

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
August 2, 2023 @ 6:00 p.m.
San Clemente City Hall Council Chambers
910 Calle Negocio, San Clemente, CA 92673
Teleconference via www.san-clemente.org/live or Cox Channel 854**

CALL TO ORDER

Chair McKhann called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:05 p.m. The meeting was offered in person at San Clemente City Hall Council Chambers, 910 Calle Negocio, San Clemente, California, 92673, and also via live stream from the City's YouTube Channel or live on Cox Channel 854.

2. PLEDGE OF ALLEGIANCE

Chair pro tem Camp led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Barton Crandell, Brent Davis, Gary P. McCaughan, M.D., Karen Prescott-Loeffler; Chair pro tem M. Steven Camp, Vice Chair Cameron Cosgrove, Chair Scott McKhann

Commissioners Absent: None

Staff Present: Adam Atamian, Deputy Community Development Director
Zachary Ponsen, Assistant City Engineer
Ryan Kim, Senior Civil Engineer/Traffic Division
David Carrillo, Assistant Planner
Gena Burns, Deputy City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS

None.

5. MINUTES

A. Minutes from the Regular Planning Commission Study Session of June 21, 2023.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY CHAIR PRO TEM CAMP, AND CARRIED 6-0-1, WITH COMMISSIONER PRESCOTT-LOEFFLER ABSTAINING, TO RECEIVE AND FILE THE MINUTES FROM THE

JUNE 21, 2023, PLANNING COMMISSION REGULAR STUDY SESSION AS SUBMITTED.

B. Minutes from the Regular Planning Commission Meeting of June 21, 2023.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES FROM THE JUNE 21, 2023, PLANNING COMMISSION REGULAR MEETING AS SUBMITTED.

6. ORAL AND WRITTEN COMMUNICATION

None.

7. CONSENT CALENDAR

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY CHAIR MCKHANN AND UNANIMOUSLY CARRIED TO REMOVE ITEMS 7.A. AND 7.B. FROM THE CONSENT CALENDAR FOR CONSIDERATION, AND APPROVE THE BALANCE OF THE CONSENT CALENDAR AS SUBMITTED.

A. Consideration of Red Curb Installation on West Avenida Cornelio at Avenida del Presidente

Should the Planning Commission forward to the City Council a recommendation to install 10-ft red curb on West Avenida Cornelio at Avenida Del Presidente?

Zachary Ponsen, Assistant City Engineer, and Ryan Kim, Senior Civil Engineer – Traffic Division, briefly summarized the proposed red curb installation and displayed an exhibit indicating same. Acting Deputy Ponsen stated it would be difficult to enforce the regulations for a on-street limited term white curbed or ADA parking area, and as there is no landing zone, the spot cannot be designated for ADA use.

Chair McKhann invited the public to provide comment. He noted the Commission had received an email from Mr. Rodriguez, resident, opposed to the proposal and letters from Connie Blair and Tim Roberts, residents, in support.

Ron Rodriguez, resident, requested the Commission consider not painting the street parking spot on the Ave. Cornelio frontage in front of his home to allow for the loading and unloading of his adult special needs son, as he struggles to walk distances. Without the use of this street parking space, the caretakers will need to stop in the middle of the street to load/off-load his son. The three driveway parking spaces are occupied, and he does not use his garage to park cars.

John Neal, resident, supported the staff recommendation. Traffic is chaotic in this location; there are many near misses between bicyclists and motorists. He suggested the Commission consider painting the subject portion of the curb white to designate it as a temporary loading area for Mr. Rodriguez' use.

Chair McKhann closed the public testimony portion of this item.

During discussion, the Commissioners concurred that it was not possible to designate a parking space on a public street for one individual's personal use only; the red curbing is necessary for the safety of the entire neighborhood; Mr. Rodriguez should consider using one of his driveway spaces for loading/unloading of son and/or parking for caretakers.

IT WAS MOVED BY CHAIR PRO TEM CAMP, SECONDED BY COMMISSIONER MCCAUGHAN AND UNANIMOUSLY CARRIED TO:

1. Recommend the City Council determine this project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 6 (Information Collection, 14 CCR Section 15306) and Class 1 (Existing Facilities, 14 CCR Section 15301.k) of the State CEQA guidelines; and
2. Recommend approval of the red curb as follows:
 - a) Install a 10-ft red curb on the north side of West Avenida Cornelio, west of Avenida del Presidente.

B. Consideration of Red Curb Extension on Camino Faro at Via Chalupa

Should the Planning Commission forward to the City Council a recommendation to extend red curbs on Camino Faro at Via Chalupa?

Zachary Ponsen, Assistant City Engineer and Ryan Kim, Senior Civil Engineer-Traffic Division, briefly summarized the proposed red curb installation and displayed an exhibit indicating same.

Chair McKhann invited the public to provide testimony. He reported receiving letters in support of the proposal from residents Connie Blair and Tim Roberts.

Dan Bunce, resident, stated that his family has a total of 5 cars and the proposed red curb will eliminate public street parking near his home. They are unable to park overnight on Via Chalupa due to HOA regulations, and use available parking on the public street for overflow. The proposed red curbing will exacerbate the current shortage of parking available.

Chair McKhann closed the public testimony portion of this item.

