the building will fit in the neighborhood; advised City policy is to protect City-designated view corridors, not private view areas.

Michael Luna, architect for the applicant, narrated a PowerPoint Presentation entitled, “Reef Pointe Villas, Planning Commission Meeting, February 20, 2013,”

displaying slides indicating the heights, massing, absence of undulation, and number of stories of adjacent buildings. In addition, he displayed views of the site from adjacent viewpoints, pointing out that no designated public views cross this property, and views of the ocean and pier will remain from public view sites following construction of this project. He noted the project as designed complies with all applicable guidelines, is under the maximum height and density allowed, and features extensive undulation on all elevations.

Rick Gibby, property owner, thanked all for visiting the site. He has owned the property for 16 years, and intends to live in one of the units once the project is constructed. He envisions the building as smaller with less mass than adjacent properties, featuring horizontal and vertical stepping to distinguish it from boxy buildings, and a showplace for all to admire and enjoy.

Jim Pechous, City Planner, advised staff has determined the building does not encroach into the nearby designated public view corridor; noted other viewpoints indicated in the applicant's presentation are public viewing areas required by the California Coastal Commission but are not City designated public view corridors.

For the record, Chair Avera advised that while reviewing this project in advance of the meeting, he, Commissioner Ruehlin, and Chair pro tem Brown arrived at the property at the same time to review the story poles with the City Planner. He was not aware that the applicant was going to be at the site. The City Planner and applicant showed pictures of the proposed project. He noted they did not discuss the project's pros and cons with the applicant, they only reviewed the story poles as they relate to the proposed project. The remainder of the Commission indicated that they viewed the project individually in advance of tonight's meeting.

Chair Avera opened the public hearing.

Karen Wylde Vaughn, resident and representing the Wylde Family Trust, noted the Wylde Family Trust was the previous owner of the property. She read a stipulation as part of escrow when the property was sold that indicated an agreement between property owners demonstrating a line of sight and dictating that property built beyond this line of sight shall be limited to 10 feet. She was not aware of the agreement before today, and provided staff a copy for their consideration.

Cristina Leon, resident, displayed photos of the site for consideration. She opposed the project due to the intense canyonization effect it will create, and her property will get less sunlight and sea views. The existing panorama view is the last window to the sea from the area and it is imperative that all future

development enhance the City's village charm. She noted the story poles fell down during stormy weather and questioned whether the story poles were in place enough time to satisfy City codes. In addition, she advised that the project notice originally posted on site had been torn down. She suggested an alternative design that in her opinion would have less negative impacts to adjacent properties.

Lori Livaucet, resident, opposed the proposed project because it will take away personal views and those enjoyed by many visitors on a nearby public viewing area.

Liz Yamauchi and Audrey Limon filled out request to speak forms but elected not to speak when their names were called. They indicated agreement with comments made by previous speakers.

Chair Avera closed the public hearing.

Jim Pechous, City Planner, noted that the story poles came down twice due to inclement weather. Although there was no damage to adjacent property, liability was a concern when they were reinstalled. Their placement was slightly altered when reinstalled, but staff is confident they represent a reasonable intent of the proposed building. Staff and the City Attorney believes the applicant showed due diligence and the story pole placement satisfies the code. They were installed a total of 15 days. With regard to notice, the property was properly noticed prior to the meeting as required, and staff was notified by the applicant that the notice was removed from the property by person(s) unknown.

Ajit Thind, Assistant City Attorney, announced he had reviewed the escrow document provided by Ms. Vaughn, and has concluded that the agreement is between private parties, and should have no influence on the Commission's decision.

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

- Noted all adjacent property owners living within the same zoning designation have the ability to build according to the guidelines contained in the Zoning Ordinance.
- Commented the subject property is below the maximum height limit, with smaller massing and lower density than allowed.
- Advised the City has no provisions for the protection of private views; as indicated, this property does not encroach into the designated public view corridor.

- The project complies with all applicable guidelines, and no findings can be made to deny the project.
- The project features beautiful architecture and stepped facades to reduce negative impacts.
- Commended the architect and applicant for nicely articulating the building.
- Encouraged those negatively affected by this property to participate in General Plan, Specific Plan, Zoning Ordinance, etc., conversations to make their views heard and consider alternatives that would lessen negative impacts.

IT WAS MOVED BY COMMISSIONER KAUPP SECONDED BY COMMISSIONER RUEHLIN AND UNANIMOUSLY CARRIED TO RECOMMEND CITY COUNCIL APPROVAL OF RESOLUTION NO. PC 13-009 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT (CUP) 12-27 AND CULTURAL HERITAGE PERMIT (CHP) 12-271 REEF POINTE VILLAS, A REQUEST TO CONSTRUCT A FIVE UNIT RESIDENTIAL DEVELOPMENT AT 410 ARENOSO LANE.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

## 9. NEW BUSINESS

### A. Strategic Priorities (Pechous)

As part of the City's annual budget process, the Planning Commission is being asked to identify its most important strategic priorities for the community. These priorities are then considered by the City Council for possible inclusion in the budget and in the Capital Improvement Plan. Last year, the Commission identified the Zoning Ordinance Update, Specific Plan Updates, Local Coastal Plan and Downtown Business Development and Parking Strategies as the Commission's top priorities. The Commission will review last year's priorities, consider changes or additions to the list and forward its recommendations to the City Council.

