

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
December 3, 2014 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA**

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

Commissioner Smith led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Barton Crandell, Wayne Eggleston, and Michael Smith;
Chair pro tem Jim Ruehlin, Vice Chair Donald Brown, and
Chair Julia Darden

Commissioners Absent: None

Staff Present: Jim Pechous, City Planner
Adam Atamian, Associate Planner
Cliff Jones, Associate Planner
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Planning Commission Regular Study Session of November 19, 2014

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY CHAIR PRO TEM RUEHLIN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Study Session of November 19, 2014, as submitted.

B. Minutes from the Planning Commission Regular Meeting of November 19, 2014

IT WAS MOVED BY COMMISSIONER CRANDELL, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED to receive and file the minutes of the Regular Meeting of November 19, 2014, with the following revisions:

Page 5, following the 4th paragraph, insert the following: "The Commission commended Sean Nicholas, Associate Planner, and Jim Pechous, City Planner, for their extraordinary efforts with this project, and commented that the end result will be a beautiful improvement much appreciated by the community and City itself."

6. ORAL AND WRITTEN COMMUNICATION - None

7. CONSENT CALENDAR - None

8. PUBLIC HEARING

A. 1410 Calle Alcazar – Variance 14-374 – Koshay Residence Retaining Walls (Atamian for Gregg)

A request to consider the replacement of a failing retaining wall in excess of eight and a half feet in height and replace it with a new retaining wall located at 1410 Calle Alcazar in the Residential Low (RL-1) zoning district. The legal description is Sec 3, T 9, R 7, POR NW ¼ A S PER DD - 6985/655 OR, and Assessor's Parcel Number 690-412-10.

Adam Atamian, Associate Planner, narrated a PowerPoint Presentation entitled, Koshay Retaining Wall Variance, VAR 14-374, dated December 3, 2014;" recommended approval of the request as conditioned. The recommendation for approval of this project is based on the following:

- The new wall is to replace an existing retaining wall that is over 8 and a half feet tall.
- The exposed face of the wall is located 80 feet from the street and is directed toward the interior of the lot. It will not be visible from public views.
- The property is located in a neighborhood where many properties have retaining walls over eight and a half feet tall which are visible from the public street.

In response to questions, Associate Planner Atamian stated that staff's opinion is that this is the only viable option available to the applicants; advised the applicant will be required to hire a geologist and there are conditions of approval in place to ensure the walls are constructed to protect neighboring properties from negative impacts during the project;

noted the applicant would be civilly liable in the event a neighboring property is damaged as a result of the retaining wall replacement construction.

Stephen Peter, the applicant, was available for questions.

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

IT WAS MOVED BY COMMISSIONER EGGLESTON, SECONDED BY CHAIR PRO TEM RUEHLIN, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 14-050, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING VARIANCE 14-374, KOSHAY RESIDENCE RETAINING WALL, A REQUEST TO REPLACE A FAILING RETAINING WALL IN EXCESS OF EIGHT AND A HALF FEET IN HEIGHT AND REPLACE IT WITH A NEW RETAINING WALL AT 1410 CALLE ALCAZAR.

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

B. 234 West Avenida Palizada – Cultural Heritage Permit 14-275 – Zulfacar Addition (Jones)

A request to consider a second story addition to a legal nonconforming duplex at 234 West Avenida Palizada that is adjacent to a historic house at 236 Avenida Palizada located within the Residential Medium Density zone and Coastal Overlay (RM-CZ). The legal description of the property is Lot 29, Block 1 of Tract 784, and Assessor's Parcel Number 058-133-20.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "Zulfacar Addition, CHP 14-275, dated December 3, 2014;" suggested additional conditions to address demolition of the unauthorized kitchenette and coastal development permit requirement; briefly reviewed comments made during Design Review Subcommittee (DRSC) assessment of the project; noted receipt of 3 letters from residents opposed to the proposed project; recommended approval of the request as conditioned.

Commissioner Eggleston requested that future similar applications submit visualizations to help the Commission visualize a project's impact on adjacent historic homes. In particular, it would be especially helpful to have simulations on projects located adjacent to a significant and highly visible historic home, such as this one.

