

**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
February 6, 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 6:02 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;  
Chair pro Tem Donald Brown, Vice Chair Julia Darden, Chairman  
Lew Avera

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
John Ciampa, Associate Planner  
Christopher Wright, Associate Planner  
Thomas Frank, Transportation Engineering Manager  
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 January 23, 2013**

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Adjourned Regular Planning Commission meeting of January 23, 2013, with the following revisions:

Page 9, 4<sup>th</sup> paragraph, after the first sentence, insert, "Commissioner Anderson questioned the intent of the story pole ordinance and it being applied to residential properties, especially when they are not in a protected view corridor and are proposing less than the code allows. She asked it staff recalled which project caused the City to write the ordinance."

## 6. ORAL COMMUNICATIONS

Bob Hill, resident, related behavior associated with the viewpoint located in the 700 block of Avenida Salvador including loud music, extensive trash, cigarette and marijuana joint butts, drug dealing, and undesirable activities. Calls to the police result in removing them from other important duties, and often the young people are gone, or finished with their undesirable activities by the time the police arrive. He and his neighbors do not wish to discourage visitors as it is a lovely view spot, but feel that undesirable behavior has exacerbated recently, resulting in fire danger, littering, loitering, and negative impacts to adjacent residents. He has been circulating a petition throughout the neighborhood requesting the City consider restricting parking from 10:00 p.m. to 7:00 a.m., which will hopefully discourage congregating and give the police a reason to come up and issue tickets. He submitted a copy of the petition to staff.

Chair Avera assured Mr. Hill that his complaint will be forwarded to the appropriate staff for review; noted that Thomas Frank, Transportation Engineering Manager, is a good resource for him to contact.

## 7. WRITTEN COMMUNICATIONS - None

## 8. CONSENT CALENDAR

### A. Proposed Parking Prohibitions on N. El Camino Real (Frank)

A request to consider forwarding a recommendation of approval to City Council to prohibit parking at the following locations: 100 feet on the northeast side of N. El Camino Real north of the curb ramp on East Escalones for bus stop relocation and 27 feet on the west side of N. El Camino Real adjacent to the driveway at 512 N. El Camino Real to improve traffic movement.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED TO FORWARD A RECOMMENDATION FOR CITY COUNCIL APPROVAL TO PROHIBIT PARKING AT THE FOLLOWING LOCATIONS:

1. One hundred (100') feet on the northeast side of North El Camino Real north of the curb ramp on East Escalones.
2. Twenty-seven (27') feet on the west side of El Camino Real adjacent to the driveway at 512 Camino Real south of Avenida Mateo.

**[ACTION SUBJECT TO CITY COUNCIL APPROVAL]**

**9. PUBLIC HEARING**

**A. 119 Boca De La Playa – Cultural Heritage Permit 12-311/Minor Exception Permit 13-017 – 119 Boca (Ciampa)**

A request to consider the development of a duplex with walls that exceed 42 inches within the front yard setback that is located adjacent to a historic structure. The project is located in the Residential Medium zoning district, Architectural Overlay, and Coastal Zone (RM-A-CZ). The project site is located at 119 Boca De La Playa legal description being Lot 45, Block 4 of Tract 821, Assessor's Parcel Number 692-121-02.

Commissioner Ruehlin 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, "119 Boca, CHP 12-311, MEP 13-017, dated February 6, 2013;" displayed north, south, and west elevations for the Commissioners' consideration; recommended the Commission approve the request as conditioned.

Tom Wilkes, architect representing the applicant, was present with the applicant for questions. He thanked Design Review Subcommittee (DRSC) Members for their input during the approval process, which greatly improved the project. He noted intent to develop a front door entrance in order to make the garage doors appear secondary, as most of the garage doors on adjacent homes appear to overwhelm the front elevations.

Chair Avera opened the public hearing.

James Walsh, resident, asked if the applicant intended to continue to allow access through for residents living above the property.

Chair Avera closed the public hearing.

Mr. Wilkes advised no provisions are being made for public access, especially as the top of the property features a retaining wall to provide privacy that would

make access difficult; noted the applicant had not anticipated addressing any liability issues that may arise from allowing the public on private property.

