

**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
January 9, 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 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, Vice Chair Julia Darden, Chairman Lew Avera

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner  
Jeff Hook, Principal Planner  
Amber Gregg, Associate Planner  
John Ciampa, Associate Planner  
Sharon Heider, Beaches, Parks, and Recreation Director  
Zachary Ponsen, Senior Civil Engineer  
Ajit Thind, Assistant City Attorney  
Eileen White, Recording Secretary

**4. SPECIAL ORDERS OF BUSINESS - None**

**5. MINUTES - None**

**6. ORAL COMMUNICATIONS**

Sue Loftin, The Loftin Firm, LLP, Attorneys at Law, Carlsbad, CA, representing Capistrano Shores, Inc., submitted a letter dated January 10, 2013, which included resubmission of two letters sent to staff from The Loftin Firm, LLP, dated December 6, 2012, and December 10, 2012, on behalf of Capistrano Shores, Inc., requesting the City remove language in the General Plan Update, specifically in Economic Development Policies, I3.7 (Page 3-16) and the Coastal Element Chapter 4, Implementation Measures, section 406 B (Page 4-12) because she believed it is injurious, unnecessary, and internally inconsistent. She noted her firm has not received any response in writing or verbally, from the City. Jim Pechous agreed to research the request made in the letters and report back.

**7. WRITTEN COMMUNICATIONS - None**

**8. CONSENT CALENDAR**

**9. PUBLIC HEARING**

**A. 1312 Avenida De La Estrella – Cultural Heritage Permit 12-282/Minor Exception Permit 12-329 – Murlless Addition (Ciampa)**

A request to consider an in-bank garage with a reduced front yard setback and an addition to a house that is adjacent to a historic house. The project site is located within the Residential Low (RL) zoning designation at 1312 Avenida De La Estrella, legal description being Lot 12, Block 8 of Tract 795, Assessor's Parcel Number 057-033-23.

John Ciampa narrated a PowerPoint Presentation entitled "Murlless Residence, CHP 12-282, MEP 12-329, dated January 9, 2013. He displayed colored renderings, site plans, elevations, photos of the site, and a scale model. Staff recommended approval of the request as conditioned.

In response to questions, Mr. Ciampa noted standard, legal length of a garage is 19 feet inside measurement; discussed potential grading to occur on the site, including amount of bluff to be removed.

Alura Aguilera, architect for the project, noted the architecture combines Spanish Colonial Revival with green techniques such as grey water usage, solar panels, and a roof garden on top of the garage; advised the historic home owners fully support the proposed project.

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

For the record, Chair Avera advised that two items of written communication were submitted to the Commission this evening. One in support and one opposed. Victor Hooper's letter opposed the project because he believed the proposed in-bank garage would affect the historic nature of the property and because it does not comply with the standard garage setback of 18-feet. Kristine Pollard, the owner of the adjacent historic property located at 1314 Avenida De La Estrella, submitted the letter of support, stating that the Architect's design for the addition will complement her house with the Spanish architectural elements.

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

- Advised it is the Hillside Ordinance that sets forth the calculations and required findings for the Minor Exception Permit. The guidelines can be applied whether slopes go up or down, and it is very common for properties all over the City to apply for this exception due to the City's steep topography.
- Established from staff that the proposed garage was slightly deeper than required by City Standards; speculated the exception might not be necessary if the garage was constructed to the minimum length.
- Speculated the added depth for the garage may enable storage for the applicant, or to ensure that there is always room for cars in the garage. In addition, ability for applicant to both park and store in garage may decrease need to park on street, where shortage of parking currently exists.
- Established from staff that the exception request is consistent with requests that have been granted for properties with similar restraints.
- Complimented the architect and applicant for beautiful architecture; thanked architect for the special tools used to illustrate the property's massing; commended the architect and applicant for sensitivity to the adjacent historic home.
- Commented the remodel is in character with and would be a nice addition to the neighborhood.

- Noted the Historical Society has indicated approval of the proposed remodel.
- Commended the applicant for friendly working relationship with adjacent historic property owner.
- Expressed some concern with removal of bluff, but acknowledged applicant's ability to apply for exception if property qualifies; commented that line of sight seemed inadequate on paper, but expressed confidence in staff's ability to determine if adequate line of sight is present.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-001, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 12-282 AND MINOR EXCEPTION PERMIT 12-329, MURLLESS ADDITION, A REQUEST TO CONSTRUCT AN IN-BANK GARAGE WITH A REDUCED FRONT YARD SETBACK AND AN ADDITION TO A HOUSE LOCATED AT 1312 AVENIDA DE LA ESTRELLA WHICH IS LOCATED ADJACENT TO A HISTORIC STRUCTURE.

