

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
May 8, 2024 @ 6:00 p.m.
San Clemente City Hall Council Chamber
910 Calle Negocio, San Clemente, CA 92673
Teleconference via www.san-clemente.org**

CALL TO ORDER

Chair Cosgrove called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 6:03 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

Former Mayor Wayne Eggleston led the Pledge of Allegiance.

3. ROLL CALL

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

Staff Present: Jonathan Lightfoot, City Planner
Zach Rehm, Senior Planner
David Carrillo, Associate Planner
John Ciampa, Contract Planner

Zachary Ponsen, Assistant City Engineer
Gena Burns, Deputy City Attorney

These minutes reflect the order in which items appeared on the meeting agenda and do not necessarily reflect the order in which items were actually considered.

4. SPECIAL ORDER OF BUSINESS/ SPECIAL PRESENTATION

None

5. MINUTES

- A. Minutes from the Regular Meeting of the Planning Commission of April 17, 2024.

IT WAS MOVED BY COMMISSIONER MCCAUGHAN, SECONDED BY VICE CHAIR CAMP, AND CARRIED 7-0, TO receive and file the minutes from the April 17, 2024, Planning Commission Regular Meeting as submitted.

6. ORAL AND WRITTEN COMMUNICATION

None

7. CONSENT CALENDAR

None

8. PUBLIC HEARING

A. Public Hearing Project (PHP) 24-060: Moses Residence, 243 Avenida La Cuesta

The Planning Commission will consider a request to construct a two-story, single-family residence on a vacant lot between two historic resources at 233 Avenida La Cuesta and 243 Avenida La Cuesta. The project is located within Residential Low Zoning District and Special Residential 2 Overlay District. This project was formerly referenced as Cultural Heritage Permit (CHP 23-318). After the adoption of the City's streamlining ordinance in November of 2023, the permit type has been reclassified to a Development Permit (DP 24-027).

Chair Cosgrove opened the public hearing.

Chair Cosgrove, Commissioner Crandell and Commissioner Prescott-Loeffler disclosed that they visited the site and reviewed the emails.

Commissioner McKhann indicated his property was within 1,000 feet of his residence but the project would not have a material impact on his property or property value; he frequently walked past the property; had seen the story poles; and attended the Design Review Subcommittee (DRSC) meeting and spoke with the property owners of the subject site and the property owners of the adjacent historic property.

Commissioner Davis indicated he visited the site but the story poles had already been removed.

David Carrillo, Associate Planner, narrated a PowerPoint Presentation entitled, "243 Avenida La Cuesta," dated May 8, 2024. A copy of the Presentation is on file in Planning Division.

In response to Commission questions, Associate Planner Carrillo explained the location and height of the pergola; pickleball and basketball courts as accessory uses, including lighting regulations; sidewalks in the neighborhood;

stand-alone recreational uses requiring a conditional use permit; noise standards for pool and sports courts; and discretionary review process and architecture styles next to historic properties.

Jonathan Lightfoot, City Planner, discussed the landscaping on the neighboring property and limitations on height of hedges in front yard setbacks; obligation of historic property owners to protect public views towards their historic residences; Municipal Code Section 8.48.040 - General Noise Regulations; and deed restriction requiring Spanish Colonial Revival architecture.

Zachary Ponsen, Assistant City Engineer, explained the sidewalk easement requirements and Condition 3.10; sidewalks in the neighborhood and an approved sidewalk waiver at the Goldschmidt house; and confirmed that the City has an easement at the Goldschmidt property but not at the Campbell house.

Gena Burns, Deputy City Attorney, clarified that the Municipal Code designates authority to the City Manager to waive the sidewalk requirements, with appeals to the City Council.

Dustin Morris, Eyoh Design, representing the applicant, addressed the Commission questions indicating the front pergola was below the finished floor level of the adjacent home and clarified the location of the white stucco siding material on the proposed residence. He presented a PowerPoint Presentation addressing the view impacts, a copy of which is on file in Planning Division.

