

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
DECEMBER 20, 2018**

1. CALL TO ORDER

The Regular Meeting of the City of San Clemente Zoning Administrator was called to order on December 20, 2018 at 3:01 p.m. in Conference Room A of the Community Development Department, located at 910 Calle Negocio, San Clemente, California, by Zoning Administrator (ZA) Gabriel J. Perez.

Staff Present: Gabriel J. Perez, City Planner; Saeed Amirazizi, Senior Plan Check Engineer; Zachary Ponsen, Senior Civil Engineer; Veronica Morones, Assistant Planner; David Carrillo, Assistant Planner; Lisa Acosta, Office Specialist I

2. MINUTES

- A. The minutes of the Zoning Administrator meeting of December 6, 2018 were received and filed.

3. ORAL AND WRITTEN COMMUNICATION

None

4. PUBLIC HEARINGS

- A. **1001 S. El Camino Real, Suite A – Special Activities Permit 18-632 – Zebra House Coffee 2019 SAP** (Carrillo)

A request to allow a maximum of 15 special activity events during the 2019 calendar year at a commercial building. The site is located at 1001 S. El Camino Real, Suite A in the Neighborhood Commercial 2 Zoning District and Architectural and Affordable Housing Overlays (NC2-A-AH).

Assistant Planner, David Carrillo, summarized staff report.

Applicant, Sara Allen, was not present for questions nor comments.

ZA Perez asked staff to clarify whether the applicant had prior outdoor events, with amplified sound, resulting in complaints, and if the Conditions of Approval for this project are consistent with the 2018 Special Activities Permit.

Staff confirmed the conditions of the project are consistent with the 2018 Conditions of Approval, with no modifications. In 2018, the applicant had one outdoor event, with amplified sound, resulting in no complaints.

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

ZA Perez approved the project based on the following findings: The proposed use is permitted within the subject zone. The site is suitable for the type and intensity of the use that is proposed. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity. The proposed use will not negatively impact the surrounding commercial land uses.

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

Action: The Zoning Administrator approved and adopted Resolution ZA 18-048, Special Activities Permit 18-632, Zebra House Coffee 2019 SAP, subject to the Conditions of Approval.

B. 1209 and 1211 Via Catalina – Minor Exception Permit 17-145 – Kumar Residence (Morones)

A request to allow accessory structures in the required front yard setback of adjacent residential lots, including a 6-foot high wall, two 5-foot high fences, and swimming pool. The site is located at 1209 and 1211 Via Catalina in the Residential Low and Special Residential 1 Overlay Zoning Districts (RL-SR1).

Assistant Planner, Veronica Morones, summarized staff report. Staff received two public comments regarding this project. The first letter was received May 2018 with concerns of potential geological hazards and these concerns were addressed in the geotechnical report. The second public comment had issues with location of the pedestrian gate at 1211 Via Catalina. Staff indicated per the Zoning Ordinance, the location of the gate is not strictly prohibited and staff has no concerns.

T.M. Kumar and Simi Kumar, Property Owners, Gerald A. Nicoll, Engineering Geologist, and Tony Diab, Property Owner's Attorney, were present and available for questions.

ZA Perez completed a site visit of the property and found the adjacent neighboring properties have fencing in their front yards up to 6-feet in height and asked staff to confirm if these properties required Minor Exception Permits.

Additionally, he asked staff to clarify the conditions that the pool will be an accessory to the primary building being the home at 1209 Via Catalina.

Veronica Morones explained the neighboring properties at 1205 Via Catalina and 1207 Via Catalina both have Minor Exception Permits and Variances for fences over 42" in the required front yard setback. The properties at 1207 Via Catalina and 200 East Avenida Cordoba have allowances for swimming pools within the front yard setbacks. In regards to the Conditions of Approval, Conditions 7 and 8 requires the applicant to record an easement agreement with the County of Orange Record's Office between 1209 and 1211 Via Catalina tying the lots together for the duration of the accessory structure on the 1211 Via Catalina parcel to prevent this lot from being sold independently.

ZA Perez asked staff to clarify if there are any concerns with the existing bollards at the end of the cul-de-sac and there being no direct access for vehicles parking.

Zachary Ponsen, Senior Civil Engineer, stated the cul-de-sac has a couple bollards for vehicles and no other protection for pedestrians. Staff deferred to the project's geotechnical engineers as they performed the analysis of stability. Staff added the geotechnical reports were reviewed by City staff for the current proposed swimming pool and walls, not for future structures of the house, and the geotechnical report was not reviewed by an outside consultant.

Owner and Licensed Civil Structural Geotechnical Engineer, T.M. Kumar, stated in 2013, the square footage of the home was increased and reinforced with steel columns and frames which are supported by caissons for added security.

The main function of the gate at 1211 Via Catalina is for a service entrance, including emergency services and pool maintenance, rather than going through the front of the house.

ZA Perez asked the applicant to clarify the materials to be used in between the wall columns.

T.M. Kumar explained bungalow is to be used between the wall columns and is a composite, light weight material that will go over metal frame for aesthetics.

Gerald A. Nicoll, Engineering Geologist, performed a geotechnical investigation using prior geotechnical reports and compared to their current stability analysis. The review proved the previous reports and current report are comparable with no indication of distress since 1993. The proposed project and consequential structures will be within a 1.5 factor of safety for slope stability. The proposed ancillary structures and features have high probability to have no distress. The proposed wall poses no probability of failure.

A discussion ensued with City staff, Gerald A. Nicoll, and T.M. Kumar regarding parallel/sympathetic cracks to the main scarp and why these are present utilizing plan Plate 1 geotechnical map to identify location.

Saeed Amirazizi, Senior Plan Check Engineer, stated the soils report was reviewed by City staff for the foundation of the swimming pool and setback requirements, not for slope stability.

ZA Perez asked staff if there were any conflicts with the settlement agreement for 1209 Via Catalina and 1211 Via Catalina, and if the proposed project is consistent with what is allowed on these properties.

Veronica Morones stated she reached out to the City's Record Management Department to obtain a copy of the settlement agreement between the previous property owner and the City, and upon review of the settlement agreement it was found there is no portion that would preclude a swimming pool from being constructed.

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

ZA Perez approved the project based on the following findings: The proposed accessory structures are incidental to the primary structure at 1209 Via Catalina. The project is conditioned to ensure the accessory structures remain ancillary to the existing single-family use at 1209 Via Catalina. The proposed wall is consistent with the overall street scene of the neighborhood. The two fences and pool within the front yard setback are located behind the proposed 6-foot wall and adjacent to three mature trees. A site specific geotechnical investigation and report was provided and reviewed by City staff and found to be sufficient in determining the project would create an adverse geological impact to the site or surrounding environment.

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

Action: The Zoning Administrator approved and adopted Resolution ZA 18-023, Minor Exception Permit 17-145, Kumar Residence, subject to the Conditions of Approval.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

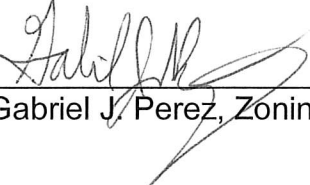
None

7. **ADJOURNMENT**

The meeting adjourned at 3:55 p.m. to the Regular Meeting of the Zoning Administrator which will be held Thursday, January 17, 2019 at 3:00 p.m., at the Community Development Department, Conference Room A, located at 910 Calle Negocio, Suite 100, San Clemente, California as the January 3, 2019 Regular Meeting has been cancelled.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR



Gabriel J. Perez, Zoning Administrator