

These minutes will be considered for approval at the Planning Commission meeting of 06-05-13.

**MINUTES OF THE ADJOURNED REGULAR MEETING  
OF THE CITY OF SAN CLEMENTE  
PLANNING COMMISSION  
May 22, 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 6:09 p.m.

**2. PLEDGE OF ALLEGIANCE**

Commissioner Crandell led the Pledge of Allegiance.

**3. ROLL CALL**

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

Commissioners Absent: Vice Chair Julia Darden

Staff Present: Jim Pechous, City Planner  
Jeff Hook, Principal Planner  
Adam Atamian, Assistant Planner  
John Ciampa, Associate Planner  
Thomas Frank, Transportation Engineering Manager  
Zachary Ponsen, Senior Civil Engineer  
Allison LeMoine-Bui, Deputy City Attorney  
Eileen White, Recording Secretary

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

**5. MINUTES**

**A. Minutes from the Adjourned Regular Meeting of May 1, 2013**

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Adjourned Regular Meeting of May 1, 2013, with the following revisions:

Page 5, 4<sup>th</sup> paragraph, 4<sup>th</sup> sentence, replace "Instruction Manual" with "Structure Memo"; 6<sup>th</sup> sentence, replace "how implementation measures are supported by goals and policies" with "how goals and policies are supported by implementation measures"; remove asterisks at end of paragraph.

B. Minutes from the Regular Study Session of May 8, 2013

IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND CARRIED 5-0-1, WITH CHAIR PRO TEM BROWN ABSTAINING, to receive and file the minutes of the Regular Study Session of May 8, 2013, as submitted by staff.

C. Minutes from the Regular Meeting of May 8, 2013

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER RUEHLIN, AND CARRIED 5-0-1, WITH CHAIR PRO TEM BROWN ABSTAINING, to receive and file the minutes of the Regular Meeting of May 8, 2013, with the following revision:

Page 6, end of page, add the following bullet point: "Acknowledged that the building envelope had been previously approved, but still had concerns with the west elevation three-story wall."

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

7. **CONSENT CALENDAR - None**

8. **PUBLIC HEARING**

A. 301 Cazador Lane – Cultural Heritage Permit 12-359 – Cazador 4-Plex (Ciampa)

A request to consider the demolition of a single-family residence and the construction of a four unit apartment building that is within 300 feet of a historic resource in the Residential Medium zoning district and Coastal Zone (RM-CZ) at 301 Cazador Lane, legal description being Lot 1, Block 10, of Tract 822, Assessor's Parcel Number 692-045-01.

John Ciampa, Associate Planner, narrated a PowerPoint Presentation entitled "Cazador 4-plex, Cultural Heritage Permit 12-359, dated May 22, 2013," recommended approval of the request as conditioned.

Commissioner Kaupp established from staff that the two existing palm trees would remain.

Rick Moser, representing the applicant, was available for questions.

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

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER ANDERSON, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC13-021, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 12-359, CAZADOR FOUR-PLEX, A REQUEST TO DEMOLISH AN EXISTING RESIDENCE AND CONSTRUCT A FOUR UNIT RESIDENTIAL DEVELOPMENT THAT IS WITHIN 300 FEET OF AN HISTORIC STRUCTURE AT 301 CAZADOR LANE.

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

B. 121 Avenida Lucia – Conditional Use Permit 13-038 – Nakachi Addition (Atamian)

A request to consider a 470 square foot, second-story addition to a detached garage that exceeds 15 feet in height within the Residential Low zoning district (RL) at 121 Avenida Lucia. The legal description is Lot 9 and a portion of Lot 10, of Block 8, of Tract 900, Assessor's Parcel Number 060-103-24.

Adam Atamian, Assistant Planner, narrated a PowerPoint Presentation entitled, "CUP 13-038, Nakachi Addition, dated May 22, 2013; recommended approval of the request as conditioned.

Commissioner Ruehlin established that the existing setback violation will be resolved when the offending wall is rebuilt.

John Jacobs, representing the applicant was available for questions.

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

Commissioner Crandell pointed out that the submitted drawings were incorrect with regard to the description of the addition and requested the drawings be corrected to reflect the project before the Commission this evening.

IT WAS MOVED BY COMMISSIONER BROWN, SECONDED BY COMMISSIONER RUEHLIN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 13-020, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-038, NAKACHI ADDITION, A REQUEST TO ADD 470 SQUARE FEET FOR

A HALF BATH AND BONUS ROOM ABOVE AN EXISTING DETACHED GARAGE LOCATED AT 121 AVENIDA LUCIA.

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

C. Public Hearing Draft Centennial General Plan (Hook)

The Planning Commission will continue its review of the Public Hearing Draft Centennial General Plan. At this meeting, the Commission is expected to review the Draft Land Use Element and portions of the Urban Design Element concerning Downtown building height and number of stories.

