

**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
December 19, 2012 @ 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 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, Chairman Lew Avera

Commissioners Absent: Vice Chair Julia Darden

Staff Present: Jim Pechous, City Planner  
Jeff Hook, Principal Planner  
Amber Gregg, Associate Planner  
Tom Bonigut, Assistant City Engineer  
Zachary Ponsen, Senior Civil Engineer  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

**4. SPECIAL ORDERS OF BUSINESS**

A. Project Update, Avenida Pico Interchange at I-5, Bridge Span Final Design

Tom Bonigut narrated a PowerPoint Presentation entitled "Project Update, I-5 South County Improvement, Planning Commission, December 19, 2012," requesting the Commission provide input on design details proposed by Caltrans for the bridge located at the I-5 and Avenida Pico Interchange.

During discussion, the Commissioners provided input as follows:

1. Inset on Columns: Commissioners expressed preference for the equal-distance inset instead of the wider inset.
2. Column Capitals: Commissioners agreed with staff to eliminate the exaggerated spire and place the ball on top of the cone; also remove the legs, with the base of the pilaster directly on top of the column.
3. Wall Pattern: Commissioners expressed preference for the original pattern without offset boards.
4. Reveals and Concrete Finish: Commissioners preferred the wood grain design instead of smooth concrete. Staff agreed to bring back example of wood grain before installation if time permits.
5. Sound Tile Design: Commissioners concurred with the staff recommendation to use standard repeat pattern for the sound tile design so that Caltrans will have responsibility of maintenance; suggested split face texture to be consistent with existing sound wall design.

## 5. MINUTES

### A. Minutes from the Joint City Council/Commissions/Committees Meeting of October 23, 2012

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER CRANDELL, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Joint City Council/Commissioners/Committees meeting of October 23, 2012, as submitted by staff.

### B. Minutes from the Adjourned Regular Planning Commission Meeting of December 5, 2012

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Adjourned Regular Planning Commission meeting of December 5, 2012, with the following revision:

Page 5, 5<sup>th</sup> paragraph, 2<sup>nd</sup> sentence, replace "Section 8" with "Planning Area 8"

## 6. ORAL COMMUNICATIONS - None

## 7. WRITTEN COMMUNICATIONS - None

**8. CONSENT CALENDAR****9. PUBLIC HEARING****A. 821 Via Suerte, Suite 104 – Conditional Use Permit 12-385 – Inka Mama’s  
(Gregg)**

A request to consider an alcohol beverage control permit upgrade from beer and wine to include distilled spirits at the Inka Mama’s restaurant located at 821 Via Suerte, Suite 104. The project is located within the Talega Specific Plan, the legal description being lot 5 of Tract 16936 and Assessor’s Parcel Number 701-372-02.

Amber Gregg summarized the staff report and recommended approval of the request as conditioned. In response to a question, she noted the Sundried Tomato Café in the same location also serves distilled spirits.

Stavros Lozano, 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 COMMISSIONER RUEHLIN SECONDED BY COMMISSIONER KAUPP AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 12-036, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 12-385, ALCOHOL LICENSE UPGRADE TO INCLUDE DISTILLED SPIRITS AT THE INKA MAMA’S RESTAURANT IN THE TALEGA VILLAGE CENTER.

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

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

A request to consider the demolition of an existing apartment building, and the construction of 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.

Amber Gregg narrated a PowerPoint Presentation entitled, “Reef Point Villas, Conditional Use Permit 12-270 and Cultural Heritage Permit 12-271, dated December 19, 2012;” recommended approval of the request as conditioned.

Zachary Ponsen expressed confidence that the conditions of approval specific to grading adequately address issues that may arise during the grading process, noting that the developer is responsible for choosing the correct geotechnical technique to use that will protect adjacent properties. He advised any geotechnical issue arising between the subject property and adjacent properties would become a civil issue between the two properties.

Ajit Thind agreed the standard conditions of approval are adequately written.

Michael Luna, architect and applicant's representative, explained that the proposal is to construct a three-story, five-unit building featuring setbacks on the sides and top story to reduce massing and decrease potential negative view impacts for adjacent properties. The project complies with all applicable codes, and guidelines which allow up to four stories in height and a maximum of 10 units. The applicant filed a pre-application in order to get all issues out in the open from the start of the project, and is working with the California Coastal Commission to ensure the proper coastal canyon setback. A team of engineers, geologists, and contractors have been hired to employ best practices to ensure safety of the surrounding properties. He noted the planting wall along the edge should be green within a short amount of time.

Chair Avera opened the public hearing.

Richard Gibby, property owner and site developer note he intends to live in one of the units when he retires. He does not want a massive building, and believes the project proposed is complementary with the site and the neighborhood.