The Commissioners concluded the red curbing proposed was necessary for the safety of the entire neighborhood; encouraged Mr. Bunce to work with his HOA for solutions to the parking shortage on the private streets within the Association.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY VICE CHAIR COSGROVE, AND UNANIMOUSLY CARRIED TO:

- 1) Recommend City Council determine this project is categorically exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15306 (Class 6 Information Collection,) and 15301.k (Class 1, Existing Facilities) of the State CEQA guidelines; and
- 2) Recommend approval of the proposed parking modifications as follows:
 - a) Add 70 feet of red curb to the make existing red curb 95 feet long on the south side of Camino Faro, west of Via Chalupa.
 - b) Add 95 feet of red curb to make the existing red curb 120 feet long on the south side of Camino Faro, east of Via Chalupa.

C. Consideration of Red Curb on Camino De Estrella near the northerly driveway of Vintage Shores Senior Apartments

Should the Planning Commission forward to the City Council a recommendation to install a 20-foot red curb on Camino De Estrella south of Vintage Shores Senior Apartments?

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY CHAIR MCKHANN AND UNANIMOUSLY CARRIED TO:

- 1) Recommend City Council determine this project is categorically exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15306 (Class 6 Information Collection,) and 15301.k (Class 1, Existing Facilities) of the State CEQA guidelines; and
- 2) Forward a recommendation of approval to the City Council for the proposed red curb as follows:
 - a) Install a 20-foot red curb on the east side of Camino De Estrella south of the northerly driveway of Vintage Shores Senior Apartments.

[ACTIONS SUBJECT TO CITY COUNCIL APPROVAL.]

8. PUBLIC HEARING

A. Architectural Permit 23-079, Krogius Residence Second Story ADU, 205 Avenida Miramar

A request to allow a second story Accessory Dwelling Unit (ADU) above a rear-yard detached garage, deviating from objective ministerial ADU standards, on a property located at 205 Avenida Miramar and listed on the City's List of Designated Historic Structures.

Chair McKhann opened the public hearing.

For the record, Commissioners disclosed visits to the property.

David Carrillo, Assistant Planner, narrated a PowerPoint Presentation entitled, "Krogius Residence, 2nd Story ADU, AP 23-079," dated August 2, 2023. A copy of the Presentation is on file in Planning Division.

Chair McKhann opened the Public Hearing. He acknowledged receipt of a letter from Larry Culbertson, President of the San Clemente Historical Society, opposing the proposed project.

Lars Krogius, applicant, distributed photos of the property and garage area for review. He noted that since acquiring the property, he has restored it and corrected its Mills Act deficiencies. He pledged to comply with all requirements and noted plans to build separate walls outside of the existing garage so as not to affect its integrity and use the same style rafter tails currently used on the garage. They want to build the ADU for extra space on the property and noted intent to install sprinklers in the garage and the ADU.

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

- Noted this project is before the Commission due to the applicant's intent to continue the existing non-conforming setback. If the applicant had decided to meet the required 4-ft setback, the project would have been eligible for consideration and action at the staff level.
- Felt that the adjacent property would lose its view, sunlight and air due to the ADU's close proximity and height.
- Suggesting allowing the ADU as proposed supports the family and allows for flexibility; noted the previous submittal was much larger and rejected by the Design Review Subcommittee (DRSC).
- Other adjacent property owners have done similar projects.
- Suggested a set-back encroachment should only be allowed in cases with cause or physical restraint; suggested this project does not qualify for such an encroachment.

- Due to its massing, the project encroaches on the neighbors, does not promote harmony, and is awkward; supported a one-story structure, which would be more harmonious for the neighborhood.
- There are other ways for the applicants to construct an ADU on the property without negatively impacting neighbors.
- Indicated in a straw poll that there was not a majority in support of this project moving forward as currently proposed.

During discussion, the Commission, staff and applicant discussed options. The applicant indicated he would prefer to continue working with staff to develop a solution.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER AND UNANIMOUSLY CARRIED TO CONTINUE ARCHITECTURAL PERMIT 23-079, KROGIUS RESIDENCE SECOND STORY ADU, 205 AVENIDA MIRAMAR, WITH THE PUBLIC HEARING HELD OPEN, TO THE REGULAR MEETING OF SEPTEMBER 20, 2023.

[ITEM CONTINUED. PLANNING COMMISSION DECISION PENDING.]

9. NEW BUSINESS

None.

10. OLD BUSINESS

None.

11. REPORTS OF COMMISSIONERS AND STAFF

A. Tentative Future Agenda

B. Staff Waivers

Deputy Director Atamian updated the Commission on the progress of the Miramar Theater Project, which has a new financial partner and new general contractor. He anticipates movement on the project will recommence in 1.5 to 2 months. He will research and report back regarding an update on the progress of the gym expansion at Pico Plaza.

Reports received and filed.

12. ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE COMMISSION, IT WAS MOVED BY COMMISSIONER PRESCOTT-LOEFFLER, SECONDED BY CHAIR PRO TEM CAMP AND UNANIMOUSLY APPROVED TO ADJOURN THE MEETING AT 8:05 P.M.

TO THE NEXT REGULAR PLANNING COMMISSION MEETING TO BE HELD IN-PERSON ON AUGUST 16, 2023, AT 6:00 P.M. AT THE SAN CLEMENTE CITY HALL COUNCIL CHAMBERS LOCATED AT 910 CALLE NEGOCIO, SAN CLEMENTE, CA, 92672, AND TELECONFERENCE AVAILABLE TO THE PUBLIC VIA LIVE STREAM FROM THE CITY'S YOUTUBE CHANNEL OR LIVE ON COX CHANNEL 854.

Respectfully submitted,

Scott McKhann, Chairman

Attest:

Adam Atamian, Deputy Community Development Director

DRAFT