

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
November 6, 2013 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

1. CALL TO ORDER

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:04 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chair Brown led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Wayne Eggleston, Michael Kaupp, Jim Ruehlin and Kathleen Ward; Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: Chair pro tem Barton Crandell

Staff Present: Jim Pechous, City Planner
Sean Nicholas, Associate Planner
John Ciampa, Associate Planner
Sharon Heider, Beaches, Parks & Recreation Director
Pam Passow, Recreation Manager
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS- None

5. MINUTES

A. Minutes from the Planning Commission Adjourned Regular Meeting of October 16, 2013

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER WARD, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of October 16, 2013, as submitted by staff.

6. ORAL AND WRITTEN COMMUNICATION - None

7. **CONSENT CALENDAR** - None

8. **PUBLIC HEARING**

A. **1306 North El Camino Real – Conditional Use Permit 13-190 – Chabad Jewish Center, School/Tutoring, and Shared Parking Agreement** (Nicholas)

A request to consider allowing a religious facility and ancillary religious school and a secular non-religious school/tutoring facility and associated shared parking agreement within the Neighborhood Commercial (NC 2) zoning designation located at 1306 North El Camino Real. The legal description is Lot 8, of Block 8, of Tract 793, Assessor's Parcel Number 692-381-57.

Sean Nicholas, Associate Planner, narrated a PowerPoint Presentation entitled, "Conditional Use Permit 13-190, Chabad Jewish Center, School/Tutoring, and Shared Parking Agreement, dated November 6, 2013." Mr. Nicholas recommended a new condition of approval to require the applicant record the shared parking agreement prior to issuance of internal improvement permits and read it into the record. Staff recommended the Commission approve the request as conditioned.

Vice Chair Brown commented that the County has been operating an unpermitted use on site for many years, and questioned whether the City had any remedy available to address this issue. He established from Ajit Thind, Assistant City Attorney, that the only issue before the Commission this evening is the subject project approval, any other use previously operating on site is not a factor in deliberations.

Commissioner Eggleston pointed out that language in the staff report require the applicant to maintain the garages in their current condition, and suggested staff add a condition to clarify that the garages must be used as garages, and the equipment currently stored in them must be removed.

In response to questions, Mr. Nichols explained that if desired, the applicant has the option of designating the garage spaces for use by individual and/or staff only, but the submitted plans do not indicate that at this time; suggested staff can also add a condition of approval requiring the applicant remove signage installed by the previous user if the Commission directs.

Rabbi Slavin, applicant, advised this building provides just the right amount of space to serve the small Jewish community in this area. The garages will be cleared to accommodate the required parking and stated

that the garages are used by employees who will have remote garage door operators for access. He noted other spaces on the lot will be available for all other users and they intend to remove the existing signage and install their own. He does not object to conditioning the project to require the garage doors remain open if the Commission directs. He noted there is plenty of parking available for those attending classes proposed for weekends and evening.

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

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-041, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-190, CHABAD JEWISH CENTER AND SCHOOL, A REQUEST TO ALLOW FOR A NEW RELIGIOUS FACILITY, NON-RELIGIOUS SCHOOL, AND SHARED PARKING AGREEMENT LOCATED AT 1306 NORTH CAMINO REAL, with the following revisions:

Page 5, add new condition 9B as follows: "The applicant shall record a shared parking agreement prior to issuance of permits for internal improvements. The parking agreement shall address hours of operation and maximum occupancy for each use within the facility. The agreement shall be reviewed and approved by staff and the City Attorney."

Page 6, add new condition 17 as follows: "Applicant shall ensure garages are utilized for parking on site."

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

B. 105 Avenida Barcelona – Cultural Heritage Permit 13-095/Demolition of Historic Property 13-339/Historic Property Preservation Agreement 13-327 and Negative Declaration – McMahon Residence (Ciampa)

A request to consider the addition and remodel of a historic house, demolition of the original garage, new trellis and outdoor fireplace, Historic Property Preservation Agreement and Negative Declaration CEQA Review for a project located at 105 Avenida Barcelona, legal description is Lot 53 of Block 4, Tract 822, Assessor's Parcel Number 692-151-21.