In response to Commission questions, Mr. Morris discussed the previously approved project ("Romney Residence") at the same site.

Amy Zurberg, Campbell house owners, expressed desire to be welcoming neighbors but expressed concern about project mass, vulnerable foundations, potential for excavation damaging trees, and need for environmental review. She added concern regarding a lighted pickleball court and suggested additional setbacks, a full environmental review, and careful planning, to prevent damage.

Kristine M. Lampert, local architect for 48 years, working on the remodel at the Goldschmidt property, referenced design principles from Pasadena and Santa Barbara and suggested incorporating the same landscape principles. She recommended delaying the project, considering an environmental impact report (EIR), and increasing the setback by 10 feet.

Vasko Mitzev, resident and attorney for neighboring property owners, discussed efforts to compromise with the applicant; owner's desire to build Spanish Colonial Revival style; and data indicating the deleterious nature of the proposed project. He expressed concern that the project team did not include a licensed architect, landscape architect, historical consultant, nor CEQA

consultant. He stated it was the last remaining undeveloped estate lot and had to be done correctly. He indicated they would appeal a Planning Commission approval of the project.

Don Wentzel, 243 Avenida La Cuesta, provided a photograph from the interior of his home showing the story poles. He expressed concern about the size of project, lighted pickleball court, CEQA exemption, and inconsistency with the City's design guidelines. He recommended continuance of the public hearing and increasing the front yard setback to 65 feet.

Catherine Hall, 243 Avenida La Cuesta, provided history on the Goldschmidt property, and historical, cultural and architectural significance of their home. She indicated opposition to a CEQA exemption and discussed the need to preserve historic plantings. She discussed prior shoring to protect the home's foundation and stabilize downslope movement. She suggested moving the house back on the lot and omitting the pickleball court.

Katie Potts, San Clemente Historical Society, expressed concern over the project and discussed their commitment to preservation and need to retain the look and feel of the original architecture.

Wayne Eggleston stated San Clemente was the Spanish Village by the Sea and Spanish Colonial Revival architecture should not be discouraged.

Larry Culbertson, San Clemente Historical Society Preservation Chair, indicated opposition to the proposed project. He stated he did not feel the Planning Commission could make the six required findings and referenced the letter he sent explaining the need for denial including inconsistency with the General Plan due to incompatible setbacks, materially injurious to abutting property; erase visual prominence of the Goldschmidt property and ostentatious architectural style. He requested denial of the project.

Jim Hamilton, San Clemente Historical Society, stated streamlining was not working. He indicated opposition to the project due to its size and not fitting with the neighborhood character.

Suzi Klickstein, San Clemente Historical Society, concurred with the prior speakers.

Oakley (Lee) Van Slyke, Past President of the Historical Society, discussed the need to preserve the public's ability to preserve the Spanish Village by the Sea. He recommended retaining the view of the rear round towers for the public.

Paul Parsons, Historic Society, asserted that both property owners "agreed" to the red line setback. He suggested the need for a geological report to determine impact to the adjacent properties.

Amanda Quintanilla, 50-year resident, discussed the significance of architect, Paul R Williams. She stated the Goldschmidt home should not be threatened and expressed concern about the foundation and stability. She suggested the need for larger setbacks and use of Spanish Colonial architecture. She expressed concern with sound from the pickleball court and discussed litigation regarding noise at San Gorgonio Park. She suggested an environmental impact report including a sound study and geological report.

Michael Minnow, builder and adjacent neighbor, welcomed the applicant to the neighborhood and discussed the sidewalk requirement.

Mary Ann Comes, San Clemente Historical Society, discussed the historical significance of the Goldschmidt house, and suggested increasing the setback and not requiring sidewalks.

Donna Vidrine, resident and Historical Society member, expressed concern with noise from the pickleball court and ground stability.

