

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR  
ZONING ADMINISTRATOR MEETING  
AUGUST 16, 2017**

**1. CALL TO ORDER**

A Regular Meeting of the City of San Clemente Zoning Administrator was called to order on August 16, 2017 at 3:04 p.m. in Conference Room A of the Community Development Department, located at 910 Calle Negocio, San Clemente, by Zoning Administrator (ZA) Cecilia Gallardo-Daly.

Staff Present: Cecilia Gallardo-Daly, Zoning Administrator; David Carrillo, Community Development Technician; Liane Schuller, Contract Planner; Amy Vazquez, Contract Planner; Vanessa Norwood, Contract Planner; Chris Wright, Associate Planner, Lisa Acosta, Office Specialist I.

**2. MINUTES**

The minutes of the Zoning Administrator meeting of July 19, 2017 were received and filed.

**3. ORAL AND WRITTEN COMMUNICATION**

None

**4. PUBLIC HEARINGS**

**A. 413 Calle Neblina – Minor Architectural Permit 17-226, Minor Exception Permit 17-227 – Meyer Addition (Carrillo)**

Public Hearing to consider a request to: 1) construct a one-story 618 square foot rear addition to a nonconforming single-family residence, and 2) allow the continuation of a nonconforming side yard setback. The site is located at 413 Calle Neblina in the Residential Low Zoning District with a Special Residential Overlay 12 (RL-SR12). The legal description is Lot 68, of Tract 5691, the Assessor's Parcel Number being 690-094-04.

Community Development Technician, David Carrillo, summarized the Staff Report with one correction. The proposed addition will expand the home's floor area by 48 percent to 2317 square feet; the staff report read 48 percent to 1883 square feet.

ZA Gallardo-Daly confirmed Applicant, Valinda Meyer, was present and asked for clarification of color and material of proposed addition. Applicant stated material will be stucco and color will be light beige with white trim to match existing.

ZA Gallardo-Daly opened the public hearing, and there being no one desiring to speak to this issue, closed the public hearing.

ZA Gallardo-Daly approved the Minor Architectural Permit based on the following findings:

The architectural treatment of the project complies with the San Clemente General Plan and with architectural guidelines in the City's Design Guidelines; The architectural treatment of the project complies with the Zoning Ordinance, including but not limited to, the height and setback, mass and materials with the exception of existing nonconforming setback; and the general appearance of the proposal is in keeping with the character of the neighborhood and the project is not detrimental to the orderly and harmonious development of the City.

The Minor Exception Permit was approved based on the following findings: The project will not interfere with the purpose of the Zone, or the standards of the Zone; and neighboring properties will not be adversely affected as a result of the approval and will not be detrimental to the health, safety, or welfare of the general public.

The project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Class 1, existing facilities.

Action: The Zoning Administrator approved Minor Architectural Permit 17-226, Minor Exception Permit 17-227, Meyer Addition, subject to Resolution ZA 17-026 and the conditions of approval.

**B. 1062 Calle Negocio, Suite E – Minor Conditional Use Permit 17-102 – Conservatory of Performing Arts (Schuller)**

Public Hearing to consider a request to establish a business specializing in children's music, dance, and acting lessons at 1062 Calle Negocio, Suite E, in the Business Park district of the Rancho San Clemente Specific Plan area. The site's legal description is Lot 13, Tract 12402, Assessor's Parcel Number 688-142-11.

Contract Planner, Liane Schuller summarized the Staff Report.

ZA Gallardo-Daly confirmed applicant, Kristen Ruth, was present and available for questions.

ZA Gallardo-Daly opened the public hearing, and there being no one desiring to speak to this issue, closed the public hearing.

ZA Gallardo-Daly approved the project based on the following findings:

Minor Conditional Use Permit was approved as the proposed use is permitted within subject Zone and the added conditions of approval will allow the use to comply with all the applicable provisions with the City of San Clemente General Plan and the Rancho San Clemente Specific Plan. Site is suitable for the type and intensity of proposed use. Proposed use will not be detrimental to the public health, safety, or welfare, and will not negatively impact surrounding uses in the area.

There was an added condition to this permit that will allow the business to continue to grow, but still keep within the limitation for allotted parking that has been allocated to the applicant's suite. The condition states: the business may operate with any combination of employees and students at any time provided a parking requirement of twenty six (26) off-street spaces is not exceeded, based on a parking requirement of one parking spaces per two employees and one space per two students.