John Ciampa, Associate Planner, narrated a PowerPoint Presentation entitled, "Cultural Heritage Permit 13-095, Destruction Historic Property 13-339, Historic Property Preservation Agreement 13-327 and Negative Declaration, McMahon Residence, dated November 6, 2013." Staff recommended the Planning Commission recommend City Council approval of the request as conditioned.

In response to questions from the Commissioners, Mr. Ciampa advised the fungus damage to the garage to be demolished is extensive, and speculated the fungus has not spread to the house because it is on a raised foundation; noted the other garage on property satisfies the required garage space because it meets standards of the year of the home construction; advised staff is not requiring improvements to the existing garage because it was constructed later than the house construction; noted intention to work with the applicant to ensure most sensitive installation of fire sprinklers.

Michael Luna, architect representing the applicant, advised reason for home extension is expanding family; established location for the extension on the rear of the property to ensure the original Ole Hanson residence retains its front elevation; noted the fungus affecting the garage is city-wide and not just limited to historic structures; expressed desire to work with staff for flexibility to install the required fire sprinklers so that beams and other features typically found in historic homes are not negatively affected. In response to questions, he described the design/material features proposed to make the extension distinct from the original structure including machine made roof tiles, new windows and doors, and subtle differences in stucco application. The fireplace was redesigned in response to Design Review Subcommittee's (DRSC) suggestions to create more articulation and reflect more old world Spanish type design; advised the existing retaining walls and trellis will continue the screen the backyard from the adjacent neighbors.

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

- Thanked the applicant and architect for their willingness to work with the DRSC to improve the project.
- Supported removal of the garage in its deplorable condition.
- Complimented the architect/applicant on the project design.
- Commended the homeowners for their acts of bravery, love and faith in buying, restoring, and preserving a historic home.
- Commended the homeowners for the modest addition to maintain the historic flavor of the home.
- Endorsed staff allowing flexibility with fire sprinkler installation.

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER EGGLESTON AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-040, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE CULTURAL HERITAGE PERMIT 13-095, DEMOLITION OF HISTORIC PROPERTY 13-339, AND A NEGATIVE DECLARATION, MCMAHON

RESIDENCE, A REQUEST TO ALLOW THE ADDITION AND REMODEL OF A HISTORIC HOUSE, DEMOLITION OF THE ORIGINAL GARAGE, AND THE CONSTRUCTION OF A TRELIS AND OUTDOOR FIREPLACE LOCATED AT 105 AVENIDA BARCELONA.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. 13-042, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR HISTORIC PROPERTY PRESERVATION AGREEMENT 13-327 FOR THE PROPERTY LOCATED AT 105 AVENIDA BARCELONA.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

C. 105 West Avenida Pico and 112 Boca De La Playa – Minor Cultural Heritage Permit 13-281 – Negative Declaration – Ole Hanson Beach Club Rehabilitation (Ciampa) (continued from 10-16-13)

A request to consider the rehabilitation and exterior modifications to the historic Ole Hanson Beach Club and pools and Negative Declaration CEQA review for a project within the Open Space zoning designation and Architectural Overlay (O-A). The project is located at 105 West Avenida Pico and 112 Boca De La Playa, legal description is a portion of Block 5 of Tract 821, Assessor's Parcel Number 057-192-20.

John Ciampa, Associate Planner, narrated a PowerPoint Presentation entitled, "Ole Hanson Beach Club Rehabilitation, dated November 6, 2013." The project is in response to City Council direction and budget allocation to address deterioration, provide needed repairs and upgrades to bring the building into compliance with Building Code requirements, and meet recreation program demands. A historic preservation consultant from Architectural Resources Group, Inc., (ARG) has been retained to ensure the proposed improvements comply with the Secretary of the Interior's Standards. Staff recommended the Planning Commission approve the request as conditioned.

In response to questions from the Commission, Mr. Ciampa advised compatible foot treads to comply with the renovation are planned for the outdoor stairway; additional doors are being proposed to improve access from the building.

Sharon Heider, Beaches, Parks & Recreation Director, noted new window locations are proposed to increase safety by enabling additional supervision of lifeguards; advised the French doors providing aligned

access from the front doors were proposed by City Council and incorporate the existing windows to preserve the historic element.

Pam Passow, Recreation Manager, advised that there are a variety of activities in the club/multipurpose room, including children's and seniors' classes, swim related activities, and party room. Creating direct access to the pool area will increase safety and efficiency of space.