Chair Darden commented that Larry Culbertson, San Clemente Historical Society past President, opined that he did not believe the addition had negative impacts on the historic home.

Meliha Zulfacar, property owner, stated that she purchased the subject property in August of 2013. She described how the existing property operates and her plans for its future. The addition will add ocean view and increase the property's aesthetic value. All efforts were made to preserve the historic home next door, and the project complies with all applicable regulations. The unauthorized kitchenette was there when she bought the property, and is clearly visible in the remodel plans. She is happy to comply with the Code Compliance Officer's direction to move the garbage disposal in the kitchenette to Unit A's kitchen as its current one is nonfunctioning. She has been allowing a family friend to live in the downstairs bedroom, but does not plan to use it as a separate unit. She currently only has one car; the unit has a double garage and she can park in the driveway as well. She does not anticipate marrying or buying additional cars that will need parking spots with the exception of her son, who has expressed interest in residing in the new addition.

Felix Lo, architect for the project, stated that the proposed addition is conservative in its attempt to avoid negatively impacting the historic home next door; commented that the addition will add ocean views which will increase the home's value and its inhabitant's enjoyment of the home.

Chair Darden opened the public hearing.

Public Testimony:

Cynthia Speed, resident, opposed the proposed addition because it will block her ocean views; commented that the new windows will impact her privacy; suggested that the addition will require caissons to ensure the existing structure will be strong enough to accommodate a second story.

Chair Darden closed the public hearing.

Chair Darden advised that the City currently has no personal view protection language in its Codes; commented that many people, including a majority of this Commission, have lost or had personal views impacted by nearby renovations and appreciate and sympathize with Ms. Speed's situation.

Associate Planner Jones commented that the proposed addition does not trigger a need for additional parking spaces; advised Building Division has imposed standard conditions of approval on the project to ensure the existing home can accommodate the second story. The applicant will have to provide calculations, and if deemed necessary, they will have to take action to install caissons or do whatever is necessary in order to

proceed with the project. Additionally, he noted staff will inspect the property within a year of its completion to ensure that no unauthorized third unit is operating on site.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER SMITH, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. PC 14-049, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CULTURAL HERITAGE PERMIT 14-275, ZULFACAR ADDITION, A REQUEST TO ALLOW A SECOND STORY ADDITION TO A LEGAL NONCONFORMING DUPLEX THAT IS ADJACENT TO A HISTORIC HOUSE, LOCATED AT 234 WEST AVENIDA PALIZADA, with the following revisions:

Add the following Conditions as follows:

13. Within six months of the approval of CHP 14-275 the Building Plans shall be approved for the project and identify the demolition of the interior basement kitchen (including removal of sink, refrigerator, and any cooking facilities including microwave) to ensure the property is restored to a duplex. If the project is not approved the Code Enforcement Division will take action to ensure the property is converted back to a duplex.

14. Within one year of the building permit final, Code Enforcement staff shall inspect the interior of the building to ensure that the building is functioning as a duplex.

15. Prior to the issuance of building permits, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that approval by the California Coastal Commission has been obtained for the project.

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

Chair Darden commended Associate Planner Jones for proactively anticipating that additional conditions would be needed and having them ready for Commission consideration at tonight's meeting.

9. NEW BUSINESS

A. Downtown License Plate Survey (Jones)

The survey, conducted in August of 2014, reveals parking trends such as the number of cars utilizing the Downtown Core parking supply and how long they stay. Based upon that analysis the attached report makes parking management recommendations. Staff requests the Commission comment on the results of the survey and provide recommendation on the parking management strategies identified within the report. The

Commission's comments, along with public input, will be presented to the City Council.

Cliff Jones, Associate Planner, narrated a PowerPoint Presentation entitled, "Downtown Core Parking Survey, dated December 3, 2014;" addressed a number of commonly believed parking myths with actual facts; reviewed good parking management strategies including, time limits, employee parking outside the Downtown core, off-site lease agreements/shared parking, bicycle accommodations, and parking meters; reviewed the 2013 Downtown Parking Survey counts; reviewed short and long term recommendations arising from the survey. Staff recommended the Commission comment on the results of the survey and provide recommendation on the Parking Management Strategies identified within the report. The Commission's comments, along with public input, will be presented to the City Council.