Chair Cosgrove invited the applicant to provide a response to the public testimony. Mr. Morris addressed public comments related to increasing setbacks, licensed professionals working on the project, view lines previously approved, slope stability, environmental review, sports court adjacent to the neighboring basketball court, and public view corridor of historic homes.

In response to Commission questions, Associate Planner Carrillo, City Planner Lightfoot, and Assistant City Engineer Ponsen clarified the previously approved, required and proposed setbacks; provided history of prior use of the lot; and discussed the Spanish Colonial Revival requirement; slope stability; proposed lighting; setbacks; CEQA categorical exemption determination; and license requirements.

Mr. Morris stated there was no report on geological stability, rather development was encouraged as far away from rear slope as possible.

Commissioner Prescott-Loeffler expressed concern with Findings E and F related to the character, mass and front yard setback, particularly in reference to the front pergola; and discouragement of Spanish Colonial style.

Chair Pro Tem McCaughan encouraged the use of Spanish Colonial style and expressed concern with the front yard setback. He urged consideration of a soil study.

Commissioner Davis discussed his experience with the permitting process. He stated he appreciated the setback 25 feet beyond the required 20-foot setback. He expressed concern about landscape impacting historical views. City Planner Lightfoot explained the landscape plan approval and modification options available to the Commission.

Commissioner Crandell discussed his site observations including only the arched window wall was visible, which was a side elevation with the front elevation intact and of equal significance; and story poles showing a slight encroachment of the patio cover element. He recommended removal of the pergola or moving the building back. He stated he could make the finding related to scale, and stated that the setbacks of 233 Avenida La Cuesta were irrelevant. He discussed the view of the Goldschmidt residence; discretion for use of Spanish Colonial Revival or alternate style, with primary focus on quality and compatibility of architecture; and expressed interest in a potential performance bond. He recommended removal of reference to pickleball and that the sport court be handled under separate permit and review. He clarified that soils reports and slope stability would be addressed through review by the Building Department and City Engineer. He reminded the speakers that the Planning Commission was reviewing the project under existing standards, not other cities' codes. He indicated he could make the required findings.

Vice Chair Camp summarized review by the Design Review Subcommittee. He stated the proposed style was an appropriate foil for the historic property. He suggested removal or modification of the pergola and use of landscape instead.

Commissioner McKhann stated he could make the required findings due to neighborhood compatibility. He stated the proposed project did not take away from the adjacent historical properties, since the existing landscaping already blocked views of the homes. He stated he did not support arbitrarily increasing the setback and felt the architecture did not distract from the historic property. He stated it would be impossible to build anything that would satisfy all the various recommendations.

Chair Cosgrove thanked the public and Planning Commission for its input and thorough discussion of the project. He echoed prior statements that staff and the Commission are tasked with interpreting projects under existing City codes and policies. He reviewed the required findings and indicated support for the architectural design because it was muted and not distracting from the historic Goldschmidt residence.

The Commission discussed and there was consensus to pull back the pergola by five feet; change white bands to earth tone colors; and remove all references regarding pickleball court; and

The Commission discussed a potential bond to protect the adjacent neighbor. Mr. Morris discussed the potential risk to the applicant. Mr. Mitzev discussed the need for an environmental impact report.

The Commission discussed the requirement for front yard trees and directed staff consider species and location to minimize visual impact of the 243 Avenida La Cuesta and suggested removal of Condition 4.7.

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

1. Determine the project is categorically exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15303 (Class 3: New Construction or Conversion of Small Structures); and
2. Adopt Resolution Planning Commission 24-011, approving Development Permit (DP) 24-027, Moses residence, subject to the conditions of approval amended to change white bands to earth tone colors; remove all references regarding pickleball court; reduce the pergola by five feet; and strike condition 4.7.

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

It was noted for the record that the Planning Commission's action may be appealed within ten days of its decision.

RECESS

Chair Cosgrove recessed the meeting at 9:15 p.m. The meeting reconvened at 9:25 p.m. with all Commissioners present.