The project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(a), because the project involves the leasing and interior tenant improvements to a previously subdivided tenant space within an existing commercial structure.

Action: The Zoning Administrator approved Resolution ZA 17-024 and Minor Conditional Use Permit 17-102, Conservatory of Performing Arts, subject to the attached Resolution ZA 17-024 and conditions of approval.

**C. 136 Avenida De La Paz – Minor Architectural Permit – 17-156 – Free Addition** (Vazquez)

Public Hearing to consider a request to expand a nonconforming residence by 963 square feet, which is less than 50 percent of the existing floor area. The proposed addition complies with development standards. The site is located at 136 Avenida De La Paz in the Residential, Low Density Zoning district with a Special Residential 2 Overlay, (RL-SR2). The legal description is Lot 155, of Tract 898, the Assessor's Parcel Number being 057-081-36.

Contract Planner, Amy Vazquez, summarized the staff report.

Architects, Anthony Aguilera and Alura Aguilera, were present and available for questions.

ZA Gallardo-Daly asked if the Architects would like to add or say about the project.

Alura Aguilera stated this project will give new life to this house, giving it more of a warm island Contemporary feel.

ZA Gallardo-Daly opened the public hearing.

Glenn Tomasyan, neighbor, lives at 141 Patero De Oro, the house East of 136 Avenida De La Paz up the hill. Mr. Tomasyan requested the Zoning Administrator deny the current plans as part of the build scope involves moving the existing fence they share in common back 13" (inches) onto his property. The homeowners of 136 Avenida De La Paz believe this is their property, but there is no significant data to prove otherwise. Mr. Tomasyan stated he had reached out to the homeowner to resolve this matter prior to this hearing, but there was no intent by the homeowner to resolve this in a neighborly manner, simply insistence that their plans are 100% correct and irrefutable. Mr. Tomasyan presented a report with images and lot maps to show data to support the current fence position should remain due to investigations performed and current archived parcel and easement data on file with the Orange County Records Office.

Mr. Tomasyan added he has no intention to go to court at present, but the Notice of Public Hearing clearly states "if the project is challenged in court I am limited to raising only those issues raised at the Public Hearing".

ZA Gallardo-Daly asked Mr. Tomasyan to identify on the plans the location of the fence.

Mr. Tomasyan identified the fence on the plans. Mr. Tomasyan explained his reasoning for requesting denial of plans as follows: There is no monument to signify the new proposed property line drawn by RDM Surveying, applicants surveying company, is correct. Mr. Tomasyan enlisted support from TOAL Engineering who confirmed from RDM Surveying that only a boundary estimate was performed, not a formal boundary survey. The fencing and boundary plane have been in place for at least 36 years as reflected by the Easement documents on Mr. Tomasyan's title documents. Additionally, the location of the electrical pull box is intended to have a 5' Easement maintained on Mr. Tomasyan's property as shown on his title documents.

ZA Gallardo-Daly asked Mr. Tomasyan if the image of the Utility Easement is the only image in graphic form.

Mr. Tomasyan stated he put copies from the Telephone Company and the Utilities and others as well into the report.

ZA Gallardo-Daly asked Applicants if they addressed the survey and Easement issues.

Alura Aguilera confirmed property 136 Avenida De La Paz was surveyed so they are basing plans on that survey. Survey did show the existing fence was inset.

ZA Gallardo-Daly asked Applicant how the property line was determined.

Alura Aguilera stated the surveyor checked the information, came out with his equipment, and with his dimensions drew up in his computer and provided them with the digital file.

ZA Gallardo-Daly asked if this was an estimate or actual survey.

Alura Aguilera stated it was an actual survey; not a Boundary Survey, but a Topographic Survey which in city submittals a boundary survey is not a requirement and this should be sufficient for submittal as they followed the standard for submittal guidelines.

ZA Gallardo-Daly has new information these plans show property line with an easement area that is on Mr. Tomaysan's property and she will need documentation that provides information to the contrary.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly stated based on the public testimony she has received today on this item, she is unable to make a determination on Minor Architectural Permit 17-156. Zoning Administrator will need information that verifies the property line boundary.

Action: Unable to approve a project that will create a condition that places development within an easement on someone else's property.

