

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR
ZONING ADMINISTRATOR MEETING
JANUARY 4, 2017**

1. CALL TO ORDER

A Regular Meeting of the City of San Clemente Zoning Administrator was called to order on January 4, 2017 at 3:00 p.m. in Conference Room A of the Community Development Department, located at 910 Calle Negocio, San Clemente, California, by Zoning Administrator Cecilia Gallardo-Daly.

Staff Present: Cecilia Gallardo-Daly, Zoning Administrator; Adam Atamian, Interim Code Compliance Supervisor; Roxanne Atencio, Office Specialist I.

2. MINUTES

None

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

A. 1010 South El Camino Real – Tentative Tract Map 16-277 – Santiago Mixed-Use Residential and Commercial Condominiums

Public Hearing to consider a request to allow a previously-approved mixed-use development, which consists of 7 residential units and 3 commercial suites, to be converted to residential and commercial condominiums. The development was approved through Site Plan Permit 14-365, Conditional Use Permit 14-366, and Cultural Heritage Permit 14-367. The project is located at 1010 South El Camino Real. The legal description is Lots 3, 4, and 5, of Block 5, of Tract 822, Assessor's Parcel Number 692-152-23.

Interim Code Compliance Supervisor, Adam Atamian summarized the Staff Report.

ZA Gallardo-Daly asked staff for the total FAR (Floor Area Ratio) of the project. Interim Code Compliance Supervisor Atamian stated the total FAR of the project was 1.35.

ZA Gallardo-Daly opened the public hearing.

Applicant Nick Buchanan said approval of the Tentative Tract Map would allow the project to be sold as condominiums and would add value to the neighborhood. Mr. Buchanan added that he was available for questions.

Resident Zachery Gilmer stated he lived on Avenida Santiago, down the street from the project site. Mr. Gilmer asked for more information about the CEQA guidelines and the purpose of the Zoning request. Mr. Gilmer said he had followed the project from the beginning and to his understanding there were requirements made by the City Council regarding the project. Mr. Gilmer asked why the project was exempt from the CEQA guidelines.

Interim Code Compliance Supervisor Atamian stated the development was approved by the City Council in November 2015, which entitled Mr. Buchanan to develop the site consistent with the project approved by the City Council. Mr. Atamian continued, stating that the current request in front of the Zoning Administrator was only for the ability to subdivide the interior airspace for individual sale of each unit. There is no actual physical change being made to the project itself, and Mr. Buchanan is not requesting anything outside of the scope of the Zoning Ordinance or the City's Municipal Code. Mr. Atamian said the project was categorically exempt from CEQA guidelines because the entire project was categorically exempt and this project does not have the potential for additional environmental impacts beyond those already reviewed through CEQA.

Mr. Gilmer stated there were no CEQA requirements for existing gas stations. During phase one there was drilling done to the site and no samples were collected to run tests for contaminants and VOCs. Gilmer expressed his concerns about the construction creating a lot of dust that will be going into the atmosphere. Mr. Gilmer asked if the City asked for guidelines on how to proceed with air quality control.

Mr. Atamian answered that he did check about air quality control guidelines in the development's previous review. Air quality control for projects in development is in the purview of the Air Quality Management District staff, as are all construction project. The underground storage tanks are an issue with the Water Quality Board. Mr. Atamian stated this site has been identified as clean since 1987 by the South Coast Water Quality Board. Mr. Atamian said the file is available for public viewing at the South Coast Water Quality Board district office and he noted that their staff were not concerned about any lingering environmental impacts due to the previous use of the site as a gas station.

Mr. Gilmer asked if the proposed project was all condominiums with no commercial real estate.

ZA Gallardo-Daly replied that the site would not have more than seven residential units on the property because it was not zoned for more than seven. The application is for three commercial condominiums, two for the retail space

on the first floor and one for the second floor office space, and seven residential condominiums, consistent with the City Council's previous approval.

Mr. Gilmer asked if the project has been approved for Mr. Buchanan to construct.

Mr. Atamian stated that as far as the entitlements, the right to acquire a building permit to construct the building, that approval has been granted, and Mr. Buchanan is currently nearing the final steps to pull a building permit.

ZA Gallardo-Daly further responded to Mr. Gilmer that the City Council approved the project in November of 2015. The City Council approved the project with a number of conditions and the conditions have all been satisfied. This project is now in the building plan check process, it is a separate process from this map application that is before the Zoning Administrator.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly asked Staff for what specifically section 15301 of the CEQA guidelines referred.

Mr. Atamian said that section 15301 of the CEQA guidelines referred to existing facilities.

ZA Gallardo-Daly approved the project based on the following: The site is physically suitable for the type and density of development associated with this TTM application. The development was approved by the City Council in November of 2015. The City Council found the development suitable for the subject site. The design of the subdivision will not cause substantial environmental damage. The Design was previously reviewed for impacts to the environment through the CEQA process and the project was found to be categorically exempt. The type and intensity of development on the site complies with the General Plan guidelines and City zoning requirements. The MU3.2 zone allows a maximum density of one residential dwelling unit for every 1,800 square feet of lot area. The site is 12,930 square feet, which allows for 7 residential units, as proposed. The commercial portion of the project is divided into three units, two retail spaces on the ground floor and one office space on the second floor. The commercial suites are appropriately sized consistent with other commercial suites in the City. The building meets parking requirements. The site provides a total of 33 parking spaces, as required by the Zoning Ordinance. The two-level parking garage allows residential parking to be mainly accessed from the rear alley, and the commercial and guest parking to be accessed from Avenida Santiago which allows the removal of an existing curb cut along the South El Camino Real street frontage. The subdivision would not increase the development potential of the subject site. The request is limited to a division of a building's interior airspace to allow for separate property ownership.

Therefore, the request is not expected to have traffic, noise, safety, or other potential land use impacts. ZA could not find the project categorically exempt from CEQA guidelines section 15301, however, ZA found the project exempt from CEQA Class 32 exemption under 15332, the In-fill development exemption. The project consists of an In-fill development which meets the following conditions: A) The project is consistent with the General Plan and Zoning Ordinance B) The development occurs on a site larger than five acres substantially surrounded by urban uses C) The project in on a site which has no value as a habit for endangered, rare or threatened species D) The approval of the project would not result in any significant effects related to traffic, noise or water quality. E) The project is on a site that can be adequately served by all required utilities. ZA Gallardo-Daly directed Staff to file a Notice of Exemption

Action: The Zoning Administrator approved Tentative Tract Map 16-277, Santiago Mixed-Use Residential and Commercial Condominiums, subject to Resolution ZA 17-001 with attached Conditions of Approval.

5. NEW BUSINESS

None

6. OLD BUSINESS

None

ADJOURNMENT

The meeting adjourned at 3:40 p.m. to the next Regular Zoning Administrator meeting of January 18, 2017 at 3:00p.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

Cecilia Gallardo-Daly