Christopher Smith, ARG representative, advised the lobby doors to the pool area will provide more natural light to the lobby and improve circulation. The two existing transom windows located in the middle will be removed to accommodate the new doors, and new, reduced sized windows will be installed in their stead. After removal, the original windows will be documented, retained, and stored for potential future use. He supported the designs as proposed.

Chair Darden opened the public hearing.

Public Testimony:

Larry Culbertson, San Clemente Historical Society representative, read a letter on their behalf. The Society supports rehabilitation and restoration of the Ole Hanson Beach Club building because it is long overdue. They do not support installation of the new French doors from the lobby to the pool because the original four windows of the arch, which will be negatively affected by the door installation, are original to the building and should be preserved. Additional windows could be added below to create a window wall that would satisfy the desire to make the lobby lighter, brighter, and create a view to the pool. He referenced comments made by the ARG consultant that indicated they did not support the French door installation as suggested at the City Council meeting of April 16, 2013. He recommended the Commission recommend preservation of the four windows in the arch in order to preserve the exterior of the Ole Hanson Beach Club to its original appearance.

Carol Tengdin, resident, opposed many of the improvements proposed and requested the Commission delay action on the proposal until an open workshop is held. She noted the new Vista Hermosa Park pool has serious flaws for handicapped users, and would like to see elements of the Ole Hanson Beach Club retained to ensure handicapped access.

John Tengdin, resident, supported holding a public workshop; suggested accordion doors for the double French doors to improve accessibility for handicapped patrons; suggested the City solicit contributions to cover the cost of automatic door openers for ease of access. He questioned why the public was not invited to participate in the redesign of a project of this magnitude; distributed a letter detailing correspondence with Planning and Beaches, Parks, and Recreation Division staff regarding the redesign.

Carolyn Garber, a patron at the Aquatics Center at Vista Hermosa Sports Park, is an aquatics instructor at other pools, confirmed with DRSC members that their meetings had been properly noticed; questioned whether removal of certain restrooms would create safety issues and continues to support multifunctional uses of the property; expressed intention to document her thoughts in an email to staff.

Chair Darden referenced a letter from Cheryl Moe, Architect, recommending removal of the old four window openings in the archway as they reflect a function that is no longer in use and will not detail well with the new pair of doors.

Chair Darden closed the public hearing.

Commission Discussion:

Sharon Heider, Beaches, Parks & Recreation Director, advised that a public workshop had been held on October 29, 2012, and attendees included local architects, current Beach Club/pool users, and local residents. The proposal has also been discussed, and properly noticed for discussion, at City Council, County, DRSC, and Beaches, Parks, and Recreation Commission meetings. The French door features are compliant with ADA requirements and less expensive than the automatic open option. Automatic door openers could be added if additional funds are available. With regard to the potentially slippery bathroom floor, she noted floor materials to increase safety will be addressed when appropriate in the rehabilitation process; acknowledged difficulties satisfying the needs of all the different uses on site, addressing code requirements, and providing adequate space in such a small facility. Although the majority of the existing private dressing rooms will be removed, the redesigned facility will feature three private dressing rooms, as well as a family style restroom, that are not required by code, but are desired by users. Staff has worked hard to balance the users need yet maintain the integrity of the historic building. With regard to the French doors from the lobby, the project architects have done their best to incorporate the doors in response to City Council direction, yet at the same time try to preserve the original four window element. With regard to suggestion that donations be solicited to fund an automatic door opener for the lobby French doors, she agreed to ask City Council for their input on this issue, and commented that the City is always able to accept donations.

Christopher Smith, ARG, stated that the original renovation started with the most conservative approach on a very limited budget, and limited scope of work. He acknowledged the earlier comments referenced by John Tengdin. When additional budget funds were added by City Council, additional rehabilitation features were added. He noted that an additional

egress point is required for the multipurpose room, and the proposed location out to the pool is much preferred over the existing one into the lobby, which is too close to the one from the front courtyard. The proposed one is more compatible with access to the parking lot and more complementary to recreation programming.

In response to a comment from Vice Chair Brown questioning the adequacy of the City's maintenance program that would allow the type of decay found in this property, the City's restrooms, and Max Berg Park, Sharon Heider, Beaches, Parks & Recreation Director, advised that there are many projects, including maintenance, competing for a limited number of budget dollars. She acknowledged conditions could be improved with higher levels of maintenance. In addition, she noted the windows proposal for removal will be tagged with architectural instructions, crated, inventoried, and stored in the City yard. There will be costs associated with preparing the windows for storage, but no additional costs to store in the City's existing storage yard.

