

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
August 22, 2012**

09/04/12
6B(3)

Staff Present: Jim Pechous, Cliff Jones, John Ciampa, Adam Atamian, and Kimberly Maune

2. MINUTES

Minutes of the Zoning Administrator meeting of August 8, 2012 received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

Agenda items are presented in the originally agendized format for the benefit of the minutes' reader, but were not necessarily heard in that order.

4. PUBLIC HEARINGS

A. 638 Camino De Los Mares, Suite A-100 – Minor Architectural Permit 12-221 – The Habit Burger Grill (Atamian)

A request to consider exterior alterations to a suite in the Ocean View Plaza shopping center, located within the Community Commercial (CC2) zoning district. The project is located at 638 Camino De Los Mares, legal description being a portion of Lot 4, of Tract 5951, Assessor's Parcel Number 675-072-17.

Assistant Planner Adam Atamian summarized the staff report.

Applicant Christopher Wadleigh was present. Mr. Wadleigh stated he is the Director of Development for The Habit Burger Grill. They can't wait to open.

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

Mr. Pechous stated that the Design Review Subcommittee (DRSC) supported flexibility of the landscaped planter boxes due to the utilities. Mr. Wadleigh responded there will be two planter boxes that maintain a similar look to the plans. Mr. Pechous stated he wanted to make sure the applicant has flexibility so they can design the planters around the utilities.

Mr. Pechous asked why condition number ten was included. Mr. Atamian responded it is there to verify that the approval of this Minor Architectural

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Permit does not void any previous approvals for this site, such as the requirement for the paint colors or stucco finishes. Mr. Pechous directed staff to delete condition number ten. The applicant was in agreement with this change. Mr. Pechous believes there are no previous approvals which will be affected by this request.

Mr. Pechous explained to Mr. Wadleigh that at the City Council meeting last night the Council asked when feasible to add bike racks to new projects. This center is lacking in bike racks. Council discussed decorative, artistic bike racks. Mr. Pechous stated this is strictly voluntary, if the applicant is interested he could do something that is related to the business. Mr. Wadleigh stated bike racks do not bother them and adding them would be fine. He is concerned about the ADA pathway requirements. Mr. Pechous stated this is not a requirement. Mr. Wadleigh responded fair enough and as long as they have the room this is not a problem. He has some design people who will enjoy working on this.

Mr. Pechous stated this is in character with the neighborhood and the architecture of Ocean View Plaza. The creation of the outdoor dining area enhances the overall look of the plaza and creates a great space for their customers. Further the DRSC reviewed this project and determined it meets the City's Design Guidelines.

Mr. Pechous thanked Mr. Wadleigh for working with staff and informed him of the ten day appeal period. Mr. Wadleigh stated they plan to start construction around September 7.

Action: The Zoning Administrator approved Minor Architectural Permit 12-221, The Habit Burger Grill, subject to Resolution ZA 12-030 with attached Conditions of Approval with the deletion of condition number ten.

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

B. 122 West Paseo De Cristobal – Minor Architectural Permit 12-164/Minor Exception Permit 12-254 – Marcovecchio Addition (Ciampa)

A request to consider an addition that continues a non-conforming side yard setback for a house located within the Residential Low (RL) zoning district. The project is located at 122 West Paseo De Cristobal, legal description being Lot 13, Block 6 of Tract 822, Assessor's Parcel Number 692-153-32.

Associate Planner John Ciampa summarized the staff report. Mr. Ciampa stated he had a discussion at the counter with one of the neighbors who had concerns about the project; that neighbor is present at this meeting.

Mr. Pechous asked what the total square footage of the house with the addition is; Mr. Ciampa responded after the addition the home will be 1,945 square feet. Mr. Pechous stated that through this process the applicant could build up to 2,100 square feet.

Applicant Alan Marcovecchio was present; he had no comments.

Project architect Christine Lampert was present. Ms. Lampert stated the Design Review Subcommittee (DRSC) liked this project. They are maintaining a nice cottage effect with a front porch cottage look. They are adding a dormer window. Most homes on this street are offset closer to the side yard more than what is allowed in the current code. Perhaps in the 1950s this was standard. Most of the garages are very close to the property line with a side yard setback that is very short, smaller than normal. It is a tight situation, they moved this project back to within four foot three inches in order to get enough space for the family room and the master bedroom addition and stay at one story. They looked at building a two story. In order to do a one story they needed a little more space, because it is allowed in the code they are asking to maintain the four foot three inch setback.

Mr. Pechous and Mr. Ciampa examined the plans. Mr. Pechous asked if the applicant could have requested a closer setback. Mr. Ciampa responded they would have been able to request that through the Minor Exception Permit; however, staff and the DRSC appreciated that the applicant stepped it back. Ms. Lampert interjected that they looked at that, they wanted to be much more polite which is why they are asking for the larger setback and not the tight setback all of the way back.

Mr. Ciampa stated he researched the neighborhood. On the 100 block, including this property, there are four properties that have received a Minor Exception Permit specifically for side yard setbacks. In the 200 and 300 blocks there are another three.

Neighbor Suzanne Dalla Betta was present. Ms. Dalla Betta stated she lives on the side where this setback will be. She and her husband are concerned about the setback itself. The total addition goes back 36 feet from that point, 26 feet of new construction. It is awfully close. They would probably be okay with this, except for their concern that in the future a second story might be added to the home. They would be very disappointed if this home became a large two story.