Jim Pechous, City Planner, speculated it would be unlikely that the California Coastal Commission would require this applicant to provide access as the property is landlocked and access to the beach is available along the street.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY VICE CHAIR DARDEN, AND CARRIED 6-0-1, WITH COMMISSIONER RUEHLIN ABSTAINING, TO ADOPT RESOLUTION NO. PC 13-006, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 12-311 AND MINOR EXCEPTION PERMIT 13-017, 119 BOCA, A REQUEST TO CONSTRUCT DUPLEX THAT IS ADJACENT TO A HISTORIC STRUCTURE AND A WALL THAT EXCEEDS 42 INCHES WITHIN THE FRONT YARD SETBACK LOCATED AT 119 BOCA DE LA PLAYA.

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

Commissioner Ruehlin returned to the meeting room.

**B. 166-176 Avenida Del Mar – Discretionary Sign Permit 12-207 – Plaza Mar Vista Sign Program (Ciampa)**

A request to consider a sign program for a commercial building located within the Mixed Use, Central Business district, Architectural Overlay, and Coastal Zone (MU3-CB-A-CZ). The project site is located at 166-176 Avenida Del Mar, legal description being Lots 42-44, Block 5 of Tract 779, Assessor's Parcel Number 058-081-55.

Commissioner Kaupp 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, "Plaza Mar Vista Master Sign Program, DSP 12-207, dated February 6, 2013." Staff recommended approval of the request as conditioned.

Buck Woods representing the applicant, was available for questions.

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

Vice Chair Darden pointed out that this applicant was allowed to use high density foam for the signage due to the building's Mid Century Modern Architecture style, which features a different style of signage than the hand-

crafted style used in Spanish Colonial Revival Architecture. The high density foam signage material is consistent with Mid Century Modern style, but would not be appropriate for Spanish Colonial Revival style.

Commissioners concurred that the signage style reflects the building architecture, will improve the building, may prompt additional buildings to update signage, and is consistent with the City's Wayfaring Sign Program. It was noted the building is a fine example of Mid Century Modern Style, and may be eligible for designation as a historic resource in the future.

IT WAS MOVED BY CHAIR PRO TEM BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND CARRIED 6-0-1, WITH COMMISSIONER KAUPP ABSTAINING, TO ADOPT RESOLUTION NO. PC 13-008, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT NO. 12-207, A REQUEST FOR A NEW MASTER SIGN PROGRAM FOR A COMMERCIAL BUILDING LOCATED AT 166-176 AVENIDA DEL MAR.

Commissioner Kaupp returned to the meeting room.

**C. 168 W. Avenida San Antonio – Cultural Heritage Permit 11-318/Variance 12-358/Minor Exception Permit 12-410 – Markuson Residence (Wright)**

A request to consider the construction of a 2,283 square foot, two-story residence with zoning exceptions, including a Variance for a reduction of the required front yard setback and garage setback, and a Minor Exception Permit for a reduction of the required side yard setbacks. The site is located at 168 W. Avenida San Antonio, across the street from a historic structure and within the Residential-Low Density, Coastal Overlay zoning district (RL-CZ). The legal description is Block 3, Lot 38 of Tract 852 and Assessor's Parcel Number 692-212-35.

Vice Chair Darden recused herself from considering this item due to property ownership within 500 feet and left the meeting room.

Christopher Wright, Associate Planner, narrated a PowerPoint Presentation entitled, "CHP 11-318/VAR 12-358/MEP 12-410 Markuson Residence, dated February 6, 2013." Staff recommended approval of the request as conditioned.

Jim Pechous, City Planner, noted the California Coastal Commission (CCC) is restricting the applicant's building pad even greater than the City Zoning Ordinance requirement. The CCC is requiring a deed restriction to be recorded to the property that will prevent the applicant from building up to the coastal canyon stringline, which is allowed by the Zoning Ordinance. Therefore, the CCC

requirement is an additional hardship that restricts development rights (lot width, size, coverage) other properties have in the zoning district.

Commissioners complimented Mr. Wright for his detailed, complete, and easily understandable staff report, which is especially informative as it sets forth findings and the facts to support the findings. Chair pro tem Brown suggested the department consider using the staff report format as a model for the rest of the department to follow. Commissioners also compliment Mr. Wright's presentation graphics.

Kim Markuson, the applicant, advised the existing building on the structure, built in 1952, is in very bad repair and will be torn down to accommodate the new structure. He has been working on the project for almost two years due to Coastal Commission delays. Mr. Markuson said his family is settling for the proposed design; it is not what they wanted. The CCC made him redesign the house to make it significantly smaller and less functional than the design they desired. He thanked Mr. Wright for all his assistance to work through various obstacles he had to face. He intends to build a comfortable, functional property that he can live in the rest of his life and pass down to family. He thanked the Commission for considering the requested variances.

