

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
October 2, 2013**

Staff Present: Jim Pechous, Christopher Wright, Amber Gregg, Cliff Jones, and Kimberly Maune

2. MINUTES

Minutes of the Zoning Administrator meeting of September 18, 2013 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

A. 615 Avenida Victoria – Minor Cultural Heritage Permit 13-341 – Base of Pier Restroom Renovation (Jones)

A request to consider exterior changes to a public restroom building located at the south side of the base of the historic municipal pier. The property is located within the Pier Bowl Specific Plan within the Beach and Parks – Open Space land use designation at 615 Avenida Victoria. The legal description is Assessor's Parcel Number 058-240-15.

Associate Planner Cliff Jones summarized the staff report. Mr. Jones stated that Sharon Heider, Beaches, Parks and Recreation Director, and David Chacon with RRM Design Group, are both present and they are both available to discuss the details of this project.

Ms. Heider offered clarification regarding the wood door originally proposed on the exterior. Because of the problems with the wood doors used at the Vista Hermosa Sports Park they are getting recommendations from door manufacturers that wood doors should not be used in these high moisture content areas. She would like to propose using a wood look which would be manufactured out of fiberglass. Mr. Jones stated that the plans can be revised to reflect this change.

Mr. Pechous asked Mr. Jones if he received comments from anyone in the Pier Bowl Merchants Association regarding this project. Mr. Jones stated he sent them a staff report; however, they did not have any questions about the project.

Ms. Heider stated there is a bench on either side proposed so the front side will have a decorative tile mural and on either side of the stand alone restrooms would be a bench. They are planning on painting the trash enclosure and the electrical room white to better integrate those features.

Mr. Pechous and Mr. Jones examined the plans. Mr. Pechous asked about the wire mesh and if there is an alternative material that would give the area a more decorative look. Mr. Jones responded that has been added as a condition of approval per the Design Review Subcommittee (DRSC) recommendation.

Mr. Pechous stated he agrees with using an alternative material for the wood door, it should be painted dark brown which is what was done at the Fire Station. It turned out well. Once the material is painted no one can tell the difference.

Mr. Pechous stated this morning he met with Ms. Heider and Bill Humphreys, Marine Safety Chief, at the site to make sure there is adequate visibility around the corner. Mr. Humphreys felt comfortable with the design; he and his team are there day to day so if Mr. Humphreys feels comfortable then Mr. Pechous is satisfied.

Mr. Pechous asked about the tile roof. Ms. Heider stated there was originally tile in the 1970s, it has since been changed out, and it will now be put back. Mr. Pechous stated because the structure of the actual wood members will be changed out tile will be able to be supported. Mr. Pechous asked if there will be mortar packing; Mr. Jones responded that is indicated on the plans. Mr. Chacon stated there will be a small percentage, possibly a little less than 30 percent because they are concerned about the weight with the existing structure. Mr. Pechous stated it should definitely be on the front two rows where it is the most visible; Mr. Chacon responded yes, it will be. Mr. Pechous stated the top ridge line will be double stacked.

Mr. Pechous stated the site visit this morning was very helpful. Around the backside where adding landscape material has been considered, Mr. Humphreys was concerned about the bougainvillea growing across the back of the building creating a hidden space where people could hide, hang out, and possibly do things which should not be done. Mr. Pechous stated whatever landscape treatment is chosen needs to address that problem. Giant, sharp rocks, or some sort of thorny landscaping could be considered, something that will not allow a hang out area to be created.

Mr. Pechous stated this project has a tight budget. The DRSC recommendation was to stucco in the back. He is concerned that stuccoing might cause a cost overrun. He would like to give Ms. Heider

the option to do the stucco as an add-alt, so if the funding is available it can be done. If the funding is not available, since there will be landscaping, then it isn't the highest priority if it is painted white. From a distance it won't be too noticeable; most people don't notice the back of the building.

Ms. Heider stated the DRSC discussed tile murals. Her understanding is the murals will have a historic theme and one of the members of the DRSC will be assisting with the process, selecting the appropriate images since DRSC has already been through the process during the Ralphs project. Mr. Pechous agreed and stated the Ralphs murals can be used as a model. The historic theme will be used and the Historical Society and a DRSC member will be consulted to develop the design of the murals.

Mr. Pechous stated this project is consistent with the Design Guidelines; it meets the required findings required for the Minor Cultural Heritage Permit. This will be a nice addition to the Pier Bowl area and it will create an optional restroom for families. If either of the other restrooms has to be closed for any reason with this extra restroom there will always be a functional restroom for the public to use.

Mr. Pechous directed staff to add a condition of approval stating the option of add-alt for the stucco in the rear portion of the building, the modifications to the landscape in the rear to ensure a blind area is not created in the back where people might hang out, which might include adding landscaping of a thorny material or might include, like the trail in some places, sharp rocks so it is not a nice place to walk, and a wood looking door in the front as long as it is painted on site and not manufactured paint.

Action: The Zoning Administrator recommended the Planning Commission approve Minor Cultural Heritage Permit 13-341, Base of Pier Restroom Renovation.

