

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
August 7, 2013**

Staff Present: James Holloway, Christopher Wright, Cliff Jones, and Kimberly Maune

2. MINUTES

Minutes of the Zoning Administrator meeting of July 17, 2013 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

A. 204 West Avenida De Los Lobos Marinos – Minor Architectural Permit 13-229 – Gaspar Residence (Wright)

A request to consider an expansion of a legal-nonconforming residence located at 204 West Avenida De Los Lobos Marinos. The subject site is in the Residential Low Density zoning district and Coastal Overlay (RL-CZ). The site's legal description is Lot 2, Block 18 of Tract 852 and Assessor's Parcel Number 692-292-02.

Associate Planner Christopher Wright summarized the staff report. Mr. Wright stated he would like to recommend a minor revision to condition of approval number 14 based upon communication which has occurred between the applicants and Mike Jorgensen, Building Official. The condition is regarding the undergrounding of utilities, the present wording does not provide much flexibility for the applicant to work with Mr. Jorgensen; the condition just states that underground utilities are required. The Building Code states that if there is an extreme hardship then Mr. Jorgensen has the authority to waive the requirement. Since the Gaspar's are in the process of working with Mr. Jorgensen, Mr. Wright suggests the Zoning Administrator consider modifying condition 14; Mr. Jorgensen supports this modification. Mr. Holloway commended Mr. Wright for catching this very detailed point.

Applicants Joe and Marguerite Gaspar were present. They both stated that Mr. Wright did a great job helping them process their request. Mrs. Gaspar stated they are looking forward to cleaning up the neighborhood since the house is currently an eye sore.

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

Mr. Holloway asked if garages are required to have an 18 foot setback if it is accessed off of an alley. Mr. Wright responded that the City code does not address that; that is something which needs to be cleaned up in the code. Mr. Holloway stated the intent is for there to be an 18 foot front setback, which is where most of the garages are in San Clemente. The purpose is to keep the sidewalks clear. The same logic would not apply to alley access. Mr. Wright believes in the past there have been instances where there have been projects adjacent to alleys and Planning discussed these with the Engineering Division to understand whether or not there would be more flexibility; he believes in these instances Engineering recommended 14 feet as the minimum distance. There is nothing in the code which gives an exception for alleys. Mr. Holloway stated the code is mute regarding garages with alley access.

Mr. Holloway stated it may or may not be technically a nonconforming structure because of the alley setback for the garage; functionally there are a lot of garages in southern California that access directly right onto alleys. He does not believe this is a significant nonconforming issue. The more significant issue is the size of the lot, which is definitely nonconforming.

Mr. Holloway stated the photographs provided with the staff report clearly show the second story addition which is being proposed would be in character with the other homes along the street. This investment in the home will most likely add to the overall functionality for the family involved and will also add to the property values of the whole street. This will be a very nice addition. The architecture and the elevations proposed show this home will fit into the neighborhood very nicely; there is definitely neighborhood compatibility.

Mr. Holloway informed the applicants of the ten day appeal period and thanked them for working with staff. Mr. and Mrs. Gaspar again stated that Mr. Wright was great to work with.

Action: The Zoning Administrator approved Minor Architectural Permit 13-229, Gaspar Residence, subject to Resolution ZA 13-025 with attached Conditions of Approval with a modification to condition 14: add "according to Section 15.12 of the Municipal Code" after "underground utilities are required."

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

- B. 109 South El Camino Real – Minor Cultural Heritage Permit 13-064 – Active Culture Natural Café (Jones)**

A request to consider exterior changes to accommodate a restaurant use at 109 South El Camino Real abutting two historic resources located at 100 South El Camino Real and at 105-107 North El Camino Real. The subject site is in the Mixed Use zoning district, and within the Architectural and Central Business Overlays (MU3-CB-A). The site's legal description is Lot 61 of Tract 789 and Assessor's Parcel Number 692-402-04.

Associate Planner Cliff Jones summarized the staff report.

Designer Peter Haddad was present and stated he is the applicants' representative. Mr. Haddad stated that Mr. Jones has been very helpful. He appreciates the low expense solutions for this building because it is tenant driven; the building owners are not providing any expense towards modifying the building. The business owners are hoping to make a positive impact on the neighborhood with a nice patio area.

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

Mr. Holloway stated this is going to be a great project. He does dispute that the exterior improvements are minor as stated in the staff report. They appear to him to be major. He agrees with staff that there is certain dimension and fenestration associated with this building which would make it infeasible to convert it into a classic Spanish Colonial Revival building.

Mr. Holloway stated the Design Review Subcommittee, staff, and the applicants' design team all worked together well designing elements of Spanish architecture that are not purely classic Spanish Colonial Revival Architecture that will compliment and reinforce the historic district in this area. This is important. It is always a judgment call of when to move a remodel toward Spanish architecture. This project has done that well, there is good balance with this proposal.