Chair Avera opened the public hearing.

Alan Brodtkin, resident, questioned whether allowing reduced setbacks would incur a larger building, which may create a view obstruction for him. He requested the City require story poles to show building outline so he can determine whether he should object to the project.

Mike Nelson, resident, stated that the side of the street of the subject with the property is only one story homes in order to allow those on the other side of the street views over the top of the homes. He supported requiring story poles in order to determine whether his view will be impacted.

Chair Avera closed the public hearing.

Sherry Braun, the architect for the project, noted the proposed building footprint is smaller than the existing footprint and will not extend further toward the street than the current building. A fireplace in front of the existing residence will be removed. This will allow a less cluttered view. The proposed second story elements of the building comply with all current zoning requirements; the portions of the building needing the variance are one story in height. They could have moved the second story closer to the street, but felt that would impact views more. In addition, she noted the new structure will be

lower than other two story buildings in the area because they are grading into the slope which makes the height lower, so this will enhance views from above.

Jim Pechous, City Planner, advised there is no requirement in the Zoning Ordinance for two story single family residential projects to install story poles. In addition the City codes do not offer protection of private views, in designated areas public views are protected. He noted there was no request for an exception with regard to height or to extend any of the buildings second story elements beyond the required development setbacks.

Commissioner Ruehlin asked Chris Wright, Associate Planner, whether the canyon limits lot coverage and how much coverage could occur without the variance. Mr. Wright said the project has approximately 32% lot coverage with the variance where the Zoning Ordinance allows a maximum of 50%. Without the variance, the potential lot coverage of the lot would be slightly lower than 32%. Commissioner Kaupp stated he wanted to emphasize for the record that the applicant noted the review process took over two years because of the Coastal Commission, not the City. Commissioner Crandell expressed some reluctance to vote for a one-inch side yard exception because it seems this is not necessary due to a hardship. Commissioner Anderson noted the variance and exception are requested due to the site limitations so while one-inch is such a small amount (2% reduction), it can make a significant difference for the project. Further, the required findings for a Minor Exception Permit do not require there to be hardship so she believes the findings can be made for the one-inch side yard setback exception. Following discussion, the Commissioners agreed the exception was warranted and met findings.

The Commissioners concurred to support the variance and exception due to the topography of the lot and to allow for a functional floor plan, protect natural resources, and allow property rights enjoyed by adjacent properties. They pointed out that all homeowners on the street have the same right to build up to 25 feet if desired.

IT WAS MOVED BY COMMISSIONER ANDERSON SECONDED BY COMMISSIONER KAUPP, AND CARRIED 6-0-1, WITH VICE CHAIR DARDEN ABSTAINING, TO ADOPT RESOLUTION NO. PC 13-007, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 11-318/VARIANCE 12-358/MINOR EXCEPTION PERMIT 12-410, A REQUEST TO ALLOW THE CONSTRUCTION OF A RESIDENCE WITH SETBACK EXCEPTIONS ON A SITE, ABUTTING A HISTORIC STRUCTURE, LOCATED AT 168 WEST SAN ANTONIO.

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

Vice Chair Darden returned to the meeting room.

## 10. NEW BUSINESS

### A. Consideration of Including Alternative Land Use Designations at 229 West Avenida Alessandro (change from Residential Low Density to Residential Medium Density) and at 130-162 Avenida Rosa (change from Mixed Use to Residential Medium Density) as part of the Draft General Plan (Hook)

At its December 19, 2012 meeting, the Planning Commission directed the City's General Plan consultant to evaluate seven properties under alternative land use designations as part of the new General Plan. The additional study was to help provide information for possible rezoning of the properties to help improve the City's ability to meet its Regional Housing Needs Allocation. In addition, the City has received requests to consider including two additional properties in the Draft General Plan for possible alternative land uses. The Planning Commission will review these two additional properties to determine whether they should be included as alternative land use designations in the Draft General Plan for further environmental and land use studies. This is not a public hearing item. It is primarily informational and to provide direction for further study. No actual changes to land uses or zoning will be decided at the meeting.

Vice Chair Darden recused herself from considering this item due to property ownership within 500 feet and left the meeting room.

Commissioner Kaupp absented himself from the remainder of the meeting due to ill health.