Chair Avera welcomed all to the meeting and introduced the topic. He noted the Commission will focus on policy issues and avoid "wordsmithing." The Commission will begin with the Draft Urban Design Element and then, time remaining, proceed to the Draft Land Use Element.

Commissioner Kaupp recused himself from considering the Urban Design Element due to a potential conflict of interest and left Chambers.

Urban Design Element

Jeff Hook narrated a PowerPoint Presentation entitled, "Public Hearing Draft Centennial General Plan Urban Design Element, dated May 22, 2103." He reviewed text and associated photographs illustrating Citywide Goal and Policies as well as Downtown Core Goal and policies. With regard to Downtown lot mergers, he explained that the intent of the proposed policy is not to prevent lot mergers, but rather to retain the original pattern and rhythm of Downtown lots through appropriate building design.

Jim Pechous explained that the intent is not to discourage or prohibit the combining of lots, but to keep the spirit of small lots alive in order to keep the small town feel that residents cherish. He pointed out that both the historic San Clemente Hotel and Oscar Easley Building are built on combined lots with buildings that have been modulated or feature first floor elements that give the appearance of smaller buildings or buildings built independent of one another. From an urban design standpoint, long horizontal buildings are to be avoided. Vertical changes and subtle character-keeping modulations provide interest to pedestrians and create meeting places that generate vibrancy.

Chair Avera opened the public hearing with respect to Urban Design issues.

Alan Korsen, Co-Chairman of the General Plan Advisory Committee (GPAC), thanked Mr. Hook for all his work on the document. He suggested the Commission give greater weight to the 2009 "True North" survey in which a large majority of residents polled indicated they value the small town feel of the City. In his opinion, "small town feel" does not include three-story development. He agreed with other newly proposed Downtown urban design policies but cautioned that mixed use zoning increases density and traffic because people living in mixed use development still need to drive their cars to other parts of town.

Dennis Eckel, resident, supported the proposed, demanding standards for three-story development; supported continuing to allow three-story development to keep all interested parties' rights in mind; and supported incentives to property owners to preserve and improve one- and two-story buildings.

Ron Trosper, resident, expressed concern that changing code to prohibit three-story buildings on Del Mar would decrease the value of his property; supported continued ability to build three-story to encourage creativity of property owners.

Mark McGuire, resident, encouraged the Commission to adopt clear and concise policies and ensure they can be applied as intended.

Bill Hart, resident, commended staff's efforts in encouraging true dialog amongst interested residents; noted that all parties have same the same objective: to maintain the City's village character; supported staff's efforts to develop guidelines to make it easier for property owners to stay small scale; supported rigorous standards to ensure three-story buildings fantastic; supported reasonable incentives and assistance for property owners maintaining one- and two-story structures.

Jim Eckel, resident, supported the City continuing to allow three-story in the Downtown Core; noted that most property owners are City residents whose sole interests are to develop economically viable projects for the City; cautioned that requiring City Council approval of all three-story projects might make the development review process more political; commented that Planning Commission does a great job reviewing projects according to City codes rather than involving politics.

Don Prime, resident, supported continuing to allow three-story development, noting that only one three story building has been built in several decades; cautioned there may be unintended consequences to an outright ban of three-story buildings; commented there were no Avenida Del Mar property owners on GPAC; urged the Commissioners not to take away long existing property rights to build three-story buildings on Avenida Del Mar; commented that solutions and additional policies proposed by staff should satisfy reasonable people on each side of the debate.

Mike Cotter, GPAC members and member of the San Clemente the Historical Society, advised that the majority of residents have indicated they want the Downtown Core to remain the same as it is today without increasing the number of three-story buildings. All are in favor of economic development and want storefronts to improve. The comments made by Downtown Core property owners should have the same weight as the comments made by other residents. He believes the code should be revised to reflect what the majority want, and he believes the majority have indicated a preference for two stories on Avenida Del Mar. He cited the landmark Supreme Court case, Village of Euclid v. Ambler Realty Company, which upheld zoning laws as a legitimate use of municipalities' police power. Mr. Cotter asserted that the legal decision affirmed that the efforts of the community take precedence over property owners' interests.

Kathy Dominichini, resident, supported continuation of allowing three-story buildings on Avenida Del Mar and protecting the rights of property owners. She felt most Avenida Del Mar property owners are protective of the City's "Village Character" and are invested in the community. She urged the Commission to continue the same level of guidance that has worked so well in the past. She thanked the Commission and staff for the time and effort they have dedicated to the General Plan update.

Chair Avera closed the Urban Design portion of the public hearing.