Jim Pechous, City Planner, narrated a PowerPoint Presentation entitled, "Strategic Priorities, dated February 20, 2013," including a graphic indicating ongoing and proposed projects along with staff member assignments. Due to the current workload and resources committed, staff recommended the Commission recommend no new strategic priorities beyond those already in progress.

IT WAS MOVED BY CHAIR PRO TEM BROWN, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED TO RECOMMEND NO NEW PRIORITIES BEYOND THOSE ALREADY IN PROGRESS BE FORWARDED TO THE CITY COUNCIL.

**B. Subdivision Ordinance Amendment – Condominium Map Process (Wright)**

A request to discuss City initiated amendments to Title 16 “Subdivisions” of the Municipal Code. The proposed amendments would: 1) streamline the subdivision review process for condominiums, condominium conversions, time shares, community apartments, and stock cooperatives, and 2) make minor clean up edits (e.g. repair inaccurate or “broken” text references). The review process would not change for subdivisions of land to create parcels for new development. Specifically, the Municipal Code amendments would make it so Zoning Administrator approval is required to subdivide four or fewer units (e.g. into condominiums), and require Planning Commission approval to subdivide five or more units. Currently, all subdivisions require a Planning Commission recommendation to the City Council and City Council approval.

Christopher Wright, Associate Planner, reviewed the staff report; referred to letter dated February 15, 2013 from The Loftin Firm LLP, Attorneys at Law; recommended revisions identified by staff/The Loftin Firm LLP; recommended the Commission recommend Council adopt the ordinance containing the proposed amendments.

Ajit Thind, Assistant City Attorney, noted he reviewed the letter from “The Loftin Firm LLP” and recommended the Commission to make two changes for the ordinance to be clearer and consistent with State law: 1) remove the last sentence from Section 16.04.010(H)(4) on page 6 of 29 of Attachment 1, Exhibit A, and 2) change 18 months to 24 months in the first paragraph of Section 16.08.070 on Page 17 of 29. Mr. Thind stated the letter recommends other changes and the City Attorney’s office believes those edits are unnecessary.

In response to questions from the Commissioners, Associate Planner Wright clarified the proposed amendments will not affect land subdivisions (e.g. subdivide lot into two so one house can be built instead of two) or change affordable housing requirements; noted the proposed review process is comparable to other California cities researched; stated City Council would have the ability to call up Zoning Administrator and Planning Commission decisions; and advised the revised regulations pertain to all condominium conversions, including the conversion of a mobile home park.

IT WAS MOVED BY COMMISSIONER ANDERSON SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED TO RECOMMEND THE COUNCIL ADOPT THE DRAFT ORDINANCE with the following revisions:

Page 6 of 29, no. 4, eliminate the last sentence starting with "The certificate..." in its entirety.

Page 10 of 29, under, "G. Zoning Administrator", switch no. 1 and no. 2, making no. 2 the new no. 1, etc. (page 10)

Page 10 of 29, under "H. Planning Commission", switch no. 1 and no. 2, making no. 2 the new no. 1, etc.

Page 17 of 29, first paragraph of Section 16.08.070, replace "eighteen (18) months" with "24 months."

**10. OLD BUSINESS- None**

**11. REPORTS OF COMMISSIONERS/STAFF**

Included in the Commissioners' packets for their review:

- A. Tentative Future Agenda
- B. Staff Waiver 13-039, 205 Avenida De La Estrella
- C. Staff Waiver 13-040, 101 Calle Seguro

Chair Avera announced that he and Vice Chair Darden have been invited to a meeting to discuss the GPAC's request to schedule a special meeting with the City Council to discuss the Planning Commission's recommendations for the General Plan Update.

Commissioner Kaupp requested that staff add a discussion of the abovementioned meeting to the agenda of their next meeting in Chambers on March 20, 2013.

Chair pro tem Brown announced that at their next regular meeting, the Coastal Advisory Committee will discuss setting priorities, including increased street sweeping signage and a city-wide single use plastic bag ban.

**12. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED to adjourn at 7:55 p.m. to Planning Commission Architectural Tour at 1:00 p.m. on March 8, 2013 commencing at the Community Development Department located at 910 Calle Negocio, San Clemente, CA.

Respectfully submitted,

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Lew Avera, Chair

Attest:



Jim Pechous, City Planner

DRAFT