

**CITY OF SAN CLEMENTE  
MINUTES OF THE REGULAR  
ZONING ADMINISTRATOR MEETING  
SEPTEMBER 20, 2017**

**1. CALL TO ORDER**

A Regular Meeting of the City of San Clemente Zoning Administrator was called to order on September 6, 2017 at 3:01 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; Amy Vazquez, Contract Planner; Chris Wright, Associate Planner; Lisa Acosta, Office Specialist I.

**2. MINUTES**

The minutes of the Zoning Administrator meeting of September 6, 2017 were received and filed.

**3. ORAL AND WRITTEN COMMUNICATION**

None

**4. PUBLIC HEARINGS**

**A. 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 and added that since the August 16, 2017 Zoning Administrator Meeting, the Applicant has provided staff with supplemental information which includes the surveyor's official stamped plans that includes the results of the Topographical Survey, complete title report, Assessor's Parcel Map, and lot split exhibit. Staff did note that a property line dispute is a civil matter and the Discretionary Permit is tied to the exhibits provided by the Applicant. Staff also confirmed that a fence is a permitted encroachment onto a S.D.G.&E. Utility Easement.

Applicants and owners of 136 Avenida De La Paz, Tim and Lisa Free, and Architect, Anthony Aguilera, were present and available for questions.

Tim Free stated he and his wife researched the City of San Clemente and the County of Orange and found numerous documents that all match the Topographical Survey that was provided and cannot find any documentation that differs. He obtained from the County of Orange numerous documents dating back to 1928. The Topographical Survey also notes at several locations where boundary markers are from previous surveys.

ZA Gallardo-Daly asked Mr. Free if there is an Easement on his property.

Mr. Free stated they are unaware of any Easement on their property and S.D.G.&E. has no record of an Easement on their property. Documentation shows there are two Easements on the neighboring property; one shows five feet for A.T.&T. (Pacific Telephone) and S.D.G.&E. shows a separate six feet Easement in a different location.

ZA Gallardo-Daly opened the public hearing.

Glenn Tomasyan, neighbor of homeowner at 136 Avenida De La Paz, is requesting the Zoning Administrator permanently deny any future attempt by the homeowner of 136 Avenida De La Paz to draft plans to move any portion of their fence back any distance onto his property. He further stated that at the August 16, 2017 meeting, he requested that these plans be denied, which ZA Gallardo-Daly denied.

ZA Gallardo-Daly clarified for Mr. Tomasyan that she did not deny the plans; she continued the item pending additional information.

Mr. Tomasyan noted and understood.

Contract Planner, Amy Vazquez, stated that Mr. Tomasyan asked that the movement of the fence be denied, but reminded everyone that moving the fence is not part of the Discretionary Action. The Minor Architectural Permit covers the addition because it is a nonconforming home and the reason it was not acted on at the last hearing was to verify the setbacks complied.

Anthony Aguilera, Architect, stated Applicant provided a stamped survey from a licensed engineer. He also noted that the property is not exactly 10' feet from the fence as it varies.

ZA Gallardo-Daly closed the public hearing.

ZA Gallardo-Daly stated that she had previously continued this item because there was information presented in a Public Hearing that identified perhaps the property line shown on the plans was incorrect and she needed verification that the development was not encroaching into an easement, and if it was, that easement had to be identified on the plans. The information provided shows clearly that there is no easement on the Free property, and she does not have any information to show that the property lines being provided in the survey from R.D.M. Surveying to be inaccurate.

ZA Gallardo-Daly approved the project based on the following findings: Minor Architectural Permit was approved as the architectural treatment complies with the San Clemente General Plan, the City's Design Guidelines, the Zoning Code in areas including, but not limited to, height, setback, and color. 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 project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 Class 1: Existing Facilities.

Action: The Zoning Administrator approved and adopted Resolution ZA 17-023 and Minor Architectural Permit 17-156, Free Addition, subject to the above findings and the attached Resolution and Conditions of Approval.

**B. 148 W. Avenida Cadiz – Minor Exception Permit 17-188 – Beauchemin Residence** (Coury/Wright)

Public Hearing to consider a one-inch reduction (.016%) of the required five-foot side yard setback to construct a 2,460 square-foot single-story residence. This minor exception allows the new residence to maintain the four-foot, eleven-inch legal-nonconforming side yard setback of a residence that would be demolished as part of the project. The project is located in the Residential-Low Density Zoning district with a Coastal Zone Overlay (RL-CZ) at 148 W. Avenida Cadiz. The legal description is Lot 26 of Tract 822 and Assessor's Parcel Number is 692-142-19.

Associate Planner, Chris Wright, summarized the Staff Report.

ZA Gallardo-Daly confirmed applicant 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 Exception Permit was approved as the proposed project will not interfere with the purpose or standards of the Residential Low Zone. The neighboring properties will not be adversely affected as a result of the approval as it will maintain the character and look of the residence and the surrounding neighborhood. The proposed project will not be detrimental to the health, safety, or welfare of the general public. The one inch exception in the setback requirement will allow for light and ventilation to occur with the requested setback exception.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(a) because the project involves the construction of a single-family residence on a residential property in a residential zone.

Action: The Zoning Administrator approved and adopted Resolution ZA 17-030 and Minor Exception Permit 17-188, Beauchemin Residence, subject to the above findings and the attached Resolution and Conditions of Approval.

**C. 121 Avenida Pizarro – Minor Exception Permit – 17-233 – Reese Residence (Wright)**

Public hearing to consider a request to construct an in-bank garage with an eight-foot front yard setback, where an 18-foot setback is required. The front yard setback reduction is requested to minimize the amount of lot fill that would be needed to develop the garage and a new residence on a vacant site. The site is located in the Residential Low Density Zoning district at 121 Avenida Pizarro. The site's legal description is Lot 70, of Tract 898 and Assessor's Parcel Number is 057-092-14.

Associate Planner, Chris Wright, summarized the staff report.

Josh Garland, Architect, 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 Exception Permit was approved as the neighboring properties will not be adversely affected as a result of the approval of the Minor Exception Permit. The proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity. The encroachment complies with the standards of the Zoning Ordinance. The proposed project reduces the need for mass grading and/or fill and allows the structure on the site to follow the natural topography of the site.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 Class 3: New Minor Structures.

Action: The Zoning Administrator approved and adopted Resolution ZA 17-032 and Minor Exception Permit 17-233, Rees Residence, subject to the above findings and the attached Resolution and Conditions of Approval.

**D. 160 W. Avenida Alessandro – Minor Architectural Permit 17-213 – Maben Residence Addition (Vo)**

Public Hearing to consider a request to expand a 1557 square-foot nonconforming residence by less than 50 percent (778 square feet). The addition complies with development standards. The site is located at 160 West Avenida Alessandro in the Residential Low Zoning district and Coastal Zone Overlay (RL-CZ). The site's legal description is Lot 35, Block 5 of Tract 852 and Assessor's Parcel Number (APN) is 692-201-20.

This application was withdrawn by the Applicant.

**5. NEW BUSINESS**

None

**6. OLD BUSINESS**

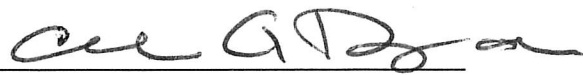
None

**ADJOURNMENT**

The meeting adjourned at 3:43 p.m. to the next Regular Zoning Administrator meeting of October 18, 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

  
Cecilia Gallardo-Daly