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

**B. 1729 S. El Camino Real – Discretionary Sign Permit 12-330 – Chevron Station Signage (Gregg)**

A request to consider a Master Sign Program for the Chevron Service Station located at 1729 S. El Camino Real. The project is located within the Neighborhood Commercial (NC-3) zoning district and the legal description is Lot 2, Block 9, of Tract 851 and Assessor's Parcel Number 690-413-02.

Amber Gregg narrated a PowerPoint Presentation entitled, "Discretionary Sign Permit 12-330, Chevron Master Sign Program, dated January 9, 2013," including site plans, signage breakdown, and photos of existing and proposed signage. Staff recommended approval of the request as conditioned.

Karl Huy, Travis Companies, Anaheim CA, representing the applicant, concurred with conditions of approval as stated by staff; clarified that Condition No. 10 establishes that if the monument sign needs to be relocated, discretionary review would only be necessary if the applicant

and staff were unable to resolve the relocation. Ms. Gregg agreed with this interpretation.

Michael Gray, Travis Companies, Anaheim, CA, representing the applicant, was available for questions.

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

Design Review Subcommittee (DRSC) Members Kaupp and Crandell commended the applicant for his willingness to work with the DRSC on a solution to the existing pole sign issue. They commented that the end result worked well for both applicant and the City.

IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-002, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING DISCRETIONARY SIGN PERMIT NO. 12-330, A REQUEST FOR A NEW MASTER SIGN PROGRAM FOR A CHEVRON SERVICE STATION LOCATED AT 1729 S. EL CAMINO REAL.

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

**10. NEW BUSINESS**

**A. Interpretation 12-434, Microbrewery Interpretation (Gregg)**

A request for an interpretation from the Planning Commission regarding small microbreweries with limited production, but with a tasting room and retail sales, that such uses shall be considered the same as a Bar Use in the Municipal Code and require a Conditional Use Permit to establish such a facility.

Amber Gregg presented the staff report and recommended the Commission approve Interpretation 12-434, that a microbrewery with limited production and tasting room is consistent with a "Bar" use and shall be permitted within the Mixed Use and Commercial zoning designations with the approval of a CUP.

Jim Pechous pointed out that this evening, the Commission is being asked to approve an interpretation to allow such a use, which is not currently identified within the Municipal Code, to exist in this zoning designation. If the applicant goes forward and proposes the use, the Commission will have the opportunity to review the actual operation. Staff is recommending the Commission find that the use is similar to a bar, which is a conditionally allowed use in this zone. He noted that in the City's future Zoning Ordinance, microbreweries may be listed as an allowed use, which would eliminate the need for an interpretation that it is similar to a bar use.

In response to questions, Ms. Gregg advised that a wine tasting facility would only need a minor permit and noted the difference between wine tasting and microbreweries is that in microbreweries the beer is made on site.

Tom Cordato, the applicant, advised the microbrewery industry is growing rapidly, with their focus for this facility on brewing and taste. In a typical microbrewery, people come in to taste and drink beer. There will be no bottling done on site, and those wishing to buy in quantity can buy a "growler." In addition, the site would sell other beers already in containers. He will have two Alcoholic Beverage Control (ABC) licenses in order to offer both options. He believes this is a good location for this type of use, and it will be a good addition to the City. Microbreweries are not the same as traditional bars; not loud and rowdy, most patrons consume a maximum of three beers before leaving. It is more of a social gathering place than a location where people congregate to become inebriated.

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

Commissioners concurred that a microbrewery use would be a similar use to uses already allowed in the zone, and that restrictions are appropriately placed, such as an annual quantity limit, for this use.

IT WAS MOVED BY CHAIR PRO TEM BROWN, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED TO APPROVE INTERPRETATION 12-434 THAT A MICROBREWERY WITH LIMITED PRODUCTION AND TASTING ROOM IS CONSISTENT WITH A "BAR" USE AND

SHALL BE PERMITTED WITHIN THE MIXED USE AND COMMERCIAL ZONING DESIGNATIONS WITH THE APPROVAL OF A CUP.