They can live with four foot three inches where it should be five foot, as long as there was not an approval for a second story to go over this addition. She believes their intent is to stay at one story, but things can change. People buy and sell homes, and once they do then they want to remodel. If it is going to be this close they would prefer it not be two stories or have that potential.

Mr. Pechous understands Ms. Dalla Betta is requesting that the City consider the encroachment to be allowed for one story but not to be transferrable to a second story addition at some later point in time.

Mr. Pechous shared some background information. This process that has been developed is relatively new. Previous to this, approximately three months ago, the only option for this particular applicant to do this kind of an addition would require them to tear the entire structure down and rebuild. The community concern about that was it encouraged people to masonize their lots. Typically when something is torn down the homeowner then maximizes their development rights and builds to all of the setbacks and adds a second story. The result is a large shoebox that no one likes.

Mr. Pechous stated the City developed a process to allow smaller homes, small beach cottages, to expand more than 50 percent of their existing square footage so they wouldn't have to do a complete tear down in order to achieve a decent, livable size house. This applicant has done an exemplary design addition. One of the findings that he has to make as the Zoning Administrator is that this building addition is in character with the neighborhood. This addition under this requirement means they cannot build a house larger than 2,100 square feet. Ms. Dalla Betta does not have to worry about this applicant building a second story because they are already at 1,945 square feet. The only way the applicant could build more than 2,100 square feet would be to tear the whole thing down and conform to the new codes. There would be a five foot setback requirement if this were to happen. If the homeowner chose to do this they would not have to get an approval from the Zoning Administrator.

Ms. Dalla Betta stated she appreciates the clarification. She and her husband remodeled their home and they had to conform to the setback. They were not granted an exception. She believes that space that is allowed between the property line and the structure is actually wonderful; it's not too narrow and the fences provide people privacy. Her home is situated higher than this home; they try to give their neighbors space when they are entertaining in their back yard. They get along as neighbors and they want to keep it that way.

Mr. Pechous stated he is finding in favor of this request because it is a very modest addition, it is in character with the neighborhood, it keeps the beach

cottage feel of the house, most of the addition won't be seen from the street or the public right-of-way. He believes the limitation of the 2,100 square feet eliminates the neighbor's concern about a future second story addition.

Mr. Pechous thanked the applicant and the architect for working with staff. He informed everyone of the ten day appeal period.

Action: The Zoning Administrator approved Minor Architectural Permit 12-164/Minor Exception Permit 12-254, Marcovecchio Addition, subject to Resolution ZA 12-032 with attached Conditions of Approval.

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

**C. 35555 Camino Capistrano – Minor Exception Permit 12-248 – Anvari Residence
(Jones)**

A request to consider a thirteen inch encroachment into the required westerly side yard setback for a house located within the Residential Low (RL-23) zoning district. The project is located at 35555 Camino Capistrano, legal description being Lot 45 of Tract 1128, Assessor's Parcel Number 691-08-308.

Associate Planner Cliff Jones summarized the staff report. Mr. Jones gave Mr. Pechous photographs of similar fireplace encroachments in nearby areas.

Applicant Anthony Anvari was present. Mr. Anvari stated he appreciates all of the support from staff. They would appreciate approval of their project. They believe this proposal is less intrusive to the neighbor. Instead of going out two feet for the fireplace they are only going out 13 inches to allow for the fireplace and additional floor area. This only extends to the first floor, it does not go the second floor or to the rooftop. It benefits them and it benefits the neighbor because it won't be as intrusive as having the fireplace chimney going two feet out six feet wide and all of the way up to the rooftop. The whole thing will be on the first floor only.

Mr. Pechous, Mr. Anvari, and Mr. Jones examined the plans. Mr. Anvari also had the previously approved plans which they all examined so everyone could see the difference between this proposal and what was originally approved.

Neighbor Dana Jimenez was present. Ms. Jimenez stated she's the neighbor on the northwest side; she's the neighbor this will impact. She supports the project because it will reduce impacts to her property.

Member of the public Kelly Wayne was present. Ms. Wayne stated she's a friend of Ms. Jimenez. She examined the plans and asked if the vent is powered and if it would be making a lot of noise. Mr. Anvari responded that it is just an exhaust vent; it is nothing that is powered.

Mr. Pechous stated the revision to the design, even though it requires the Minor Exception Permit, is actually less intrusive than what is allowed by right. If the applicant built the six foot wide two story high chimney encroachment that would have a lot more impact on the neighbors. This is a 13 inch encroachment that is 13 feet wide and is only single story.

Mr. Pechous thanked Mr. Anvari for working with staff and informed him of the ten day appeal period.

Action: The Zoning Administrator approved Minor Exception Permit 12-248, Anvari Residence, subject to Resolution ZA 12-031 with attached Conditions of Approval.

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

5. NEW BUSINESS

None

6. OLD BUSINESS

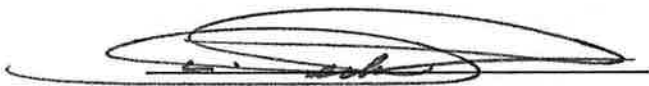
None

ADJOURNMENT

The meeting adjourned at 3:40 p.m. to the regular Zoning Administrator meeting to be held on September 5, 2012 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

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