

These minutes will be considered for approval at the Planning Commission meeting of 11-08-2023.

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
October 18, 2023 @ 6:00 p.m.
San Clemente City Hall Council Chamber
910 Calle Negocio, San Clemente, CA 92673
Teleconference via www.san-clemente.org/live or Cox Channel 854**

CALL TO ORDER

Chair Cosgrove called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:00 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.

2. PLEDGE OF ALLEGIANCE

Commissioner Prescott-Loeffler led the Pledge of Allegiance.

3. ROLL CALL

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

Commissioners Absent: Brent Davis, Vice Chair M. Steven Camp

Staff Present: Jonathan Lightfoot, City Planner
Christopher Wright, Associate Planner II
Gena Burns, Deputy City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS

A. Central Square/Trak-iT Overview

Presentation by Christopher Wright, Associate Planner II, on the end-user experience and functionality of Central Square.

Planner Wright displayed the pathway through the City's website to access the program, create an account, and search for project information and permit applications.

Report received.

5. MINUTES

- A. Minutes from the Regular Planning Commission Meeting of September 20, 2023.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER, AND UNANIMOUSLY CARRIED TO RECEIVE AND FILE THE MINUTES FROM THE SEPTEMBER 20, 2023, PLANNING COMMISSION REGULAR MEETING AS SUBMITTED.

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

- A. Cultural Heritage Permit (CHP) 22-148/Architectural Permit (AP) 22-162, Nielsen Residence 222 West Mariposa

A request to consider: 1) an addition and exterior changes to a historic single-story residence, 2) construction of a detached garage with an accessory Dwelling Unit on the second floor that requires a height limit increase, 3) construction of detached storage sheds, and 4) changes to the garden landscape, hardscape, and walls. The site is located at 222 West Mariposa.

Commissioners disclosed site visits and previous review of the project through the Design Review Subcommittee (DRSC) process. Commissioner McKhann disclosed that he had met the applicant months prior to this public hearing and learned about their project.

Christopher Wright, Associate Planner II, narrated a PowerPoint Presentation entitled, "Nielsen Residence," dated October 18, 2023. A copy of the Presentation is on file in Planning Division.

Planner Wright explained that the project has been conditioned to address the historic Japanese White Pine "bonsai" trees planted in the public right of way, which would interfere with the installation of a sidewalk as required by City code for this project. The unique conditions address the health, maintenance, and longevity of the trees, set forth a timeline and required steps if/when the trees die, and require City approvals for the new sidewalk/public right of way construction. The City Manager is delegated the authority to rule on the applicant's request regarding the sidewalk installation delay.

Chair Cosgrove opened the public hearing.

Michael Luna, representing the applicants, described history of the site; reviewed improvements made to date; discussed the history and future of the existing bonsai trees. He noted that the project complies with the Secretary of the Interior Standards. The ADU and garage is located toward the rear of the site, cannot be seen from the street due to thick plant screening; and the proposed building's height is under the zoning district's 25-foot maximum limit that may be granted with the requested exception.

David Nielsen, applicant, described renovation/rehabilitation plans for the property and advised the proposed ADU is intended for ailing family. In addition to the proposed addition, the property needs new electrical, plumbing, roof, mold removal, etc. He envisions it as a family compound for generations of his family.

Anita Luck, resident and neighbor, endorsed the improvements made to date and supported the project as proposed.

Chair Cosgrove also acknowledged receipt of a letter from Larry Culbertson, San Clemente Historical Society President, which indicated Mr. Culbertson's opposition to the project in that it requested a height exception for the ADU and that it added a substantial amount of new area to the historic residence that he considered to be out of character with the property.

There being no additional public testimony, Chair Cosgrove closed the public hearing.

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

- Commended the Mr. Luna and the Niensens for working with staff to improve the project and address concerns throughout the Cultural Heritage Subcommittee (CHSC) approval process.
- Supported the project for its excellent architecture, compliance with applicable standards/guidelines, and thoughtful design.
- Supported the project's ADU height, adequate setbacks, and continued restoration.
- While recognizing policy for constructing sidewalks is not within the Planning Commission's purview, the Commission questioned the merit and value of requiring a sidewalk installation for this project as the street itself does not have sidewalks and that the project would result in a sidewalk in front of only one home.
- Commented that various properties have parkway trees and questioned how those can be kept without the proposed condition for an administrative encroachment permit. There was discussion about the purpose of this condition and the majority conclusion was the permit is

to address work that is needed to maintain the public right-of-way until a sidewalk is constructed.