Mr. Haddad stated this building is very plain. The building owner would leave the building as is. Mr. Holloway stated this building could not be converted to classic Spanish Colonial Revival; however, the plans for this proposal show there will be some nice changes made to the building.

Mr. Holloway, Mr. Jones, and Mr. Haddad examined the plans. Mr. Holloway stated he would like to add a condition of approval for the corbels, cornices, and rafter details to be larger than what is shown on the plans. Mr. Haddad stated they can be thickened up.

Mr. Jones stated due to the age of this building it does not meet seismic requirements. Mr. Haddad stated this is one of two buildings in the City

that is like this. According to his engineers, the reason the building has held up well over the years is because it is adobe; it absorbs the energy much better than masonry block. It was built with adobe bricks; they stand the test of time. While doing the tenant improvements, they had to move some posts in the interior and there is a really large footing underneath the interior wall that alludes to possibly having a second story some day. Things were fairly loose in 1947. Mr. Jones stated in that aspect it would be more difficult for the full conversion to Spanish Colonial Revival.

Mr. Holloway stated it will be a nice pedestrian view and a nice street view. Mr. Haddad stated the owners of the building own the adjacent building property also. They have more of a long term view that they could possibly redevelop the two parcels.

Mr. Holloway complimented the Design Review Subcommittee, staff, and the applicant, stating they worked well on this project to bring it to an appropriate level of architectural fine tuning for the Architectural Overlay Zone in consideration of this Minor Cultural Heritage Permit.

Mr. Holloway asked about the sidewalk in the rear of the property. Mr. Jones stated there is a condition of approval which the Engineering Division added. It is condition number 10. Since the valuation of the building permit will exceed \$50,000 for the amount of work being done, the applicant will be required to put accessible sidewalk on both frontages. The sidewalk is already there along El Camino Real; it will also be required along the Estrella frontage. The applicant is working with the Engineering Division to resolve this design.

Mr. Holloway asked if the condition is a standard condition or was it written for this application. He would also like to know if the applicant has read it and understands it. Mr. Jones responded that it is a modified standard condition of approval. Mr. Haddad responded yes, they understand the condition. His contractor has contacted Zak Ponsen in the Engineering Division to see exactly what can be done for Engineering's approval. It essentially has to do with providing the rear sidewalk to meet ADA requirements. With the slope back there it is the cross grade that is the issue.

Mr. Holloway stated this is a discretionary review. He wants some assurance this is doable. He asked if staff and the applicant feel this is doable. Mr. Haddad stated it seems to be feasible; it is just a matter of modifying the existing apron and the sidewalk. Currently the apron is entirely in the 10 foot slope of the sidewalk. Mr. Ponsen told him he would work with the contractor to find a feasible solution. Mr. Holloway

reiterated that the applicant believes Engineering staff is working with the contractor to come up with a solution that is acceptable to all parties.

Mr. Holloway stated in the past there have been code compliance problems with the operator of the business keeping the sidewalk in front of their business clean. He asked if there is a condition of approval which clearly indicates to the business owner this is their responsibility. Mr. Jones responded the City has an ordinance which requires tenants to pick up litter in front of their business, and litter originating from their establishment that is off site down the street. Mr. Holloway added there is also a separate ordinance which requires tenants to power wash and clean their sidewalk. Mr. Holloway directed staff to add a condition of approval, even though this is already part of the City's Municipal Code, as constructive notice to the business owner that it is clearly their responsibility per the Municipal Code that they keep the sidewalk clean.

Mr. Holloway believes this new design will go a long way towards dealing with the trash and sidewalk cleanliness problem. With the new design there is an outdoor seating area provided. Currently patrons are crammed onto the sidewalk area and the melted yogurt can leave a mess. The new design will address the problem of keeping the sidewalk clean and the litter picked up. As constructive notice staff will add a condition of approval which will include the litter citation and the sidewalk cleaning citation specified in the code.

Mr. Holloway stated included with the staff report were photographs of the sidewalk taken by Code Enforcement as documentation of the preexisting conditions so there is no dispute about where the debris came from.

Mr. Holloway stated this is going to be a great project. This is a prominent location and it is worth the extra effort to find solutions to the problems.

Mr. Holloway informed Mr. Haddad of the ten day appeal period and he thanked him for working with staff. Mr. Haddad stated the business will open at the beginning of September; the lease is up at their old location on August 31.

Action: The Zoning Administrator approved Minor Cultural Heritage Permit 13-064, Active Culture Natural Cafe, subject to Resolution ZA 13-026 with attached Conditions of Approval with the addition of condition number 17 addressing the constructive notice and the authoritative basis for addressing litter and sidewalk cleanliness, and condition number 18 addressing the enlargement of the corbels, cornices, and rafter details.

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

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

ADJOURNMENT

The meeting adjourned at 3:30 p.m. to the regular Zoning Administrator meeting to be held on August 21, 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


James Holloway