Christina Leon, resident, opposed the proposed project because it will intensify the existing tunnel effect on its narrow street, obstruct sunlight, block views, and change the neighborhood from what Ole Hanson originally envisioned. She asked for story poles to illustrate the project's effects, requested the subterranean garage be moved further down the slope in order to reduce the project to two stories from street level, and suggested the project take access from Linda Lane.

Chair Avera closed the public hearing.

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

- Agreed the street already experiences a canyon effect, which is, in part, caused by an existing and larger building.

- Commended the choices made by this developer to reduce impacts to the adjacent properties, including lower massing than allowed, increased balconies, half the number of units that could be built on site, and limiting the number of stories to 3.
- Commented that although story poles are a good tool, they have not been used in residential projects and are not called for with this application as it's not a commercial or mixed use project.
- Noted the City Engineer is confident the conditions of approval should prevent structural damage to surrounding properties.
- Advised that only designated public views are protected.
- Complimented the architect and applicant for the beautiful design.
- Recommended a new condition of approval to allow applicant flexibility with regard to window painting.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY CHAIR PRO TEM BROWN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 12-037, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 12-270 AND CULTURAL HERITAGE PERMIT (CHP) 12-271, REEF POINTE VILLAS, A REQUEST TO CONSTRUCT A FIVE UNIT RESIDENTIAL DEVELOPMENT AT 210 ARENOSO LANE, with the following revisions:

Page 6, condition no. 6, first sentence, replace "commercial building permits" with "building permits"

Page 12, condition no. 33, replace "was" with "walls"

Staff to add new condition where appropriate as follows: "Should the requirement for on-site window painting be amended prior to project completion, the applicant may choose to comply with current or revised condition."

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

**10. NEW BUSINESS - None**

**11. OLD BUSINESS**

A. **General Plan Policies - Review Implementation Measures Section of the Draft General Plan Land Use Element** (Hook)

At its March 21, April 4, April 18 and May 2, 2012 meetings, the Commission reviewed and commented on the preliminary draft General Plan Land Use Element (LUE). The Commission did not review the Implementation Section of

the draft Element because it was not yet available. The Commission should complete its review of the draft LUE by reviewing and commenting on the Implementation Section, which includes specific actions the City will take to carry out the LUE's goals and policies. The Commission's action is not final. Recommended changes and additions would come back later next year in the form of a "Public Hearing Draft General Plan" for final Commission action.

Commissioner Kaupp recused himself from considering land use implementation measures for properties located in the Downtown/T-Zone area due to property ownership within 500 feet; Chair pro tem Brown recused himself from considering land use implementation measures for properties located on South El Camino Real due to property ownership within 500 feet.

Chair Avera opened the public hearing.

Cheryl Moe, resident, recommended the Commission consider freeway crossing points and parking for golf carts in the Downtown area.

Chair Avera closed the public hearing.

Following discussion, the Commissioners provided comment/suggested revisions as follows:

- Page 1, item 1.c. add to the end of the sentence, "with emphasis on the commercial core in the T-Zone."
- Page 1, no. 6, replace "limit non-business oriented uses and protect" with "encourage"
- Page 1, no. 7, The Planning Center to clarify the meaning of this implementation measure to the satisfaction of staff or delete it in its entirety.
- Page 1, no. 8, following "motorcycle" insert ", watercraft"
- Page 2, no. 10, The Planning Center to clarify the meaning of this implementation measure to the satisfaction of staff or delete it in its entirety.
- Page 2, no. 13, The Planning Center to explain the policy link.
- Page 2, no. 15, The Planning Center to define "experiential retail uses"
- Page 2, no. 16, 1<sup>st</sup> sentence, replace "guide the retail mix of Downtown" with "enhance the retail synergy of Downtown land uses"
- Page 3, no. 24, following "Downtown Business Association," insert "Pier Bowl Merchant's Association"
- Page 3, no. 29, following "prepare" insert "and implement"; replace "prevent development from obstructing" with "maintain and restore";

following "I-5 Freeway," insert "by reviewing development for its visual effects,"

**B. General Plan Land Use Map Designations (Hook)**

Consideration of including alternative land use designations at 101 North La Esperanza, 61-115 Via Pico Plaza, 100 Avenida Presidio (City Hall), 501 Avenida Vaquero (Shorecliffs Golf Course Clubhouse), 2651 Calle Frontera, 910 and 918 South El Camino Real, and 1300 North El Camino Real as part of the Draft General Plan Land Use Map.

The City's approved General Plan Housing Element identifies five properties to be considered for potential rezoning to help improve the City's ability to meet its Regional Housing Needs Allocation. In addition, the City has received two requests from property owners to consider including their properties in the Draft General Plan for possible land use changes. Tonight, the Planning Commission should review these 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 item is primarily informational and to provide direction for further study. No actual changes to land uses or zoning will be decided at the meeting.