Jim Pechous, City Planner, narrated a PowerPoint Presentation entitled, "Consideration of Alternative Land Use for Properties at 130-162 Avenida Rosa, as part of the new General Plan Study, dated February 6, 2013." He announced that the property at 229 West Avenida Allessandro had been withdrawn from consideration by the applicant. Staff supports study to consider including Residential Medium Density for the properties on Avenida Rosa as part of the consultant's General Plan environmental studies in order to assess such a change's effects on land use compatibility, traffic, and circulation, as well as providing a basis for further Commission and City Council discussion.

#### Written Communications:

Letter dated January 31, 2013 and signed by Richard and Linda Reynolds, Dan and Janet Prideaux, Douglas and Diane Smith, Allen and Susan Miller, Charles and Dana Burk, Steve C. Bro, Charles and Bobbe Sommes, Dorothy R. Hopper, Mr. and Mrs. Mike Mellem, Mr. and Mrs. Brad Bierbaum, June E. Yoder, Barbara



H. Howard, Jody and Robio Fouch, Tom and Lorra Davis, Bob and Pat Hasbrook, Todd and Ellen Goulet, Ron and Cindy Coon, Lori Terry, and Virginia Lambert, residents, opposed to changing the land use designation for 229 West Avenida Alessandro due to reduced property values, increased traffic, more noise, safety issues, and adverse environmental impacts to Riviera Canyon.

Email dated January 29, 2013, from Jerry Schneider and Torino Schneider, residents, opposed to changing the land use designation for 229 West Avenida Alessandro.

Email dated January 29, 2013, from Casey and Brooke Ueberroth, residents, opposed to changing the land use designation for 229 West Avenida Alessandro.

Letter dated February 4, 2013, from Frank E. Denison, resident, opposed to changing the land use designation for 130 to 162 Avenida Rosa from low to medium density due to negative parking impacts.

Discussion:

Jim Pechous, City Planner, pointed out that Mr. Denison's letter erroneously stated that the land use change being considered would change the residential use to higher density, when actually the proposed change eliminates the commercial component and the residential density of 24 units per acre stays the same.

The Commissioners pointed out that the existing mixed use land use designation for the Avenida Rosa properties may have prevented them from being developed as evidenced by vacant lots and repeated yet failed efforts to sell one or more of the properties. They supported studying the proposed change for future discussion, pointing out that a land use change may make the properties more compatible with existing residential, improve developability with removal of the commercial component, and provide needed flexibility.

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY COMMISSIONER RUEHLIN AND CARRIED 5-0-2, WITH VICE CHAIR DARDEN ABSTAINING AND COMMISSIONER KAUPP ABSENT, TO INCLUDE THE PROPERTIES LOCATED AT 130-162 AVENIDA ROSA IN THE GENERAL PLAN FOR EVALUATION UNDER TWO SCENARIOS; 1) THEIR "PREFERRED" GENERAL PLAN LAND USE AS DESIGNATED BY THE CITY COUNCIL FOR STUDY PURPOSES, AND 2) APPLY "ALTERNATIVE LAND USE" DESIGNATIONS TO INCREASE HOUSING OPPORTUNITIES.

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

**11. OLD BUSINESS- None**

**12. REPORTS OF COMMISSIONERS/STAFF**

Included in the Commissioners' packets for their review:

- A. Change of Planning Commission Agenda Items (Pechous)
- B. Tentative Future Agenda
- C. Minutes from the Zoning Administrator meeting of January 23, 2013
- D. Staff Waiver 13-020, 111 S. Alameda Lane
- E. Staff Waiver 13-025, 141 Avenida Victoria
- F. Staff Waiver 13-030, 247 Avenida Granada
- G. Staff Waiver 13-033, 412 Arenoso Lane #301

Commissioner Ruehlin reported that he attended two meetings and signed up to serve on subcommittees of the "North Beach Community Organization," a community organization of North Beach residents united in their interest in the future of North Beach.

City Planner Pechous suggested and the Commission agreed to combine "Oral" and "Written" Communication sections on the Planning Commission agenda. He noted interpretation of the Commission's bylaws indicate this would be acceptable.

**13. ADJOURNMENT**


IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED to adjourn at 7:46 p.m. to an Adjourned Regular Meeting to be held at 6:00 p.m. on February 13, 2013, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

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Lew Avera, Chair

Attest:



Jim Pechous, City Planner