First Motion:

IT WAS MOVED BY COMMISSIONER MCKHANN AND SECONDED BY CHAIR COSGROVE TO APPROVE THE REQUEST AS RECOMMENDED BY STAFF WITH AMENDMENT.

Amended as follows:

Eliminate sidewalk requirement and right of way Condition no. 4.15, (A), (B) and (C) in their entirety.

No vote was taken on the first motion.

Substitute Motion:

IT WAS MOVED BY CHAIR PRO TEM MCCAUGHAN, SECONDED BY COMMISSIONER CRANDELL, AND CARRIED 4-1-0, WITH COMMISSIONER MCKHANN OPPOSED, TO:

1. Determine the project is Categorically Exempt from the requirements of the CEQA pursuant CEQA Guidelines Section 15301 (Class 1: Existing Facilities), Section 15303 (Class 3: New Construction or Conversion of Small Structures), and 15331 (Class 31: Historic Resource Restoration/Rehabilitation); and
2. Amend the language of Condition no. 4.15(c) to read: "***Implementing new*** improvements such as garden walls, private trees, etc. within the street right of way require the approval of an Administrative/Minor Encroachment Permit to be approved by the City Engineer prior to the issuance of building permits" and adopt Resolution No. PC 23-014 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING ARCHITECTURAL PERMIT 22-148, ARCHITECTURAL PERMIT 22-162, NIELSEN RESIDENCE, A REQUEST TO ALLOW AN ADDITION AND EXTERIOR CHANGES TO A HISTORIC RESIDENCE AND PROPERTY, AND CONSTRUCT A GARAGE AND ACCESSORY DWELLING UNIT THAT REQUIRES A HEIGHT INCREASE ON A SITE LOCATED AT 222 WEST MARIPOSA; AND FINDING THE PROJCT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CEQA GUIDELINES SECTION 15301 (14 CCR § 15301, CLASS 1: EXISTING FACILITIES), SECTION 15303 (14 CCR § 15303, CLASS 3: NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) AND SECTION 15331 (14 CCR § 15331, CLASS 31: HISTORICAL RESOURCE RESTORATION/REHABILITATION)."

- 3. Recommend City Manager approval of a sidewalk waiver allowing deferred construction of a sidewalk to within one year following the death of the two historically significant Japanese White Pines (“bonsai trees”) in the public right of way.

ROLL CALL:

AYES: CRANDELL, PRESCOTT-LOEFFLER, MCCAUGHAN, COSGROVE

NAYS: MCKHANN

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

It was noted for the record that there is a 10-day window of appeal for the public, which remains open until the November 7, 2023, Regular City Council Meeting.

9. NEW BUSINESS

None

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

A. Tentative Future Agenda

B. Staff Waivers

The Commission congratulated Cecilia Gallardo-Daly, Adam Atamian, and Jonathan Lightfoot for promotions to Assistant City Manager, Community Development Director, and City Planner, respectively.

City Planner Lightfoot announced a new Senior Planner coming on board starting October 30, 2023. He noted a timeline Adjustment for the Commission’s regular November 8 meeting: the regular meeting will begin at 5:00 p.m. with a Joint Study Session concerning Wireless Permitting with City Council starting at 6:00 p.m. There will be no second meeting in November due to the Thanksgiving Holiday.

Reports received and filed.

12. ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE COMMISSION, IT WAS MOVED BY CHAIR COSGROVE, SECONDED BY CHAIR PRO TEM MCCAUGHAN AND UNANIMOUSLY APPROVED TO ADJOURN THE MEETING AT 7:56 P.M. TO

THE ADJOURNED REGULAR PLANNING COMMISSION MEETING TO BE HELD IN-PERSON ON NOVEMBER 8, 2023, AT **5:00** P.M., WITH A JOINT CITY COUNCIL/PLANNING COMMISSION STUDY SESSION FOLLOWING THE MEETING 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.

Respectfully submitted,

Cameron Cosgrove, Chairman

Attest:

Jonathan Lightfoot, City Planner

DRAFT