B. 2723 Via Montezuma – Minor Exception Permit 13-263 – Farrell Residence (Gregg)

A request to consider the following: two encroachments into the front yard setback, one for a five foot block wall, and the other for a spa, and a request to legalize the existing 20% encroachment into the west side yard setback for a second story addition. The project is located at 2723 Via Montezuma, in the Residential Low and Coastal Zone (RL-11-CZ) zoning districts. The legal description is Lot 51, Tract 4937, and Assessor's Parcel Number 691-273-03.

Associate Planner Amber Gregg summarized the staff report. Ms. Gregg stated that proper legal noticing was done; there was one inquiry from Brian Manning who is present.

Mr. Pechous and Ms. Gregg examined the plans.

Architects Gina Moffitt and Leticia Ackerley of Kiyohara Moffitt Architects were present representing the applicant, Honorable John Farrell. Ms. Moffitt stated this is an existing condition they are trying to legalize in terms of the setback that is existing. They tried to minimize the second story, the new structure, as much as possible. The owner has owned the property for over 40 years. This will be his permanent residence now.

Mr. Manning stated he is strongly against the second story because it will fully block his ocean view. He is looking into whether he can take legal matters against them because this will hurt his property value.

Mr. Manning stated he would like to know how to get this put back into the ordinance. He doesn't think the coastal side of Montezuma should be allowed to go second story because the inland side, if they were to build up, can currently see above. The coastal side of Via Montezuma can see above the houses, except for this property.

Mr. Manning stated he is somewhat angry, yet he understands why this property should be able to do a second story. He is higher up than this property, he is two houses up and he can see over this property right now. He cannot see over the homes across from his street but if he were to build up, which he plans on doing in about a year and a half, then he will be able to see above the ones across the street.

Mr. Manning stated when the voting took place in 2006 there were some arguments from the inland side about the second stories for the coastal side. He is wondering how he can bring this issue up again to address the fact that the inland people should have the right to build up and not have a view blocked from the coastal people that already have it.

Mr. Manning said he read online that the minimum lot area had to be 7,200 square feet. He is wondering if the applicant's lot is big enough to get 25 foot. Ms. Gregg responded that refers to a large parcel which is going to be subdivided; the lot cannot be smaller than that. Mr. Pechous stated there's another section in the code that says if it is a preexisting lot it is a legal lot.

Mr. Pechous stated this is a legal lot to develop on. What is before the Zoning Administrator today has nothing to do with the height. He does not have the authority to tell the applicant they cannot go two stories. As long

as it complies with the height standard of 25 feet. The City Council made the decision in 2006 to allow it; that is how it is going forward.

In response to Mr. Manning's question about what he can do to change the rules, Mr. Pechous stated Mr. Manning would have to request that the City Council initiate a zone change. He would probably want to get a majority of the property owners on his street to support him. All of the property owners on the street next to them would have a concern because that would be taking away from their property rights. Based on how everything went in 2006, Mr. Pechous would be surprised if the City Council would want to revisit this issue.

Ms. Moffitt stated that currently the applicant's driveway goes up the hill and the garage is up there. They will be putting the one story garage at street level. That structure will be lower, which may make a difference.

Mr. Pechous thanked Mr. Manning for his input. He thanked the architects for working with staff. In terms of the required findings for the exceptions, and the preexisting conditions, which have existed for over 40 years, he supports this project.

Mr. Pechous informed everyone of the ten day appeal period.

Action: The Zoning Administrator approved Minor Exception Permit 13-263, Farrell Residence, subject to Resolution ZA 13-033 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL

C. Minor Architectural Permit 13-176 – Sea Pointe Estates Clubhouse Remodel (Wright)

A request to consider improvements to private recreational facilities within the Sea Pointe Estates gated residential community. The project includes a facade remodel and expansion of the recreation building and pool equipment building, and other improvements, such as walls, a fountain, landscaping, loggias, and barbeques. The project site is located within the Private Open Space (OS2) zoning district. The subject site's legal description is Lot 25 of Tract 11793, Assessor's Parcel Number 675-381-01.

Associate Planner Christopher Wright summarized the staff report.

Architect Brett Coombs was present. Mr. Coombs stated this is a great addition to the community and something they look forward to starting.

There were no members of the public present to address this item.

Mr. Pechous stated this is a great addition. He likes the improvements previously done to the Marbella entrance to Sea Pointe Estates remodeled in 2011. This project will look consistent and it will be an upgrade, bringing things from the 1980s look to the present. It will be a great addition for the community.

Mr. Pechous directed Mr. Wright to look into changing the code so discretionary permits are not required for these kinds of applications. The project is in a private gated community and is minor so the review process should be streamlined when the City updates the Zoning Ordinance. A Building permit process is sufficient to confirm these projects meet requirements.

Mr. Pechous thanked Mr. Coombs for working with staff and Mr. Coombs thanked Mr. Wright for his help.

Action: The Zoning Administrator approved Minor Architectural Permit 13-176, Sea Pointe Estates Clubhouse Remodel, subject to Resolution ZA 13-032 with attached Conditions of Approval.

ACTION SUBJECT TO APPEAL TO OR CALL-UP BY CITY COUNCIL

5. NEW BUSINESS

None

6. OLD BUSINESS

None

ADJOURNMENT

The meeting adjourned at 3:40 p.m. to the regular Zoning Administrator meeting to be held on October 16, 2013 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California.

Respectfully submitted,
SAN CLEMENTE ZONING ADMINISTRATOR



Jim Pechous