Jeff Hook narrated a PowerPoint Presentation entitled "General Plan Policies, Consideration of Including Alternative Land Use Designations at 101 North La Esperanza, 61-115 Via Pico Plaza, 100 Avenida Presidio (City Hall), 501 Avenida Vaquero (Shorecliffs Golf Course Clubhouse), 2651 Calle Frontera, 910 and 918 South El Camino Real, and 1300 North El Camino Real, dated December 19, 2012." He noted what is at issue tonight is whether the Commission believes it is appropriate for the City's consultant to evaluate the potential for land use and zone changes in order to increase housing opportunities. He noted the Commission will have the opportunity to review and make recommendations before the issue goes before the City Council.

In response to questions, Mr. Hook advised that the property referred to in the recent letter from Cheryl Moe could be considered next year, as staff just received the letter and has not yet had an opportunity to review the subject property before tonight's meeting.

Chair Avera opened the meeting for public comment and noted that Commissioners had received correspondence just before the meeting from Rick and Margaret Franks, dated December 19, 2012, expressing opposition to potential rezoning of the City Hall Property and voicing concerns about the scope and timeliness of public notification of this meeting, potential impacts on

homeowners and slope stability (letter on file with 2012/2013 General Plan files, Community Development Department and included herein by reference).

Jim Friberg, resident, opposed developing a large number of housing at the City Hall site as a parking shortage currently exists due to the existing condominium complex, and development of the site may lead to slope instability, damage to structures above the site, and lawsuits against the City arising from the slope damage.

Greg Hoffenberg, resident, opposed housing development at the 1300 N. El Camino Real site due to potential slope damage, negative environmental impacts, property access issues, loss of public beach access, and the existing parking shortage due to overcrowding in the area.

Dr. Rajesh Kadakia, resident, requested that properties at 910 and 918 South El Camino Real be considered for the proposed mix use (MU) rezoning being contemplated in the General Plan Update.

Linda King, resident, opposed housing development for the City Hall site due to the existing overcrowding and parking shortage due to the condominium complex, existing reckless driving, existing instability of slopes, potential for grading on site to further create slope instability, and potential for liability to the City arising from slope damage.

Rick Franks, owner of a house adjacent to City Hall, referred to a letter he and his wife, Margaret, had submitted and summarized its key points. He opposed rezoning 100 Presidio due to existing instability of the hillside, existing shortage of parking in the area, and the potential for lawsuits against the City.

Mark Mcguire, resident, spoke on behalf of the Shorecliffs Golf Course property owners, requested the City consider a hotel, time share, or senior housing site for up to 6 acres of the 8.5 acre site; noted the golf course will continue to operate.

Cheryl Moe, resident, requested her property at 329 W. Allesandro also be studied for potential land use change. At 35,850 square feet, it is a large property, located on a coastal canyon, which may be suitable to development that would help meet the City's housing needs.

Mr. Hook noted that Ms. Moe's property, and another property just brought to staff's attention, will be researched by staff and may be brought back for Planning Commission consideration following proper public noticing. In addition, he noted the type of housing is not a consideration at this point; the



properties would be considered for residential uses as an alternative to the current land use designation.

Chair Avera closed the public comment portion of the meeting.

The Commissioners concurred that all properties included in the staff report should be considered for potential alternative land use and rezoning; advised interested residents to document their concerns in writing addressed to staff; and requested that staff provide the property owners' written and oral comments from the meeting to the City's General Plan consultant.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO DIRECT THE CONSULTANT TO INCLUDE "ALTERNATIVE LAND USES" FOR 101 NORTH LA ESPERANZA, 61-115 VIA PICO PLAZA, 100 AVENIDA PRESIDIO (CITY HALL), 501 AVENIDA VAQUERO (SHORECLIFFS GOLF COURSE CLUBHOUSE), 2651 CALLE FRONTERA, 910 AND 918 SOUTH EL CAMINO REAL, AND 1300 NORTH EL CAMINO REAL.

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

## **12. REPORTS OF COMMISSIONERS/STAFF**

Included in the Commissioners' packets for their review:

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of December 5, 2012
- C. Staff Waiver 12-409, 1104 S. El Camino Real
- D. Staff Waiver 12-415, 231 Avenida Victoria
- E. Staff Waiver 12-417, 247 Avenida Santa Barbara

Commissioner Ruehlin reported that he rented an electric bike at North Beach and was able to very effectively get up and down hills with plenty of speed. He enjoyed the bike ride and recommended it highly to his fellow Commissioners.

Staff and the Commissioners wished all a Merry Christmas and Happy New Year.

Mr. Pechous noted the January 9, 2013, meeting packets were on the dais for all to take home in addition to their notebooks.

## **13. ADJOURNMENT**

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED to adjourn at 10:02 p.m. to an Adjourned Regular Meeting to be held


at 6:00 p.m. on January 9, 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

DRAFT