In response to questions, Pam Passow, Recreation Manager, described improvements that will increase safety including additional doors and windows, relocation of office/first aid rooms; noted all existing and proposed doors are ADA compliant.

Jim Pechous, City Planner, advised that, as proposed in the staff report, the new French doors and two windows above, as well as the two windows on either side of the French doors, have to be flush with the outside wall. The two remaining historic windows would remain inset into the wall. Additionally, he commended Sharon Heider, Beaches, Parks & Recreation Director, for the unprecedented level of care shown to the building in the redesign process, especially in comparison to the treatment shown to the building during its last renovation.

Commission Comments:

The Commissioners considered eliminating the middle two windows and leaving the two outer original windows under the archway, but rejected that proposal, deciding it would appear poorly designed.

Commissioner Eggleston supported the design as proposed with the exception of the retention/redesign of the four arch windows. Since they no longer serve a function and do not detail well with the proposed new French doors, the four windows should be removed completely as suggested by Cheryl Moe.

Vice Chair Brown supported the proposed design with the removal of all four windows above the new French doors in the lobby. He established from staff that elimination of the two new windows above the French doors would eliminate the need to set the new doors and windows flush against

the wall, and would allow the French doors and new side windows to be installed with the inset the same as the original windows. In addition, he expressed concern with the ADA accessibility at Vista Hermosa Sports Park pool, and supported addition of the automatic door opener on the new lobby French doors as a service to the community.

Commissioner Ruehlin commented that the primary concern when redesigning historic buildings should be preserving the historic experience of the building. Commissioner Ruehlin was in favor of all aspects of the application except for the changes under the arch. He opined that removing the windows and adding a door changes the experience of the building by altering the view and flow through the building. He observed that the changes could be acceptable if the building needed to be altered for adaptive reuse, but there was no evidence that the changes to the arch were required to support its current use. Additionally, if the project is supported by the remainder of the Commission, he requested support for shielding the restored outdoor light fixtures to eliminate light trespass onto other property. With regard to the automatic opener for the French doors in the lobby, he suggested staff may want to consider asking the North Beach Community Association if they would be interested in financially supporting that addition.

Commissioner Kaupp acknowledged that in the past, he would have supported a more purist view toward redesign, but in this regard, his purist view should be tempered to include viability and livability. If buildings are to be preserved and maintained, they must continue to function in the community they are located within. This is not a private building with many options; it is a public building that needs to continue serving the public in order to thrive. He expressed concern with the inadequate maintenance of this building and other historic buildings in the community, but acknowledged difficulties associated with stretching the budget to cover all demands placed on it. He supports all proposed design changes, with the exception of the French doors/four windows treatment and commented that the proposed redesign is thoughtfully and sensitively handled, and the improved floor plan will support better function and flow. He acknowledged the four window arch design was pleasing, but does not consider it a primary characteristic that should be maintained at the expense of improved safety, functionality and flow. He supports removal of all four windows and installation of the lobby French doors. He commended Jim Pechous, City Planner, for suggesting a preferable solution to improve safety of the railings on the upper balcony. With regard to suggestions for webcams, he cautioned that installing webcams could have unintended consequences and increase liability for the City. He suggested the Commission consider installing a plaque in the lobby to describe the original design, summarizing its original intent, and explain how modern society contributed to the change.

Commissioner Ward supported the redesign proposed by staff with the exception of the four windows/French door design in the lobby. She supported elimination of the four windows to accommodate the French doors.

Chair Darden expressed disappointment that staff had been unable to develop an alternative design to the four windows/French door combination, but acknowledged difficulties trying to accomplish all they needed to do with the interior redesign and still maintain all historic features. She felt strongly that the City should set the example in preservation of our historic properties. She did feel that the windows and the archway without the doors and extra side windows were a character defining feature. She found the remarks that Larry Culbertson has attributed to the historic architect regarding the importance of that elevation and the detrimental effect of the doors and new windows to be quite powerful. She believes that adding the windows and door undermines the historic integrity of the arch and does not support these additions and wishes that the City would take another approach. However, if the elevation must be altered in order for the project to move forward, she supports eliminating all the historic windows, as maintaining them along with the new windows and the door does not really support the historic integrity; it just makes us feel better about removing a character defining feature and it is a bad architectural solution. She supports storing the windows, but feels it is unlikely that the elevation would ever be returned to its historic state.