The Commissioners reviewed the draft Urban Design Element and provided changes/commentary as follows:

- Staff to revise Policies UD-5.05 and 5.05 to allow other Spanish style architecture on between Ave. Palizada and El Portal on El Camino Real
- Policy UD-5.08, replace "any larger vision for an area" with "with the General Plan, Specific Plan, or Area Plans"
- Policy UD-5.15, staff recommended new policy accepted.
- Policy UD-5.17, staff recommended new policy accepted.
- Policy UD-5.19, intent of new policy accepted, staff to revise in positive form; delete last sentence starting with "It is not intended..."
- Policy UD-5.20, staff recommended new policy accepted.
- Policy UD-5.21, staff recommended new policy accepted.
- Policy UD-5.22, staff recommended new policy accepted.
- Implementation Measure 3, following "lighting," insert "paseos"; add definition of paseos to glossary.
- Implementation Measure 28, staff recommended new Implementation Measure accepted.
- Implementation Measure 29, staff recommended new Implementation Measure accepted

Commissioners' Comments:

Chair pro tem Brown remained concerned about allowing three-story buildings, he would prefer only allowing three-story buildings if form based code is introduced.

Commissioner Crandell supported continuing to allow three-story buildings, subject to the added urban design policies and implementation measures. He added that during a public design charette/workshop process, as called for by the proposed implementation measures, it might be determined that three-story buildings do not work for some yet unknown reasons. If that happens, the Commission can recommend revision to the General Plan.

Chair Avera commented that he supports allowing three stories because it has worked for many years. He would not have supported going from two to three-story if it were not already allowed, but supports keeping the three-story option open for property owners.

Commissioner Anderson commented that the City has always allowed three stories and that many original historic buildings feature three stories. Only one three-story building has been built in the last 20 years, which indicates that a proliferation of three-story buildings is not likely to be a problem. She felt staff had provided language that will prevent what some have called "canyonization", and that the new policies will protect the City's small village feel. She feels that property owners should be able to maintain their rights to build up to three stories if the required findings are met.

Commissioner Ruehlin supported the proposed policies and implementation measures to ensure the City retains its village feel; thanked staff for all their hard work on the General Plan Update; supported the three-story option for the life of the General Plan.

Commissioner Kaupp returned to the meeting room.

Land Use Element

Brian Judd, The Planning Center, consultant for the City, reviewed proposed changes in land uses, indicated their locations, and requested the Commission provide input.

The Commissioners reviewed the handout entitled, "List of Potential Land Use Changes." They supported all 31 changes indicated in the list of "Land Use Changes included in the Proposed Land Use Plan." With regard to the Additional Land Use Changes to be considered during the

public hearing process, the Commissioners approved nos. 1, 2, 3 and 6 unanimously. Action on the remaining changes as noted below:

4. Proposal to change land use designation of parcel located at 101 La Esperanza from Residential Low Medium to Residential Medium Density with Affordable Housing Overlay.

Public Testimony: Denise Townsend, property owner, supported the land use designation change for her family's property at 101 La Esperanza.

The Commissioners voted 5-1, with Commissioner Ruehlin opposed due to not enough information about the parcel available to make an informed decision, to approve the land use designation change from Residential Low Medium to Residential Medium Density with Affordable Housing Overlay.

5. Proposal to change land use designation of City Hall site from Civic to Residential Medium Density with Affordable Housing Overlay; no public testimony; Commissioners deferred decision to a future meeting.
7. Proposal to change land use designation of 910 and 918 S. El Camino Real from Neighborhood Commercial to Mixed Use Designation in response to request from property owner; no public testimony.

The Commissioners discussed changing the designation of properties located directly across the street from Ralph's Grocery Store to Mixed Use as enjoyed by adjacent properties. It was noted that the commercial use complemented the Ralph's Grocery Store across the street. The Commissioners could not come to a consensus (3-3) and the request was denied.

Mr. Judd reviewed the "Unresolved Land Use Questions/Issues" handout provided and Chair Avera opened the public hearing for each issue.

1. Coronado Lane, proposal to change MU designation to RH; no public testimony, the Commissioners elected to retain the Mixed Use designation rather than change it to Residential High Density.
2. Shorecliffs Golf Course, proposal to change Coastal Recreation Commercial designation to Residential Medium or Residential High.

Public Testimony: Mark McGuire, representing the property owner, requested the Commission consider changing the designation of the property from Coastal, Visitor-Serving land use to Residential, High Density to allow senior housing. He asserted



that senior housing would have less impact on the neighborhood than a hotel or conventional high-density housing. Moderate income senior housing is also an option for the site; however, the property owner would prefer to have it designated residential, high-density, exclusively for senior housing use, at part of the new General Plan, rather than have to process a General Plan Amendment after the new General Plan is adopted.