**D. 1507 Calle Sacramento – Tentative Parcel Map 2017-121 (PLN 17-155) – Raleigh Duplex Condominium Map (Norwood)**

Public Hearing to consider the subdivision of one-lot into two condominiums lots to allow for individual ownership of future dwelling units.

Contract Planner, Vanessa Norwood, summarized the staff report.

ZA Gallardo-Daly asked Applicant to introduce himself.

Bill Raleigh, introduced himself as the owner of the property and was available for questions.

ZA Gallardo-Daly opened the public hearing, and there being no one desiring to speak to this issue, closed the public hearing.

ZA Gallardo-Daly approved Tentative Parcel Map 2017-121 (PLN 17-155) based on the following findings:

The site is physically suitable for proposed density of the development. The design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish and wildlife in their habitat. The design of the subdivision is not likely to cause serious public health problems. The subdivision with its provisions for design and improvements is consistent with the General Plan and the design of the subdivision and type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

The project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15315, minor land division.

Action: Zoning Administrator approved Resolution ZA 17-022, Tentative Parcel Map 2017-121 Raleigh Condominium Map subject to the attached Resolution and conditions of approval.

**E. 126 Trafalgar Lane – Minor Architectural Permit 17-110, Minor Exception Permit 17-223 – Alvey Residence (Wright)**

Public Hearing to consider a request to: 1) allow the expansion of a nonconforming residence according to zoning standards, and 2) to allow six-foot high hedges and a fence in the required front yard setback, where a maximum height of three feet, six inches (42 inches) is allowed by-right. There is an existing fence and hedges over three feet, six inches high in the front yard. The fence would be replaced and hedges trimmed as part of the project. The site is located in the Residential Low Density Zone and Coastal Overlay at 126 Trafalgar Lane. The site's legal description is Lot 15, Block 1 of Tract 822, and Assessor's Parcel Number 692-141-03.

Associate Planner, Chris Wright, summarized the staff report.

ZA Gallardo-Daly confirmed Applicant was present and asked for clarification of color and materials of proposed addition.

Applicant, Sharon Alvey, stated the material will be stucco and the color will be creamy white, which it was at one time and will keep more with the Spanish flair of the community.

ZA Gallardo-Daly opened the public hearing, and there being no one desiring to speak to this issue, closed the public hearing.

ZA Gallardo-Daly approved the project based on the following findings:

The Minor Architectural Permit 17-110 is approved as the architectural treatment of the proposed project complies with the City's General Plan. The architectural treatment of the project complies with height, setbacks, and mass and materials and the proposed addition complies with the development standards. The architectural treatment of the project complies with the architectural guidelines in the City's Design Guidelines. The general appearance of the proposal is in keeping with the character of the neighborhood, and the proposal is not detrimental to the orderly and harmonious development of the City.

The Minor Exception Permit 17-223 is approved as the neighboring properties will not be adversely affected as a result of the approval of the Minor Exception Permit. The height of the proposed fence and hedges will not be incompatible with the character of reuses of the neighborhood. The approval of the Minor Exception Permit will not be detrimental to health, safety, or welfare, and the height of the fence and hedges will not have a negative visual impact upon the street seen or obstruct views of traffic to and from driveways.

The project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to the CEQA Guidelines Section 15301, Class 1, existing facilities and Section 15302, Class 2, replacement or reconstruction.

Action: Zoning Administrator approved Resolution ZA 17-027, Minor Architectural Permit 17-110, Minor Exception Permit 17-223, Alvey Residence, subject to the attached Resolution and conditions of approval.

**F. 380 Avenida Pico – Minor Architectural Permit 17-116 – City Yard Stockpile Covers** (Coury)

Public Hearing to consider a request to construct stockpile covers at the Utilities and Maintenance Municipal Yard. The site is located at 380 Avenida Pico, near the intersection of Avenida Pico and Avenida Vista Hermosa, within the Land Use District P (Public Zone) of the West Pico Corridor Specific Plan. The site's Assessor's Parcel Number (APN) is 691-433-01.

ZA Gallardo-Daly moved to pull item due to error in noticing. Item to be re-noticed for future agenda.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

**ADJOURNMENT**

The meeting adjourned at 3:58 p.m. to the next Regular Zoning Administrator meeting of September 6, 2017 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

  
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Cecilia Gallardo-Daly