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

**11. OLD BUSINESS**

**A. Draft General Plan Beaches, Parks and Recreation Element (Hook)**

This Element addresses the general distribution, location and design of public beaches, parks, recreational lands and facilities. It also addresses recreation programs, park planning and acquisition, funding and implementation and is intended to maintain a system of safe, well-designed and high quality beaches and parks that meet a wide range of recreational needs, enrich the human spirit and promote community participation, health and wellness. The Beaches, Parks and Recreation Commission provided comments on this draft at its December 11, 2012 meeting; the Planning Commission previously reviewed the section on Health and Wellness in this draft Element.

Jeff Hook briefly reviewed the staff report; requested the Commission provide input on the Draft General Plan Beaches, Parks, and Recreation Element; advised the Element will come back to the Commission for final approval before it is presented to the City Council for consideration; noted The Planning Center will have a greater role once all comments have been submitted and more detailed work will occur with the distribution of the public hearing draft. He noted the document will be much better organized, with sample links and graphics and that it could take up to about six months after the final draft is approved by the City Council before the approved General Plan/EIR are uploaded to the City's website.

In response to a comment from Commissioner Crandell, Mr. Hook agreed to consider whether it would be beneficial for the Commission to hold a joint meeting with other advisory bodies/commissions/committees to review pertinent draft General Plan Elements as part of Public Hearing Draft General Plan review. He noted the Commission preferred to continue review the tracked BPR Commission-approved draft evening.

Chair pro tem Brown suggested the Commission hold a study session to discuss how best to review the Public Hearing Draft General Plan and how

final comments from the advisory bodies, as well as staff's comments, will be incorporated. Commissioners concurred with the suggestion, and requested that the City's consultant also be present.

#### Beaches, Parks, and Recreation

Following discussion, the Commissioners provided comment and suggested the following revisions:

- Requested "enrichment" as referred to in the first paragraph, be defined in the glossary section of the Update.
- Suggested staff may want to consider adding environmental component to this section to the homepage section; staff to review if adequately covered in other sections and add if warranted.

Sharon Heider, Beaches, Parks and Recreation Director, clarified notes specifically intended for the City's consultant; and discussed the basis for including some goals/policies/implementation measures in the Draft BPR Element and why some should be removed from this document and included in a Beaches, Parks, and Recreation Master Plan, to be developed following General Plan adoption.

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

#### Recreational Programming

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

- Page 4, second paragraph, replace "To offer," with "Offer"
- Stated preference for consistency that all goals throughout the document be stated in present tense.
- Established from staff that "long term street closures" could be used to address problem areas such as protecting historically designated homes at risk for damage from being located adjacent to streets.
- Elected to add new policy designed to increase visibility of less vibrant areas, such as featuring the Santa Train at North Beach.



- Page 5, add new Policy 1.11, as follows: “We consider using recreation programming as a tool for enhancing the vitality of neighborhoods and commercial areas.

In response to comments, Ms. Heider advised that typically her department develops programs when needs have already been identified, such as developing the “Fun on the Run” program in the Los Mares area. Although they usually develop programs after a need has been identified, she agreed that including new Policy 1.11 would allow them choices they hadn’t considered in the past. In addition, she noted that the H.E.A.L. program stands for Healthy Eating, Active Living, and described its components, which include incorporating fun activities and healthy food to help combat Childhood Obesity.

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

#### Park Planning, Acquisition and Development

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

- Confirmed with Ms. Heider that updating the Beaches, Parks, and Recreation Master Plan every 5 years would be too aggressive.
- Page 6, 3<sup>rd</sup> paragraph, insert “Provide and maintain” in front of “Parks and Recreation facilities”
- Page 6, Policy PR-2.1, insert “at least” in front of “five acres”
- Page 6, Policy PR-2.3, insert “Council-adopted” in front of “community standards”

In response to questions, Ms. Heider advised that using a guideline of five acres of improved parkland per 1,000 residents is a standard ratio following by many cities; noted that the main purpose of establishing the guideline is for calculating developer fees for new projects. Because the City has no new projects in the development stage, changing the guideline at this time is unnecessary. In addition, she noted the high ratio of parkland to residents precludes them from qualifying for grants against more dense, lower income cities with higher shortages of park facilities. She noted cities count parkland in different ways, with golf courses, open space, beach access points, etc., sometimes included. She noted several

cities have started separating their amount of open space from parkland for marketing purposes. She has heard in the community that some feel that some areas of the City could use more parks. The Commissioners agreed that five acres of improved parkland per 1,000 residents is an appropriate ratio.