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY VICE CHAIR BROWN, AND CARRIED 5-1-0, WITH COMMISSIONER RUEHLIN AGAINST, TO ADOPT RESOLUTION NO. 13-039, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CULTURAL HERITAGE PERMIT 13-281, AND NEGATIVE DECLARATION, OLE HANSON BEACH CLUB REHABILITATION, TO ALLOW THE REHABILITATION AND EXTERIOR MODIFICATIONS TO THE HISTORIC OLE HANSON BEACH CLUB AND POOLS, LOCATED AT 105 WEST AVENIDA PICO AND 112 BOCA DE LA PLAYA, with the following revision:

Elimination of the existing four windows under the arch on the North elevation.

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

9. **NEW BUSINESS - None**
10. **OLD BUSINESS – None**
11. **REPORTS OF COMMISSIONERS/STAFF**

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of October 16, 2013
- C. Staff Waiver 13-420, 903 Buena Vista E
- D. Staff Waiver 13-422, 217 Calle Roca Vista
- E. Staff Waiver 13-428, 390 Camino De Estrella
- F. Staff Waiver 13-431, 202 Avenida Victoria
- G. Staff Waiver 13-433, 413 Calle Gomez
- H. Staff Waiver 13-443, 240 La Paloma A

Vice Chair Brown reported that at their next meeting on November 14, 2013, the main focus of the Coastal Advisory Committee would be strategies to encourage/bring about renewal of the Clean Ocean fee.

Commissioner Eggleston requested staff schedule a study session for the Commission to discuss the City's Mission Statement, especially with regard to creating a healthy and safe environment for its residents, and consider ways they can promote and encourage this goal. Other potential topics for future study sessions include traffic issues and proliferation of liquor licenses in concentrated areas.

Vice Chair Brown suggested that following final City Council action on the Draft General Plan, the Commission have a study session to discuss "next steps" as the City goes forward with its new General Plan.

Jim Pechous, City Planner, indicated he is currently working to schedule staff and/or allocate time to future tasks following action on the General Plan and anticipates being able to bring that forward for study session review in December or early next year.

Vice Chair Brown commented that as the City's Traffic Commission, the Planning Commission is usually just reacting to traffic issues brought to them by staff. He suggested the Planning Commission be more proactive with issues related to traffic, with at least a semi-annual review and maybe a dedicated meeting as the Traffic Commission. Jim Pechous, City Planner, agreed to talk to Thomas Frank, Transportation Engineering Manager, regarding this suggestion, and request a presentation at a future study session.

Commissioner Ruehlin reported that he has started a blog at "flipboard.com," a website that allows individuals to create their own magazine, and suggested the Commission review the articles he has collected and included. The tagline is "Planning Commission Decisions," and he will forward the link to Jim Pechous, City Planner, for forwarding to the Commissioners.

In response to a suggestion from Vice Chair Brown, Ajit Thind, Assistant City Attorney, agreed to provide a refresher session on the City's legal issues at a future study session.

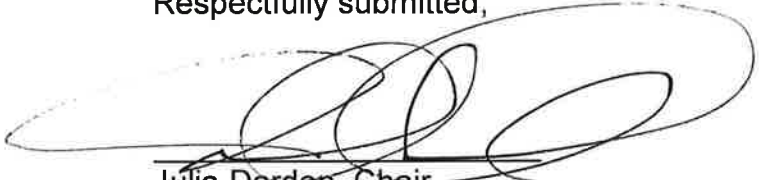
Commissioner Kaupp invited all to attend the City's Glitz night, scheduled for November 30, 2013 at 5:00 p.m. Downtown.

Commissioner Eggleston invited all to attend a Veteran's Day Ceremony scheduled for Saturday, November 9, 2013, at 12:00 noon at Park Semper Fi. The ceremony provides the City an opportunity to salute its Marines, and General Bullard is the featured speaker.

12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to adjourn at 9:51 p.m. to the Study Session to be held at 6:00 p.m. on November 20, 2013 in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,



Julia Darden, Chair

Attest:



Jim Pechous, City Planner