B. Conditional Use Permit (CUP) 22-355: AT&T Wireless Comfort Inn, 3700 South El Camino Real

The Planning Commission will consider a request by AT&T to remove the two existing roof top wireless facilities and enclosures to install four roof top mounted wireless facilities within faux chimney equipment enclosures at the Comfort Inn Suites. The accompanying ground mounted equipment would be located in the existing first-floor telecommunications room. The project is located within the Mixed Use 5 (MU5) zoning district located at 3700 South El Camino Real.

Chair Cosgrove opened the public hearing.

John Ciampa, Contract Planner, narrated a PowerPoint Presentation entitled, "AT&T Telecommunication Facility – Conditional Use Permit 22-355," dated May 8, 2024. A copy of the Presentation is on file in Planning Division.

John McDonald, AT&T, explained the use of compressed fiberglass, shaped to look like the desired material, and replacement if necessary and indicated the structures were as small as possible.

IT WAS MOVED BY CHAIR COSGROVE, SECONDED BY COMMISSIONER PRESCOTT-LOEFFLER, AND CARRIED UNANIMOUSLY, TO:

1. Determine the project is categorically exempt pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities) and Section 15303 (Class 3: New Construction or Conversion of Small Structures); and
2. Adopt Resolution PC 24-009, approving Conditional Use Permit (CUP) 22-355, AT&T Wireless Telecommunications Facility, subject to the conditions of approval therein.

C. Housing Element Action Plan – Objective Design Standards

A Public Hearing for the Planning Commission to provide recommendations to City Council on Zoning Amendment ZA 24-193 to adopt Objective Design Standards, selection of sites previously identified in the Housing Element to be added to the Housing Overlay, and zoning table amendments to authorize additional residential uses within residential, commercial, and mixed-use zoning districts.

Chair Cosgrove opened the public hearing.

Zach Rehm, Senior Planner, narrated a PowerPoint Presentation entitled, "Housing Element Action Plan - Objective Design Standards," dated May 8, 2024. A copy of the Presentation is on file in Planning Division.

Vice Chair Camp suggested considering site furnishings under site design; specific materials and examples included under Building Design; and designating architectural districts rather than styles.

Senior Planner Rehm explained implementation of the design standards and density bonuses for projects that include affordable housing.

IT WAS MOVED BY CHAIR PRO TEM MCCAUGHAN, SECONDED BY COMMISSIONER MCKHANN, AND CARRIED UNANIMOUSLY, TO continue the matter to a date uncertain.

9. NEW BUSINESS

None

10. OLD BUSINESS

None

11. REPORTS OF COMMISSIONERS AND STAFF

A. Tentative Future Agenda

Jonathan Lightfoot, City Planner, introduced Assistant Planner Jessica Gatny and invited the Commission to attend the California Preservation Foundation Conference at the end of the month.

B. Administrative Development Permit Report

Jonathan Lightfoot, City Planner, announced the upcoming items on the May 22, 2024 agenda, including continuance of Sea Cliff and a study session on sidewalks.

Commissioners Crandell, Prescott-Loeffler and McKhann indicated they would not be at the June 19, 2024 meeting.

12. ADJOURNMENT

THERE BEING NO OTHER BUSINESS BEFORE THE COMMISSION, IT WAS MOVED BY CHAIR PRO TEM MCCAUGHAN, SECONDED BY CHAIR COSGROVE AND UNANIMOUSLY APPROVED TO ADJOURN THE MEETING AT 10:27 P.M. TO THE REGULAR PLANNING COMMISSION MEETING TO BE HELD IN-PERSON ON MAY 22, 2024, AT 6:00 P.M., AT THE SAN CLEMENTE CITY HALL COUNCIL CHAMBERS LOCATED AT 910 CALLE NEGOCIO, 2nd FLOOR, SAN CLEMENTE, CALIFORNIA.

Respectfully submitted,

Cameron Cosgrove, Chairman

Attest:

Jonathan Lightfoot, City Planner