Ms. Heider also responded to questions concerning standards maintained by maintenance staff for cleaning and other maintenance. She noted the City Council decides to designate the standard that can be met and financed.

Chair pro tem Brown endorsed retaining the existing parkland to number of residents ratio for use when participating in Rancho Mission Viejo Planning Area 8 development.

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

#### Beaches

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

- Page 8, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence, replace “is blessed” with “enjoys”
- Page 8, 3<sup>rd</sup> paragraph, replace “A safe, and” with “Provide a safe”; following “recreational activities” insert “,promotes economic development”
- Page 8, insert Policy PR 3.9 as follows: “We support sand nourishment programs and other measures to enhance the use, appearance, and safety of our beaches.” (Jeff Hook to refine policy with Sharon Heider, considering using existing policy; add related implementation measure)
- Page 9, 2<sup>nd</sup> paragraph, insert “access” between “Beaches” and “Map”

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

#### Open Space and Trails

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

- Page 10, 2<sup>nd</sup> paragraph, replace “A safe,” with “Provide a safe”
- Page 10, Policy PR-4.1, insert “encourage and” following “We”
- Page 10, add Policy PR-4.8 as follows: “We maintain multi-purpose trails to Council-adopted community standards.”

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

#### Beaches, Parks and Recreation Economics and Financing

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

- Page 20, 1<sup>st</sup> paragraph, last sentence, replace “one (1) acre of park land per 5, 000 residents.” with “at least 5 acres of park land per 1,000 residents”

In response to questions, Ms. Heider advised that the City does not own much open space itself, most of it is owned and maintained by others.

Mr. Hook advised that the Planning Commission will not be reviewing Parks and Recreation Facilities, and Golf Course sections of the Element until the final Draft Update is presented for their approval.

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

#### Beaches, Parks, and Recreation Element Implementation Measures

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

- Page 22, no. 1, delete “Downtown”
- Page 22, no. 2, delete “or investigate the feasibility...educational center.”

- Page 22, no. 4, replace “(including beach)” with “(including beaches”
- Page 22, no. 5, delete in its entirety.
- Page 22, no. 5, replace “Parks, Beaches, and Trails” with “Beaches, Parks, and Recreation”; replace “every five years” with “at least every ten years”
- Page 22, no. 9, insert “City’s beaches and Municipal” in front of “Pier”
- Page 22, insert new measure 11. as follows: “Seek sand nourishment and replacement funding opportunities to ensure a high quality beach experience”
- Page 23, (former 11), replace “Develop a public trails wayfinding plan” with “Prepare a Trails Wayfinding Plan”; insert “designated, public” in front of “trails and that”; delete “[move to.....link to CE]”, replace with “Consultant to add definition of public trails to glossary.”
- Page 23, (former 13) delete in its entirety.
- Page 23, (former 15) delete in its entirety.
- Page 23, (former 16), replace “Identify” with “Prepare a plan which identifies”; replace “encourage the...funding permits.” With “seek grants or other funding sources to implement the plan.”
- Page 23 (former 1 under Health and Wellness) delete in its entirety.
- Page 25, (former 37), insert “and other” in front of “physicians’ services”
- Page 26, (former 49, replace “the Bike and Pedestrian Master Plan and the City Facilities Master Plan” with “Beaches, Parks, and Recreation, Bike and Pedestrian, and Facilities Master Plans”
- Page 26, (former 50) replace “oversee” with “assist with”

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

Report received and filed.

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

Included in the Commissioners’ packets for their review:

### **A. Tentative Future Agenda**

Commissioners commended the Beaches, Parks and Recreation Commission for their hard work on the Beaches, Parks and Recreation Element of the Draft General Plan.

Chair pro tem Brown reported that at the next Coastal Advisory Committee meeting, the Committee will be updated on the status of their recommendations concerning the Street Sweeping Program, Potential Plastic Bag Ban, and Proposed Walk through the Watershed.

Vice Chair Darden commended staff for providing helpful follow up reports, as requested by the Commission, at specified intervals.

Chair Avera referred to a flyer and announced a new "Utility Box Public Art Program," requesting that artists interested in participating in the program contact Associate Planner Amber Gregg at 949-361-6196 or at [GreggA@san-clemente.org](mailto:GreggA@san-clemente.org).

**13. ADJOURNMENT**


IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to adjourn at 9:39 p.m. to an Adjourned Regular Meeting to be held at 6:00 p.m. on January 23, 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