During discussion it was noted that the Draft EIR on the proposed General Plan is evaluating this property under both Residential, Medium-Density and Residential, High-Density designations; at this time, only program level, not project specific information, is being used to assess properties; the property can be considered for Senior Use designation when subsequent environmental analysis is performed following the EIR submittal. Following discussion the Commissioners elected to support a change in the General Plan land use designation to Residential, High-Density.

3. City Hall site designation change from Civic to Residential, Medium Density with Affordable Housing Overlay. There was no public testimony. Following discussion of potential uses for the site, neighbor's concerns over potential slope instability, traffic impacts, and parking, the Commissioners could not come to a consensus, and this issue was deferred to a future meeting until more information was available.
4. Palizada at I-5 included as a gateway. There was no public testimony; the Commissioners elected to include Palizada at I-5 as a gateway.
5. Paseos addressed as part of implementation measures for Avenida Del Mar; no public testimony; the majority of the Commissioners directed staff to include paseos in the implementation measures. For the record, Commissioner Kaupp recused himself from considering this item.
6. Other Spanish architecture allowed between North Beach and T-Zone along El Camino Real; no public testimony; Commissioners agreed with original intent to allow other Spanish architecture between North Beach and T-Zone along El Camino Real.
7. Prohibition of new car rental business uses along El Camino Real.

Public Testimony: Mark McGuire, resident, agreed that service bays and repair businesses should be limited; stated that auto parts sales, car rental businesses, etc., with nice storefronts should be treated as any other retail business; commented that historically motorists travelling from Los Angeles to San Diego relied on auto

repair shops in San Clemente; suggested elimination of non-conforming uses over time.

Jim Pechous advised that existing code does not allow new auto sales, leasing or basic auto repair along El Camino Real unless it replaces an existing use.

Discussion of retail auto parts sales versus auto bays for car repair; Commissioners elected to defer decision on this issue and look at it in more detail at a future meeting.

- 8. New automotive/motorcycle/RV parts sales prohibited on El Camino Real; no public testimony; Commissioners decided this item related to item 7 above and deferred it to future meeting.
- 9. Expansion of MU designation in North Beach on former hockey rink site to be expanded to include self-storage parcel.

Public Testimony: Mark McGuire, resident, requested the Commission consider expanding the MU designation on the former hockey rink site to reflect its existing use and make it conforming.

Jeff Hook suggested the Commissioners consider deferring action until staff has considered the request and contacted adjacent parcel owners for their input.

The Commissioners elected to defer decision on this issue.

- 10. Inclusion of number of building stories on LUE Table LU-1; no public testimony. The Commissioners decided the information is available elsewhere in the document and elected not to include the number of building stores on LUE Table LU-1.

**9. NEW BUSINESS - None**

**10. OLD BUSINESS- None**

**11. REPORTS OF COMMISSIONERS/STAFF**

Included in the Commissioners' packets for their review:

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of May 8, 2013
- C. Staff Waiver 13-160, 405 Avenida Granada #104
- D. Staff Waiver 13-164, 100 Avenida La Pata #100
- E. Staff Waiver 13-165, 131 Avenida Pelayo
- F. Staff Waiver 13-166, 145 W. Avenida Palizada
- G. Staff Waiver 13-174, 235 Avenida Miramar

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- H. Staff Waiver 13-180, 252 Avenida Lobeiro
- I. Staff Waiver 13-182, 111 W. Avenida Palizada D
- J. Staff Waiver 13-183, 553 Avenida Buenos Aires
- K. Staff Waiver 13-187, 202 Avenida Serra
- L. Staff Waiver 13-188, 235 Avenida Miramar

Commissioner Ruehlin announced that he is unable to attend the June 5 Regular Meeting.

Chair pro tem Brown reported the Coastal Advisory Committee conducted a tour of the watershed on Saturday, May 18, with five stops. It was noted that the drains transport hundred of gallons of water per day, resulting from excess watering of lawns and green areas.

Jim Pechous reported that the City Council called up the Granicus Presentation during review of the Planning Commission Study Session Minutes. They requested the Commission provide a recommendation regarding the services offered. Staff will provide additional information at a future study session.

## 12. ADJOURNMENT


IT WAS MOVED BY COMMISSIONER RUEHLIN, SECONDED BY COMMISSIONER KAUPP, AND UNANIMOUSLY CARRIED to adjourn at 11:31 p.m. to the Joint City Council/Planning Commission/General Plan Advisory Committee Meeting to be held at 6:00 p.m. on May 29, 2013 at the Community Development Department second floor conference room located at 910 Calle Negocio, San Clemente, CA.

Respectfully submitted,

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Lew Avera, Chair

Attest:



Jim Pechous, City Planner