Commissioner Eggleston commented on a prior recommendation from the Walker Parking study regarding parking meters and that it would be foolish for the City to charge for Downtown parking when the soon to be constructed outlet mall will have free parking for up to 3,000 cars.

Chair pro tem Ruehlin advised the City should not completely abandon potential to charge for Downtown parking without careful consideration. He noted there are options to consider which might have potential, such as new styles of parking meters which are highly customizable.

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

- Commented on the importance of considering residential parking in the Downtown area as well.
- Suggested discussion of parking garage construction and its financing.
- Suggested that off-peak parking counts should be performed as well in accordance with the General Plan recommendations to maintain the City's village character.
- Requested more information concerning residential parking passes in the Downtown core, and how they differentiate from City Parking Permits.
- Commended staff for using University Urban Planning students to perform the survey.
- Suggested the City provide parking information on its facebook and tourist oriented social media.
- Suggested the City research potential to add its parking lots to established parking space applications for Smart Phones.

- Commented that employees purchasing City parking passes and using the passes to park in paid parking lots/metered spaces are not proper uses of the permits.
- Expressed concern with using San Clemente Presbyterian Church on Avenida De La Estrella as backup parking due to lack of crosswalk; alternative parking areas must have safe and well-marked access.
- Commented that San Clement Presbyterian Church may not have any parking spaces that could be used as shared spaces; there are many weekday activities and events, as well as parking agreements with other businesses, which might preclude the City entering into a parking agreement with them.
- Suggested the City consider charging businesses in-lieu parking fees for the use of City parking for their employees as a way for the City to raise funds to fund/maintain parking.
- Suggested the City consider updating its pricing structures for leasing parking spaces in order to ensure adequate incentives for parking lot owners to lease spaces to the City.

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

City Planner Pechous agreed to research how resident parking passes and City parking passes function, and provide numbers of passes issued for each type; commented that cars displaying City parking passes are still held accountable to the 2-hour time limits on Avenida Del Mar.

Chair Darden thanked Associate Planner Jones for the comprehensive staff report. Noting the lateness of the hour, she suggested the Commission consider continuing this agenda item to allow the Commission adequate time for discussion.

Commissioner Smith commented that although the staff report and 2013 Parking Survey contain a lot of valuable information, he pointed out that the City Council directive is for staff to perform the parking lot survey to determine how employee parking and other long term parking impact the Downtown Core parking supply. He suggested this specific information needs to be extracted from the report and presented in a focused, clean and easily understood manner to Council for their consideration.

The Commissioners discussed how they should proceed with this agenda item, including potential to break up the report into two sections and separate the recommendations to City Council. They elected to table this item to a future date, and have staff come back with the information requested for a full discussion and recommendation.

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY VICE CHAIR BROWN, AND UNANIMOUSLY CARRIED TO TABLE DOWNTOWN LICENSE PLATE SURVEY.

[AGENDA ITEM TABLED.]

10. OLD BUSINESS – None

11. REPORTS OF COMMISSIONERS/STAFF

- A. Tentative Future Agenda
- B. Minutes from the Zoning Administrator meeting of November 19, 2014
- C. Staff Waiver 14-464, 230 Avenida Del Poniente
- D. Staff Waiver 14-470, 104 Avenida Adobe
- E. Staff Waiver 14-476, 161 W. Avenida Palizada

Vice Chair Brown reported that at their next meeting, the Coastal Advisory Committee is scheduled to continue its discussion of potential changes to the Street Sweeping Program.

Chair Darden commented that Councilmember Donchak has requested the Commission provide suggestions regarding a Mobility Task Force. Chair Darden requested the Commission provide any suggestions to her before the 16th of December and she will forward to Councilmember Donchak.


12. ADJOURNMENT

IT WAS MOVED BY CHAIR PRO TEM RUEHLIN, SECONDED BY COMMISSIONER EGGLESTON, AND UNANIMOUSLY CARRIED to adjourn at 10:03 p.m. to the Study Session to be held at 6:00 p.m. on December 17, 2014, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Julia Darden, Chair

Attest:



Jim Pechous, City Planner